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HIGHLIGHTS OF THIS ISSUE

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(Continued inside)

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Contents

(Continued on next page)

List of CFR Parts Affected

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

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

REMINDERS

Rules Going Into Effect Today

NOTE: There were no items published after Oct. 1, 1972 eligible for inclusion in the list of rules going into effect today.

Next Week's Deadlines for Comments on Proposed Rules

page no. and date

APRIL 15

FAA—Airworthiness review program; invitation to submit proposals for consideration during 1974–75 review. 5785; 2–15–74

Commerce/NOAA—Financial Aid Program Regarding Yellowfin Tuna Fisheries 1778; 1–14–74

DoT/FAA—Control zones and transition areas 9837–9838; 3–14–74
9986–9987; 3–15–74

DoT/FHA—Interstate highway system; substitution of mass transit projects. 9522; 3–11–74

FCC—FM broadcast stations; table of assignments 9553; 3–12–74

FHLBB—Governmental unit transaction accounts; redefinition 9677; 3–13–74

FTC—Undelivered mail order merchandise and services 9201; 3–8–74; 9678; 3–13–74

HEW/Office of Education—Basic Educational Opportunity Grant Program; administration of grant payments. 9995; 3–15–74

—Emergency school aid; special projects 9992; 3–15–74

—Indian elementary and secondary school assistance; eligibility and selection criteria 9842; 3–14–74

—School health and nutrition services for children from low-income families; grants for demonstration projects 10257; 3–19–74

HUD—Temporary housing assistance; pretermination hearing procedures. 9985; 3–15–74

Interior Department/BIA—Colorado River Indian Irrigation Project, Arizona; revisions 9982; 3–15–74

Interior Department/Geological Survey—Outer Continental Shelf; hard mineral operating regulations; extension of comment period 10158; 3–18–74

Interior Department/National Park Service—Yellowstone National Park; fishing restrictions 9982; 3–15–74

ICC—Motor carriers of vehicles with drivers; lease by private carriers. 9554; 3–12–74

—Furnishing of tariffs to subscribers and others 9205; 3–8–74
10164; 3–18–74

Labor Department/OSHA—Grinding, polishing, and buffing operations; ventilation 9985; 3–15–74

—Mechanical power presses; safety standards 9838; 3–14–74

Postal Service—Undelivered mail order merchandise and services 9203; 3–8–74

SEC—Preparation and filing of reports and registration statements; proposed guides 10278; 3–19–74

—Prohibition against certain short-selling of securities and securities offerings 7806; 2–28–74

Treasury Department/Bureau of Alcohol, Tobacco and Firearms—Volatile fruit-flavor concentrates; recodification of regulations 9974; 3–15–74

Treasury Department/Customs Service—Duty on cost of foreign repairs to certain U.S. registered aircraft; extension of comment period 10911; 3–22–74

APRIL 16

FDA—Canned sweet corn; deletion of certain optional styles of pack and declaration of yellow colortype. 5777; 2–15–74

DoT/National Highway Traffic Safety Administration—Defect Reporting Requirements 1863; 1–15–74

APRIL 17

AEC—Licensing proceedings; revision of general license for byproduct material contained in certain devices; extension of time to file comments. 10164; 3–18–74

DoT/FAA—RNAV route; establishment and revocation 10162; 3–18–74

—VOR Federal airway; designation. 10161; 3–18–74

APRIL 18

DoT/NHTSA—Safety standards for exterior protection 8176; 3–4–74

EPA—Kentucky State implementation plan; proposed approval 10277; 3–19–74

—Tennessee State implementation plan; additional compliance schedules 10273; 3–19–74

HEW/SSA—Federal health insurance for the aged and disabled; limitations on coverage of costs under Medicare. 10260; 3–19–74

USDA/Food and Nutrition Service—National school lunch, breakfast, and nonfood assistance programs, and State administrative expenses; changes in administrative requirements 10914; 3–22–74

APRIL 19

DoT/COAST GUARD—Control of vessel operation in hazardous areas 7948; 3–1–74

DoT/FAA—Control zones; alteration. 10438; 3–20–74

—Transition areas; alteration. 10438; 3–20–74

EPA—North Carolina State implementation plan; compliance schedules. 10438; 3–20–74

—Pennsylvania State air quality implementation plan; Philadelphia region 10917; 3–22–74

—Sugar processing point source category; pretreatment standards for incompatible pollutants 10527; 3–20–74

FCC—FM broadcast stations, Jackson, Tenn.; table of assignments 9675; 3–13–74

HUD—Housing assistance payments program; State agency participation. 10262; 3–19–74

Interior Department/Bureau of Land Management—Leasing of minerals other than oil and gas; use of identification numbers 10437; 3–20–74

Justice Department/Immigration and Naturalization Service—Breach of public charge bond 10593; 3–21–74

—Special inquiry officers; authority to determine deportability 10436; 3–20–74

Treasury Department/Customs Service—Smelting and refining warehouses; filing of monthly statement. 10436; 3–20–74

USDA—Dry milk products intended for use as ingredients of poultry food products 4113; 2–1–74

USDA/APHIS—Information panel and nutrition labeling 1606, 1–11–74; 3275, 1–25–74

APRIL 24

EPA—Textile point source category; proposed effluent limitations guidelines and standards; extension of time for comments 12263; 4–4–74

Next Week's Hearings

APRIL 15

Consumer Product Safety Commission—Fire hazards associated with electrical wiring systems utilizing aluminum conductors; to be held in Los Angeles, Calif 9858; 3–14–74

DoT/Coast Guard—Bulk dangerous cargoes; inspection of barges; to be held in Washington, D.C 9455; 3–11–74

Labor Department/OSHA—Reporting requirements for accidents in maritime industries, to be held in Washington, D.C 7808; 2–28–74

Tariff Commission—Tariff Schedules of the United States converted to the Brussels Tariff Nomenclature 10501; 3–20–74

APRIL 16

AEC—Georgia Power Co.; environmental hearing to be held in Waynesboro, Ga 10172; 3–18–74

Consumer Product Safety Commission—Fire hazards associated with electrical wiring systems utilizing aluminum conductors; to be held in Los Angeles, Calif 9858; 3–14–74

Interior Department/BLM—Red Rock Canyon recreation lands area; draft environmental statement; to be held in Las Vegas, Nev..... 8357; 3–5–74

Interior Department/Fish and Wildlife Service—Wilderness proposal regarding Big Lake National Wildlife Service, to be held in Manila, Arkansas. 7498; 2–27–74

APRIL 20

EPA—Montana; control of discharges of pollutants to navigable waters; to be held in Helena, Montana..... 10481; 3–20–74

Next Week's Meetings

APRIL 15

HEW—NIH: Developmental Research Working Group to be held at Bethesda, Maryland (open with restrictions). 10642; 3–21–74

HEW—Social Security Administration: Advisory Committee on Medicare Administration, Contracting, and Subcontracting to be held at New York, New York (open with restrictions). 12371; 4–5–74

APRIL 16

Agriculture Department—Cooperative State Research Service: Cooperative Forestry Research Advisory Board and Advisory Committee to be held at Blacksburg, Virginia (open).... 12370; 4–5–74

Agriculture Department—Forest Service: Descanso District Grazing Advisory Board to be held at Alpine, California (open with restrictions). 11446; 3–28–74

Atomic Energy Commission—Byproduct material contained in certain devices, meeting to be held at Bethesda, Maryland (open).... 11434; 3–28–74

Commerce Department—Center for Building Technology Advisory Committee to be held at Cincinnati, Ohio (open)..... 12267; 4–4–74

DoD—Department of Defense Wage Committee to be held at Washington, D.C. (closed)..... 10919; 3–22–74

HEW—NIH: Artificial Kidney-Chronic Uremia Advisory Committee to be held at Bethesda, Maryland (open with restrictions).... 10461; 3–20–74

HEW—NIH: Dental Study Section to be held at Bethesda, Maryland (open with restrictions).... 11127; 3–25–74

HEW—NIH: Epidemiology and Disease Control Study Section to be held at Bethesda, Maryland (open with restrictions)..... 11127; 3–25–74

HEW—NIH: Metabolism Study Section to be held at Bethesda, Maryland (open with restrictions)..... 11128; 3–25–74

HEW—NIH: Neurology Study Section A to be held at Bethesda, Maryland (open with restrictions)..... 11128; 3–25–74

HEW—NIH: Tropical Medicine and Parasitology Study Section to be held at Bethesda, Maryland (open with restrictions)..... 11128; 3–25–74

HEW—Health Care Technology Study Section to be held at Rockville, Maryland (open with restrictions).. 11448; 3–28–74

HEW—Nursing Research and Education Advisory Committee to be held at Bethesda, Maryland (open with restrictions)..... 11448; 3–28–74

Interior Department—Rock Springs District Advisory Board to be held at Rock Springs, Wyoming (open)..... 9845; 3–14–74

State Department—Study Group 1 of the U.S. National Committee for the International Telegraph and Telephone Consultative Committee to be held at Washington, D.C. (open). 10456; 3–20–74

APRIL 17

Agriculture Department—Cooperative State Research Service: Committee of Nine to be held at Washington, D.C. (open)..... 11612; 3–29–74

Agriculture Department—Cooperative State Research Service: Cooperative Forestry Research Advisory Board and Advisory Committee to be held at Blacksburg, Virginia (open).... 12370; 4–5–74

DoD—Armed Forces Epidemiological Board to be held at Washington, D.C. (open)..... 9561; 3–12–74

FCC—Cable Television Technical Advisory Committee Fund Board to be held at Washington, D.C. (open).... 12379; 4–5–74

GSA—National Archives Trust Fund Board; Americana Committee for the National Archives to be held at Washington, D.C. (open).. 10497; 3–20–74

HEW—NIH: Artificial Kidney-Chronic Uremia Advisory Committee to be held at Bethesda, Maryland (open). 10461; 3–20–74

HEW—NIH: Cardiovascular and Pulmonary Study Section to be held at Chevy Chase, Maryland (open with restrictions)..... 11127; 3–25–74

HEW—NIH: Communicative Sciences Study Section to be held at Bethesda, Maryland (open with restrictions). 11127; 3–25–74

HEW—NIH: Computer and Biomathematical Sciences Study Section to be held at Bethesda, Maryland (open with restrictions).... 11127; 3–25–74

HEW—NIH: Dental Study Section to be held at Bethesda, Maryland (closed). 11127; 3–25–74

HEW—NIH: Epidemiology and Disease Control Study Section to be held at Bethesda, Maryland (closed).. 11127; 3–25–74

HEW—Health Care Technology Study Section to be held at Rockville, Maryland (open with restrictions).. 11448; 3–28–74

HEW—NIH: Human Embryology and Development Study Section to be held at Bethesda, Maryland (open with restrictions)..... 11127; 3–25–74

HEW—NIH: Metabolism Study Section to be held at Bethesda, Maryland (closed)..... 11128; 3–25–74

HEW—NIH: Neurology Study Section A to be held at Bethesda, Maryland (closed)..... 11128; 3–25–74

HEW—Nursing Research and Education Advisory Committee to be held at Bethesda, Maryland (closed) . 11448; 3–28–74

HEW—NIH: Pathology Study Section B to be held at Bethesda, Maryland (open with restrictions)..... 11128; 3–25–74

HEW—Primate Research Centers Advisory Committee to be held at Davis, California (open with restrictions). 7823; 3–28–74

HEW—NIH: Radiation Study Section to be held at Bethesda, Maryland (open with restrictions).... 11128; 3–25–74

Interior Department—BLM: Eugene District Advisory Board to be held at Eugene, Oregon (open)..... 11208; 3–26–74

Interior Department—National Park Service: Southwest Regional Advisory Committee to be held at Dogpatch, Arkansas (open)..... 12265; 4–4–74

NASA—Research and Technology Advisory Council Committee on Aeronautics to be held at Moffet Field, California (open).... 10667; 3–21–74

Transportation Department—Towing Industry Advisory Committee to be held at New Orleans, Louisiana (open)..... 11326; 3–27–74

APRIL 18

AEC—Advisory Committee on Reactor Safeguards' Environmental Subcommittee to be held at Washington, D.C. (open)..... 11640; 3–29–74

Agriculture Department—Cooperative State Research Services Committee of Nine to be held at Washington, D.C. (open)..... 11612; 3–29–74

Civil Service Commission—Federal Prevailing Rate Advisory Committee to be held at Washington, D.C. (closed). 11458; 3–28–74

Defense Department—Department of the Navy: Professional, Education Advisory Committee, United States Marine Corps to be held at Quantico, Virginia (open with restrictions). 12040; 4–2–74

DoD—Office of the Secretary: Defense Science Board to be held at Washington, D.C. (closed).... 11315; 3–27–74

Environmental Protection Agency—President's Air Quality Advisory Board to be held at Washington, D.C. (open) 11628; 3–29–74

HEW—Center for Disease Control: Safety and Occupational Health Study Section to be held at Rockville, Maryland (open with restrictions) . 11323; 3–27–74

HEW—Long-Term Care for the Elderly Research Review and Advisory Committee to be held at Rockville, Maryland (open with restrictions). 11448; 3–28–74

HEW—Nursing Research and Education Advisory Committee to be held at Bethesda, Maryland (closed).. 11448; 3–28–74

HEW—NIH: Artificial Kidney-Chronic Uremia Advisory Committee to be held at Bethesda, Maryland (open). 10461; 3–20–74

HEW—NIH: Bacteriology and Mycology Study Session to be held at Washington, D.C. (open with restrictions). 11127; 3–25–74

HEW—NIH: Cardiovascular and Pulmonary Study Section to be held at Chevy Chase, Maryland (closed).... 11127; 3–25–74

HEW—NIH: Cell Biology Study Section to be held at Chevy Chase, Maryland (open with restrictions)..... 11127; 3–25–74

HEW—NIH: Chemical/Biological Information—Handling Review Committee to be held at Boston, Massachusetts (open with restrictions)..... 7821; 2–28–74

HEW—NIH: Communicative Sciences Study Section to be held at Bethesda, Maryland (closed) ... 11127; 3–25–74

HEW—NIH: Computer and Biomathematical Sciences Study Section to be held at Bethesda, Maryland (closed). 11127; 3–25–74

HEW—NIH: Dental Study Section to be held at Bethesda, Maryland (closed). 11127; 3–25–74

HEW—NIH: Developmental Behavioral Sciences Study Section to be held at Bethesda, Maryland (open with restrictions)..... 11127; 3–25–74

HEW—NIH: Epidemiology and Disease Control Study Section to be held at Bethesda, Maryland (closed) . 11127; 3–25–74

HEW—NIH: Human Embryology and Development Study Section to be held at Bethesda, Maryland (closed). 11127; 3–25–74

HEW—NIH: Immunology-Epidemiology Working Group to be held at Bethesda, Maryland (open with restrictions). 10642; 3–21–74

HEW—NIH: Metabolism Study Section to be held at Bethesda, Maryland (closed)..... 11128; 3–25–74

HEW—NIH: Microbial Chemistry Study Section to be held at Silver Spring, Maryland (open with restrictions). 11128; 3–25–74

HEW—NIH: Molecular Biology Study Section to be held at Bethesda, Maryland (open with restrictions).. 11128; 3–25–74

HEW—NIH: Neurology Study Section A to be held at Bethesda, Maryland (closed)..... 11128; 3–25–74

HEW—NIH: Neurology Study Section B to be held at Silver Spring, Maryland (open with restrictions)..... 11128; 3–25–74

HEW—NIH: Pathology Study Section B to be held at Washington, D.C. (closed)..... 11128; 3–25–74

HEW—NIH: Radiation Study Section to be held at Bethesda, Maryland (closed)..... 11128; 3–25–74

HEW—NIH: Virology Study Section to be held at Bethesda, Maryland (open with restrictions).... 11128; 3–25–74

Interior Department—National Park Service: Southwest Regional Advisory Committee to be held at Dogpatch, Arkansas (open)..... 12265; 4–4–74

NASA—Research and Technology Advisory Council Committee on Aeronautics to be held at Moffet Field, California (open) .. 10667; 3–21–74

State Department—Study Group 5, U.S. National Committee for the International Telegraph and Telephone Consultative Committee to be held at Boulder, Colorado (open with restrictions)..... 12264; 4–4–74

Transportation Department—Towing Industry Advisory Committee to be held at New Orleans, Louisiana (open)..... 11326; 3–27–74

APRIL 19

AEC—Advisory Committee On Reactor Safeguards' Environmental Subcommittee to be held at Washington, D.C. (open)..... 11640; 3–29–74

DoD—Navy Department: Professional, Education Advisory Committee, United States Marine Corps to be held at Quantico, Virginia (open with restrictions)..... 12040; 4–2–74

DoD—Office of the Secretary: Defense Science Board to be held at Washington, D.C. (closed).... 11315; 3–27–74

Environmental Protection Agency—President's Air Quality Advisory Board to be held at Washington, D.C. (open)..... 11628; 3–29–74

HEW—FDA: Cardiovascular and Renal Advisory Committee to be held at Rockville, Maryland (open with restrictions)..... 11613; 3–29–74

HEW—NIH: Artificial Kidney-Chronic Uremia Advisory Committee to be held at Bethesda, Maryland (open). 10461; 3–20–74

HEW—NIH: Bacteriology and Mycology Study Session to be held at Washington, D.C. (closed).... 11127; 3–25–74

HEW—NIH: Biology and Immunology Segment Advisory Group to be held at Bethesda, Maryland (open with restrictions)..... 10641; 3–21–74

HEW—Board of Scientific Counselors to be held at Bethesda, Maryland (open with restrictions)..... 12270; 4–4–74

HEW—NIH: Cardiovascular and Pulmonary Study Section to be held at Chevy Chase, Maryland (closed). 11127; 3–25–74

HEW—NIH: Cell Biology Study Section to be held at Chevy Chase, Maryland (closed) 11127; 3–25–74

HEW—NIH: Chemical/Biological Information-Handling Review Committee to be held at Boston, Massachusetts (open with restrictions)..... 7821; 2–28–74

HEW—NIH: Communicative Sciences Study Section to be held at Bethesda, Maryland (closed)..... 11127; 3–25–74

HEW—NIH: Computer and Biomathematical Sciences Study Section to be held at Bethesda, Maryland (closed). 11127; 3–25–74

HEW—NIH: Dental Study Section to be held at Bethesda, Maryland (closed). 11127; 3–25–74

HEW—NIH: Developmental Behavioral Sciences Study Section to be held at Bethesda, Maryland (closed). 11127; 3–25–74

HEW—NIH: Epidemiology and Disease Control Study Section to be held at Bethesda, Maryland (closed). 11127; 3–25–74

HEW—NIH: Human Embryology and Development Study Section to be held at Bethesda, Maryland (closed). 11127; 3–25–74

HEW—NIH: Immunology-Epidemiology Working Group to be held at Bethesda, Maryland (closed) .. 10642; 3–21–74

HEW—NIH: Medicinal Chemistry Study Section B to be held at Bethesda, Maryland (open with restrictions). 11128; 3–25–74

HEW—NIH: Metabolism Study Section to be held at Bethesda, Maryland (closed) 11128; 3–25–74

HEW—NIH: Microbial Chemistry Study Section to be held at Silver Spring, Maryland (closed)..... 11128; 3–25–74

HEW—NIH: Molecular Biology Study Section to be held at Bethesda, Maryland (closed) .. 11128; 3–25–74

HEW—NIH: Neurology Study Section A to be held at Bethesda, Maryland (closed)..... 11128; 3–25–74

HEW—NIH: Neurology Study Section B to be held at Silver Spring, Maryland (closed) 11128; 3–25–74

HEW—NIH: Pathology Study Section B to be held at Washington, D.C. (closed)..... 11128; 3–25–74

HEW—NIH: Radiation Study Section to be held at Bethesda, Maryland (closed) 11128; 3–25–74

HEW—NIH: Virology Study Section to be held at Bethesda, Maryland (closed)..... 11128; 3–25–74

HEW—Center for Disease Control: Safety and Occupational Health Study Section to be held at Rockville, Maryland (closed).... 11323; 3–27–74

HEW—Long-Term Care for the Elderly Research Review and Advisory Committee to be held at Rockville, Maryland (open with restrictions). 11448; 3–28–74

HEW—National Advisory Council on Education Professions Development to be held at Washington, D.C. (closed)..... 11325; 3–27–74

Interior Department—Bonneville Power Administration: Draft Environmental Statement Wholesale Power Rate Increase to be held at Seattle, Washington (open)..... 10166; 3–18–74

Marine Mammal Commission and Committee of Scientific Advisors on Marine Mammals to be held at San Diego, California (open)..... 10667; 3–21–74

NASA—Research and Technology Advisory Council Committee on Aeronautics to be held at Moffet Field, California (open)..... 10667; 3–21–74

State Department—Secretary of State's Advisory Committee on Private International Law to be held at Washington, D.C. (open with restrictions). 12039; 4–2–74

APRIL 20

Agriculture Department—Okanogan National Forest; Proposed 5-Year Timber Action Program to be held at Okanogan, Washington (open).... 12266; 4–4–74

HEW—NIH: Bacteriology and Mycology Study Session to be held at Washington, D.C. (closed).... 11127; 3–25–74

HEW—Board of Scientific Counselors to be held at Bethesda, Maryland (closed) 12270; 4–4–74

HEW—NIH: Cardiovascular and Pulmonary Study Section to be held at Chevy Chase, Maryland (closed). 11127; 3–25–74

HEW—NIH: Cell Biology Study Section to be held at Chevy Chase, Maryland (closed)..... 11127; 3–25–74

HEW—NIH: Communicative Disorders Review Committee to be held at West Palm Beach, Florida (open with restrictions)..... 10642; 3–21–74

HEW—NIH: Dental Study Section to be held at Bethesda, Maryland (closed). 11127; 3–25–74

HEW—NIH: Developmental Behavioral Sciences Study Section to be held at Bethesda, Maryland (closed) 11127; 3–25–74

HEW—NIH: Human Embryology and Development Study Section to be held at Bethesda, Maryland (closed). 11127; 3–25–74

HEW—NIH: Medicinal Chemistry Study Section B to be held at Bethesda, Maryland (closed).... 11128; 3–25–74

HEW—NIH: Metabolism Study Section to be held at Bethesda, Maryland (closed)..... 11128; 3–25–74

HEW—NIH: Microbial Chemistry Study Section to be held at Silver Spring, Maryland (closed).... 11128; 3–25–74

HEW—NIH: Molecular Biology Study Section to be held at Bethesda, Maryland (closed).... 11128; 3–25–74

HEW—NIH: Neurology Study Section A to be held at Bethesda, Maryland (closed)..... 11128; 3–25–74

HEW—NIH: Neurology Study Section B to be held at Silver Spring, Maryland (closed)..... 11128; 3–25–74

HEW—NIH: Pathology Study Section B to be held at Washington, D.C. (closed)..... 11128; 3–25–74

HEW—NIH: Virology Study Section to be held at Bethesda, Maryland (closed)..... 11128; 3–25–74

Marine Mammal Commission and Committee of Scientific Advisors on Marine Mammals to be held at San Diego, California (open)..... 10667; 3–21–74

Weekly List of Public Laws

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

S. 3228..... Pub. Law 93–257
Funeral Transportation and Living Expense Benefits Act of 1974
(March 29, 1974; 88 Stat. 53)

H.R. 5236..... Pub. Law 93–258
Utah County, Utah, certain mineral interests, conveyance
(April 2, 1974; 88 Stat. 54)

Rules and Regulations

Title 7—Agriculture

SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2—DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND GENERAL OFFICERS OF THE DEPARTMENT

Revision of Delegations of Authority

Part 2, Subtitle A, Title 7, Code of Federal Regulations, is amended to revise the delegations of authority to and by the Assistant Secretary for International Affairs and Commodity Programs so as to reflect the establishment of a new Foreign Agricultural Service which combines the functions of the Export Marketing Service, the Foreign Agricultural Service, and the International Organizations Staff. Notice of establishment of the new Foreign Agricultural Service was published in the FEDERAL REGISTER on February 7, 1974 (39 FR 4793).

Subpart C—Delegations of Authority to the Under Secretary, Assistant Secretaries and Directors

1. Section 2.21 is amended by revising paragraph (a)(13), by revoking and reserving paragraph (b), by revising paragraph (d) (1), (2), and (9) and by adding to paragraph (d) new subparagraphs (11) through (22) to read as follows:

* * * * *

§ 2.21 Delegations of Authority to the Assistant Secretary for International Affairs and Commodity Programs.

The following delegations of authority are made by the Secretary of Agriculture to the Assistant Secretary for International Affairs and Commodity Programs:

(a) *Related to agricultural stabilization and conservation.*

* * * * *

(13) Conduct fiscal, accounting and claims functions relating to CCC programs for which the Assistant Secretary for International Affairs and Commodity Programs has been delegated authority under § 2.21(d), and in participation with other agencies of the U.S. Government, to develop and formulate amendments to credit agreements under title I, Pub. L. 480, and the export credit sales program involving the rescheduling of amounts due from foreign countries under such agreements.

* * * * *

(b) [Reserved]

* * * * *

(d) *Related to foreign agriculture.* (1) Coordinate the carrying out by Department agencies of their functions involving foreign agricultural policies and programs and their operations and activities in foreign areas (other than those functions, relating to international development, technical assistance, and training assigned to the Director of Agricultural Economics). Act as liaison agency on these matters and functions relating to foreign agriculture between the Department of Agriculture and the Department of State, the Special Representative for Trade Negotiations, the Trade Expansion Act Advisory Committee, Agency for International Development, and other departments, agencies, and committees of the U.S. Government, foreign governments, Organization for Economic Cooperation and Development, the European Common Market, the Food and Agriculture Organization of the United Nations, International Bank for Reconstruction and Development, Inter-American Development Bank, Organization of American States, and other public and private U.S. and international organizations, and the contracting parties to the General Agreement of Tariffs and Trade.

(2) Administer Departmental programs concerned with development of foreign markets for agricultural products of the United States except functions relating to export marketing operations under section 32, Pub. L. 320, 74th Congress (7 U.S.C. 612c) delegated to the Assistant Secretary for Marketing and Consumer Services, and utilization research delegated to the Assistant Secretary for Conservation, Research, and Education. Legal authority for these programs is contained in section 104(b)(1) of the Agricultural Trade Development and Assistance Act of 1954, as amended, hereinafter referred to as "Public Law 480" (7 U.S.C. 1704(b)(1)), section 601 of the Agricultural Act of 1954, as amended (7 U.S.C. 1761), and section 5(f) of the CCC Charter Act (15 U.S.C. 714c(f)).

* * * * *

(9) Exercise the Department's responsibilities in connection with international negotiations of the International Wheat Agreement and in administration of such Agreement.

* * * * *

(11) Formulate and administer programs under section 5(f) of the CCC Charter Act (15 U.S.C. 714c(f)) and section 4, Pub. L. 89-808 (7 U.S.C. 1707a) to finance commercial export credit sales of agricultural commodities by U.S. exporters.

(12) Formulate and administer barter programs, under which agricultural commodities are exported, under sections 4(h) and 5(f) of the CCC Charter Act (15 U.S.C. 714b(h) and 714c(f)) and section 303 of Pub. L. 480 (7 U.S.C. 1692).

(13) Negotiate and implement agreements between CCC and private trade entities to finance the sales and exportation of agricultural commodities for dollars on long-term credit under title I of Pub. L. 480 (7 U.S.C. 1707).

(14) Perform functions of the Department in connection with the development and implementation of basic country agreements under title I of Pub. L. 480 to finance the sales and exportation of agricultural commodities on long-term credit or for foreign currencies.

(15) Participate in program development, evaluation, and review, including related liaison with the Agency for International Development, private relief agencies, and intergovernmental organizations, and activities involving operational responsibilities with respect to making agricultural commodities available for distribution in foreign countries under title II, Pub. L. 480. (7 U.S.C. 1721–1725).

(16) Coordinate within the Department activities arising under Pub. L. 480 (except as delegated to the Director of Agricultural Economics in § 2.27(a)) and to represent the Department in its relationships in such matters with the Department of State, the Interagency Staff Committee on Pub. L. 480, and other departments, agencies and committees of the Government.

(17) Arrange for transportation in connection with moving commodities from point of export under Pub. L. 480 and under section 5 of the CCC Charter Act (15 U.S.C. 714c) except for movement to trust territories or possessions.

(18) Formulate policy for export pricing and price review, in connection with export sales of CCC-owned commodities, except for tobacco, peanuts, tung oil, and gum naval stores and for export sales under Pub. L. 480.

(19) Formulate and administer programs for sales for export of CCC-owned agricultural commodities, except for tobacco, peanuts, tung oil and gum naval stores.

(20) Allocate among the various export programs, agricultural commodities determined under § 2.21(a) to be available for export.

(21) Formulate and administer export payment programs (other than those under section 32, Pub. L. 320, 74th Congress (7 U.S.C. 612c)), and other programs as assigned to encourage or cause the export of U.S. agricultural commodities.

(22) Perform those functions under section 203(j) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(j)) with respect to improvement of transportation services, facilities, and rates for the export of agricultural commodities and farm supplies which involve action before the Federal Maritime Commission, the Maritime Administration, or other similar transportation regulatory body, or which involve working directly with individual ocean carriers or groups of such carriers.

2. Section 2.22 is amended by revoking and reserving paragraph (b) and by adding a new subparagraph (4) to paragraph (d) to read as follows:

§ 2.22 Reservations of Authority.

* * * * *

(b) [Reserved]

* * * * *

(d) *Related to foreign agriculture.* * * *

(4) Determining the agricultural commodities and the quantities thereof available for disposition under titles I and II of Pub. L. 480 (7 U.S.C. 1731).

Subpart H—Delegations of Authority by the Assistant Secretary for International Affairs and Commodity Programs

3. Section 2.65 is amended by revising paragraph (a)(13) to read as follows:

§ 2.65 Administrator, Agricultural Stabilization and Conservation Service.

(a) *Delegations.** * *

(13) Conduct fiscal, accounting and claims functions relating to CCC programs for which the Foreign Agricultural Service has been delegated authority under § 2.68, and in participation with other agencies of the U.S. Government, to develop and formulate amendments to credit agreements under title I, Pub. L. 480, and the export credit sales program involving the rescheduling of amounts due from foreign countries under such agreements.

* * * * *

§ 2.66 [Reserved]

4. Section 2.66 is revoked and reserved.

5. Section 2.68 is amended by revising paragraph (a) (1), (2), and (9) and by adding new paragraph (a) (11) through (22) to read as follows:

§ 2.68 Administrator, Foreign Agricultural Service.

(a) *Delegations.* Pursuant to § 2.21(d), subject to reservations in § 2.22(d) the following delegations of authority are made by the Assistant Secretary for International Affairs and Commodity Programs to the Administrator, Foreign Agricultural Service:

(1) Coordinate the carrying out by Department agencies of their functions involving foreign agricultural policies and programs and their operations and activities in foreign areas (other than those functions, relating to international development, technical assistance, and training assigned to the Director of Agricultural Economics). Act as liaison agency on these matters and functions relating to foreign agriculture between the Department of Agriculture and the Department of State, the Special Representative for Trade Negotiations, the Trade Expansion Act Advisory Committee, Agency for International Development, and other departments, agencies, and committees of the U.S. Government, foreign governments, Organization for Economic Cooperation and Development, the European Common Market, the Food and Agriculture Organization of the United Nations, International Bank for Reconstruction and Development, Inter-American Development Bank, Organization of American States, and other public and private U.S. and international organizations, and the contracting parties to the General Agreement of Tariffs and Trade.

(2) Administer Departmental programs concerned with development of foreign markets for agricultural products of the United States except functions relating to export marketing operations under section 32, Pub. L. 320, 74th Congess (7 U.S.C. 612c) delegated to the Assistant Secretary for Marketing and Consumer Services, and utilization research delegated to the Assistant Secretary for Conservation, Research, and Education. Legal authority for these programs is contained in section 104(b)(1) of the Agricultural Trade Development and Assistance Act of 1954, as amended, hereinafter referred to as "Public Law 480" (7 U.S.C. 1704(b)(1)), section 601 of the Agricultural Act of 1954, as amended (7 U.S.C. 1761), and section 5 (f) of the CCC Charter Act (15 U.S.C. 714c(f)).

* * * * *

(9) Exercise the Department's responsibilities in connection with international negotiations of the International Wheat Agreement and in administration of such Agreement.

* * * * *

(11) Formulate and administer programs under section 5(f) of the CCC Charter Act (15 U.S.C. 714c (f)) and section 4, Pub. L. 89–808 (7 U.S.C. 1707a) to finance commercial export credit sales of agricultural commodities by U.S. exporters.

(12) Formulate and administer barter programs, under which agricultural commodities are exported, under sections 4 (h) and 5(f) of the CCC Charter Act (15 U.S.C. 714 b(h) and 714c(f)) and section 303 of Pub. L. 480 (7 U.S.C. 1692).

(13) Negotiate and implement agreements between CCC and private trade entities to finance the sales and exportation of agricultural commodities for dollars on long-term credit under title I of Pub. L. 480 (7 U.S.C. 1707).

(14) Perform functions of the Department in connection with the development and implementation of basic country agreements under title I of Pub. L. 480 to finance the sales and exportation of agricultural commodities on long-term credit or for foreign currencies.

(15) Participate in program development, evaluation, and review, including related liaison with the Agency for International Development, private relief agencies, and intergovernmental organizations, and activities involving operational responsibilities with respect to making agricultural commodities available for distribution in foreign countries under title II, Pub. L. 480 (7 U.S.C. 1721–1725).

(16) Coordinate within the Department activities arising under Pub. L. 480 (except as delegated to the Director of Agricultural Economics in § 2.27(a)) and to represent the Department in its relationships in such matters with the Department of State, the Interagency Staff Committee on Pub. L. 480, and other departments, agencies and committees of the Government.

(17) Arrange for transportation in connection with moving commodities from point of export under Pub. L. 480 and under section 5 of the CCC Charter Act (15 U.S.C. 714c) except for movement to trust territories or possessions.

(18) Formulate policy for export pricing and price review, in connection with export sales of CCC-owned commodities, except for tobacco, peanuts, tung oil, and gum naval stores and for export sales under Pub. L. 480.

(19) Formulate and administer programs for sales for export of CCC-owned agricultural commodities, except for tobacco, peanuts, tung oil, and gum naval stores.

(20) Allocate among the various export programs, agricultural commodities determined under § 2.21(a) to be available for export.

(21) Formulate and administer export payment programs (other than those under section 32, Pub. L. 320, 74th Congress (7 U.S.C. 612c)), and other programs as assigned to encourage or cause the export of U.S. agricultural commodities.

(22) Perform those functions under section 203(j) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(j)) with respect to improvement of transportation service, facilities, and rates for the export of agricultural commodities and farm supplies which involve action before the Federal Maritime Commission, the Maritime Administration, or other similar transportation regulatory body, or which involve working directly with individual ocean carriers or groups of such carriers.

Effective date. These amendments shall become effective April 10, 1974.

For Subpart C.

Dated: April 1, 1974.

J. PHIL CAMPBELL,
Acting Secretary of Agriculture.

For Subpart H.

Dated: April 1, 1974.

CLAYTON YEUTTER,
Assistant Secretary for International Affairs and Commodity Programs.

[FR Doc.74–8239 Filed 4–9–74;8:45 am]

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

[Amendment No. 3]

PART 410—FLORIDA CITRUS CROP INSURANCE

Subpart—Regulations for the 1970 and Succeeding Crop Years

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1974 crop year in the following respects:

1. The first two sentences of subsection 3(a) of the Application and Policy shown in § 410.6 are amended to read as follows:

3. *Insured Crop.* (a) Unless otherwise provided on the county actuarial table, beginning with the 1972 crop year, application for insurance may be made with respect to any one or more types of citrus, as defined in section 22 hereof, produced by the insured on trees that have reached at least the tenth growing season after being set out. Also, beginning with the 1972 crop year, citrus produced on trees that have not reached the 10th growing season will be insured only if so provided on the county actuarial table or if citrus produced on such trees was insured under a contract in force in the 1971 crop year, which is continued in effect for the 1972 crop year, unless the acreage of such citrus is excluded because of risk as hereinafter provided.

2. The last sentence of subsection 14 (d) of the Application and Policy shown in § 410.6 is amended to read as follows:

If unmarketable as fresh fruit due to insured causes, pink and red grapefruit of citrus Type III and citrus of Types IV and V shall be deemed to have 50 percent damage unless the Corporation determines by the same cut method as used under subsection 14 (e)(4) that the juice loss has been greater than 50 percent, except that damage in excess of 50 percent for tangerines of Type IV shall be the actual percent of damaged fruit above 50 percent determined by a fresh fruit cut.

3. Subsection 22(g) of the Application and Policy shown in § 410.6 of this chapter is amended to read as follows:

(g) "Types of citrus" means any of the five types of fruit as follows: Type I, Early and midseason oranges; Type II, Late oranges; Type III, Grapefruit; Type IV, Navel oranges, tangelos, and tangerines; and Type V, Murcott Honey oranges (also known as Honey tangerines) and Temple oranges. Oranges commonly known as "Sour oranges" and "Clementines" shall not be deemed to be included in any of the insurable types of citrus.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

The foregoing amendment will enable the Corporation to insure the production of citrus from trees that have reached the seventh growing season in Indian River, Martin and St. Lucie Counties, Florida, where freeze is not considered a major problem. The current Florida Citrus contract provides that in all Florida Counties, applicants may apply for insurance only on the production of citrus from trees which have reached the tenth growing season. The amendment further provides that any pink or red grapefruit, or citrus of Types IV (except tangerines) and V which is unmarketable as fresh fruit due to insured causes shall be deemed to have 50 percent damage unless the actual percent of juice loss is determined by a dry fruit cut to be higher. The present contract provides for the use of a fresh fruit cut for determining the amount of damaged fruit in excess of 50 percent. This revision is considered necessary to improve the experience in the Florida citrus counties where a sizeable amount of citrus of these types, which were formerly marketed for fresh fruit, are now marketed for processing in normal years and in years of freeze damage a substantial amount is salvaged for juice.

It is desirable that the amendment become effective in 1974. Notice of changes must be given Florida citrus insureds by April 15, 1974, and applications for insurance will be taken in the near future. It would therefore be impossible to follow both the procedures for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c) prior to the adoption of this amendment and to comply with the contractual provisions with respect to filing such changes in time to be effective for the 1974 crop year.

Under the circumstances, the Board of Directors found that it would be impracticable and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553(b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption. Accordingly, said amendment was adopted by the Board of Directors on April 3, 1974.

LLOYD E. JONES,
Secretary, Federal Crop Insurance Corporation.

[SEAL]

Approved on April 4, 1974.

J. PHIL CAMPBELL,
Acting Secretary.

[FR Doc.74-8241 Filed 4-9-74;8:45 am]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Seed Cotton Loan Program Regs.; Amdt. 1]

PART 1427—COTTON

Subpart—Seed Cotton Loan Program Regulations

INCREASE IN LOAN SERVICE FEE AND MISCELLANEOUS CHANGES

Notice of proposed rulemaking with respect to the loan program for the 1974 crops of upland and American-Pima seed cotton regarding the operating provisions to carry out the program was published in the FEDERAL REGISTER on February 26, 1974 (39 FR 7430).

No comments were received. However, Department officials have determined that the program will be offered in 1974 and that the loan service fee will be increased. Other operating provisions will remain basically the same as those for the 1973 program.

The regulations issued by Commodity Credit Corporation and published as Subpart—Seed Cotton Loan Program Regulations in the FEDERAL REGISTER (38 FR 14816 and 16631) are hereby amended as follows:

1. Paragraphs (a), (b), and (d) of § 1427.161 are amended to reflect the Division administering the program and substitute the Data Systems Field Office for the Kansas City office to more clearly define the office responsible for processing documents. The amended paragraphs read as follows:

§ 1427.161 Administration.

(a) *Responsibility.* The Cotton, Rice and Oilseeds Division, Agricultural Stabilization and Conservation Service, will administer the provisions of this subpart under the general supervision and direction of the Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service, in accordance with program provisions and policy determined by the CCC Board of Directors and the President or Executive Vice President, CCC. In the field, the program in this subpart will be administered by the Agricultural Stabilization and Conservation State and county committees and the Data Systems Field Office.

(b) *Limitation of authority.* County executive directors, State and county committees, the Data Systems Field Office, and employees thereof do not have authority to waive or modify any of the provisions of the regulations in this subpart.

* * * * *

(d) *Executive Vice President, CCC.* No delegation herein to a State or county committee or the Data Systems Field Office shall preclude the President or Executive Vice President, CCC, or his designee, from determining any question arising under the regulations in this subpart or from reversing or modifying any determination made by a State or county committee or the Data Systems Field Office.

2. Section 1427.172 is amended to reflect an increase in the loan service fee. The amended section reads as follows:

§ 1427.172 Loan service fee.

A producer shall pay a loan service fee of $10 per loan, plus $1 for each additional risk or other individual lot in storage over one, for each loan disbursed. This fee is not refundable.

3. Paragraph 1427.181(c) is amended to substitute the Data Systems Field Office for the Kansas City office to more clearly define the office responsible for processing documents. The amended paragraph (c) reads as follows:

§ 1427.181 Definitions.

* * * * *

(c) *Data Systems Field Office.* The term "Data Systems Field Office" shall mean the Data Systems Field Office, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, 8930 Ward Parkway, Kansas City, Missouri 64114 (mailing address P.O. Box 205, Kansas City, Missouri 64141).

* * * * *

(Secs. 4, 5, 62 Stat. 1070, as amended; 15 U.S.C. 714 b and c.)

Effective date. This amendment shall become effective for all loans made on 1974 and subsequent crops of cotton.

Signed at Washington, D.C. on April 3, 1974.

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

[FR Doc.74-8206 Filed 4-9-74;8:45 am]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. IAA-404]

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

Repeal of Requirement for Certain Fees and Assessments for Investment Advisers; Correction

In Release No. IAA-404 which was published in the FEDERAL REGISTER for April 3, 1974 at 39 FR 12108, the Securities and Exchange Commission announced amendments to § 275.203-3 in 17 CFR Chapter II. Through an oversight the section in question was incorrectly identified. The correct reference in the third column on 39 FR 12108, both in the paragraph identified as "Commission action" and in the section designation below it, should have read § 275.203-3.

For the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

APRIL 4, 1974.

[FR Doc.74-8256 Filed 4-9-74;8:45 am]

Title 18—Conservation of Power and Water Resources

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER A—GENERAL RULES

[Docket No. R-469; Order No. 467-C]

PART 2—GENERAL POLICY AND INTERPRETATIONS

Commission Establishes Procedural Requirements for Filing Requests for Relief From Curtailment

APRIL 4, 1974.

On March 2, 1973, we issued Order No. 467-B, 49 FPC --, as our Statement of Policy applicable to interstate natural gas pipeline companies relating to the order of priorities of delivery to be followed, absent evidence to the contrary, during periods of supply shortage. We also stated therein that exceptions to the priorities-of-deliveries may be granted upon a finding of extraordinary circumstances after hearing initiated by a petition filed under § 1.7(b) of the Commission's rules of practice and procedure, 18 CFR 1.7(b). Additionally, we provided for emergency relief to be granted to forestall irreparable injury to life or property. By orders issued in the United[1] and Panhandle[2] curtailment proceedings, we further elaborated on the procedures for filing requests for relief and the factual information to be included in those requests. From experience acquired in processing numerous such requests, we conclude that certain supportive data should be presented in all future petitions for relief from curtailment. One purpose of this order is to define areas of inquiry which are common to requests for relief, and to require, as part of the initial request, presentation of pertinent facts accompanied by attestation of a responsible company official.

Another objective of this order is to express our policy regarding conditions which will attach to grants of interim relief from curtailment pending final action after hearing.[3] These conditions will be established on the basis of the pleadings in each individual petition. However, we will attach a specific payback obligation to each grant of such interim relief hereafter issued.[4] Such a payback obligation will be required of any petitioner, including distribution companies seeking relief on behalf of their customers, and will include a payback of any volumes received by virtue of relief granted by the Commission, whether on an interim basis pending hearing or after hearing, utilized in any manner other than that specified in the grant. Further, it is our intention to attach conditions, when applicable, requiring draw-down of alternate fuel reserves before petitioner can utilize any volumes of natural gas available under the relief granted. The period over which the granted relief shall extend will be determined on the basis of the individual facts in each instance.

The Commission finds:

(1) Since the amendment adopted herein concerns a matter of general policy, the notice and effective date provisions of 5 U.S.C. 553 are not applicable.

(2) It is appropriate and necessary in the public interest in administering the Natural Gas Act to adopt the procedures hereinafter ordered.

[1] United Gas Pipe Line Company, Docket Nos. RP71-29 and RP71-120, Order on Clarification issued November 30, 1973, 50 FPC --, as modified by Order on Rehearing issued January 11, 1974, 51 FPC --.

[2] Panhandle Eastern Pipe Line Company, Docket No. RP71-119, Order on Clarification issued December 13, 1973, 50 FPC --.

[3] Suggestions for certain conditions to attach to temporary grants of relief from curtailment were presented by General Motors Corporation in motions filed February 15, 1974, in Panhandle Eastern Pipe Line Company, Docket Nos. RP71-119, et al., and in Mississippi River Transmission Corporation, Docket Nos. RP74-62-1, et al.

[4] This action is without prejudice to the Commission's requiring a payback of deliveries made under prior grants of interim relief where no payback condition was specifically attached.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 4, 5, 7, 10, 14, 15, and 16 (52 Stat. 822, 823, 824, 825, 826, 828, 829, 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, 717i, 717m, 717n, 717o), and in accordance with 5 U.S.C. 553 orders:

(A) Part 2 of the Commission's General Rules, General Policy and Interpretations, 18 CFR Chapter I, Subchapter A, is amended by redesignating the existing § 2.78(a) as § 2.78(a)(1) and by adding a new § 2.78(a)(2), so that § 2.78 (a) shall read as follows:

§ 2.78 Utilization and Conservation of Natural Resources—Natural Gas.

(a)(1) The national interests in the development and utilization of natural gas resources throughout the United States will be served by recognition and implementation of the following priority-of-service categories for use during periods of curtailed deliveries by jurisdictional pipeline companies:

(i) Residential, small commercial (less than 50 Mcf on a peak day).

(ii) Large commercial requirements (50 Mcf or more on a peak day), firm industrial requirements for plant protection, feedstock and process needs, and pipeline customer storage injection requirements.

(iii) All industrial requirements not specified in paragraph (a)(1)(ii), (iv), (v), (vi), (vii), (viii), or (ix) of this section.

(iv) Firm industrial requirements for boiler fuel use at less than 3,000 Mcf per day, but more than 1,500 Mcf per day, where alternate fuel capabilities can meet such requirements.

(v) Firm industrial requirements for large volume (3,000 Mcf or more per day) boiler fuel use where alternate fuel capabilities can meet such requirements.

(vi) Interruptible requirements of more than 300 Mcf per day, but less than 1,500 Mcf per day, where alternate fuel capabilities can meet such requirements.

(vii) Interruptible requirements of intermediate volumes (from 1,500 Mcf per day through 3,000 Mcf per day), where alternate fuel capabilities can meet such requirements.

(viii) Interruptible requirements of more than 3,000 Mcf per day, but less than 10,000 Mcf per day, where alternate fuel capabilities can meet such requirements.

(ix) Interruptible requirements of more than 10,000 Mcf per day, where alternate fuel capabilities can meet such requirements.

(2) The priorities-of-deliveries set forth above will be applied to the deliveries of all jurisdictional pipeline companies during periods of curtailment on each company's system; except, however, that, upon a finding of extraordinary circumstances after hearing initiated by a petition filed under § 1.7(b) of the Commission's rules of practice and procedure, exceptions to those priorities may be permitted.

(3) The above list of priorities requires the full curtailment of the lower

priority category volumes to be accomplished before curtailment of any higher priority volumes is commenced. Additionally, the above list requires both the direct and indirect customers of the pipeline that use gas for similar purposes to be placed in the same category of priority.

(4) The tariffs filed with this Commission should contain provisions that will reflect sufficient flexibility to permit pipeline companies to respond to emergency situations (including environmental emergencies) during periods of curtailment where supplemental deliveries are required to forestall irreparable injury to life or property.

(b) Request for relief from curtailment shall be filed under § 1.7(b) of this chapter and shall conform to the requirements of §§ 1.15 and 1.16 of this chapter. Those petitions shall use the priorities set forth in (paragraph (a)(1), of this section) above, the definitions contained in paragraph (b)(3) of this section and shall contain the following minimal information:

(1) The specific amount of natural gas deliveries requested on peak day and monthly basis, and the type of contract under which the deliveries would be made.

(2) The estimated duration of the relief requested.

(3) A breakdown of all natural gas requirements on peak day and monthly bases at the plant site by specific end-uses.

(4) The specific end-uses to which the natural gas requested will be utilized and should also reflect the scheduling within each particular end-use with and without the relief requested.

(5) The estimated peak day and monthly volumes of natural gas which would be available with and without the relief requested from all sources of supply for the period specified in the request.

(6) A description of existing alternate fuel capabilities on peak day and monthly bases broken down by end-uses as shown in paragraph (b)(3) of this section.

(7) For the alternate fuels shown in paragraph (b)(5) of this section, provide a description of the existing storage facilities and the amount of present fuel inventory, names and addresses of existing alternate fuel suppliers, and anticipated delivery schedules for the period for which relief is sought.

(8) The current price per million Btu for natural gas supplies and alternate fuels supplies.

(9) A description of efforts to secure natural gas and alternate fuels, including documentation of contacts with the Federal Energy Office and any state or local fuel allocation agencies or public utility commission.

(10) A description of all fuel conservation activities undertaken in the facility for which relief is sought.

(11) If petitioner is a local natural gas distributor, a description of the currently effective curtailment program and details regarding any flexibility which may be available by effectuating additional curtailment to its existing industrial customers. The distributor should also provide a breakdown of the estimated disposition of its natural gas estimated to be available by end-use priorities established in paragraph (a)(1) of this section for the period for which relief is sought.

(Sec. 4, 52 Stat. 822, 76 Stat. 72, (15 U.S.C. 717c); Sec. 5, 52 Stat. 823, (15 U.S.C. 717d); Sec. 7, 52 Stat. 824, 825, 56 Stat. 83, 84, 61 Stat. 459, (15 U.S.C. 717f); Sec. 10, 52 Stat. 826, (15 U.S.C. 717i); Sec. 14, 52 Stat. 828, (15 U.S.C. 717m); Sec. 15, 52 Stat. 829, (15 U.S.C. 717n); Sec. 16, 52 Stat. 930, (15 U.S.C. 717o).

(B) The amendment provided for herein shall be effective as of the date of issuance of this order.

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

By the Commission.

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

[FR Doc. 74-8146 Filed 4-9-74; 8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER J—RADIOLOGICAL HEALTH

PART 1020—PERFORMANCE STANDARDS FOR IONIZING RADIATION EMITTING PRODUCTS

Cabinet X-Ray Systems

In the FEDERAL REGISTER of October 10, 1973 (38 FR 28011), the Commissioner of Food and Drugs published a proposed performance standard for cabinet x-ray systems under Part 278—Regulations for the Administration and Enforcement of the Radiation Control for Health and Safety Act of 1968. Pursuant to recodification in the FEDERAL REGISTER of October 15, 1973 (38 FR 28623), these regulations are now under Subchapter J—Radiological Health.

The proposed standard would be applicable to all cabinet x-ray systems, including x-ray systems used for inspection of carry-on baggage at airline terminals and similar facilities, manufactured or assembled on or after a date that is one year following the date of FEDERAL REGISTER publication of the final regulation. The provisions of this section would not be applicable to systems which are designed exclusively for microscopic examination of material, e.g., x-ray diffraction, spectroscopic, and electron microscope equipment, or to systems for intentional exposure of humans to x-rays.

Interested persons were given until December 10, 1973, to file written comments with the Hearing Clerk regarding this proposal.

On January 16, 1974, the Commissioner of Food and Drugs published in the FEDERAL REGISTER (39 FR 2010) revisions to the proposed standard. One revision provided an earlier effective date, 15 days after date of publication of the final regulation in the FEDERAL REGISTER, for the cabinet x-ray standard as applied to x-ray systems designed for the inspection of carry-on baggage. The other revision was to amend the standard as it applies to x-ray systems designed for inspection of carry-on baggage to require that such devices have a means to insure operator presence at the control area in a position which permits surveillance of the ports and doors during generation of x radiation. The bases for these revisions were discussed in the preamble to these amendments.

Interested persons were given until February 19, 1974, to file written comments with the Hearing Clerk.

Fifteen letters commenting on the proposed standard were received, five of which generally supported all or part of the proposal. Seven letters indicated no general approval or disapproval, while the remaining three letters expressed significant opposition to the proposal in its published form.

1. Several comments related to the interpretation of specified provisions, or indicated misunderstanding of the intent of the proposed standard.

In response to these comments, the final regulation has been revised to reflect more clearly the intent of the standard without substantially altering its requirements.

2. One area of concern identified in the comments was that pulsed x-ray systems (pulse duration much less than one-half second) would not be able to comply with several of the requirements in the standard.

Since such systems pose no special radiation risks in normal use, the affected provisions have been revised to clarify how they would apply to pulsed systems. The affected paragraph is (c)(6)(iii) and (iv), (7)(iv), and (10).

3. A comment stated that the use of "disconnect" interlocks required by paragraph (c)(4)(i) is unwise since the switching of high-voltage lines is a poor engineering practice likely to result in interlock breakdown and resultant electrical hazard.

The use of "disconnect" interlocks as prescribed in the proposed paragraph (c)(4)(i) is considered good engineering practice when used as a back-up device, and is common to other types of electrical equipment. In response to the comment, however, paragraph (c)(4)(i) has been clarified to provide that one but not both of the required interlocks provide a disconnection of the energy supply circuit to the high voltage generator. Good engineering design would insure that the "disconnect" interlock does not switch the energy supply circuit to the high voltage generator except in the case of failure of the remainder of the safety circuits and if the operator fails to turn off the x-ray system prior to opening the door.

4. Paragraph (c)(1)(ii) requires that compliance with the exposure limit of paragraph (c)(1)(i) be measured with the system operated at conditions which result in maximum x-ray exposure at

the external surface. One comment questioned whether internal line voltage and/or service adjustments would be varied to produce maximum exposure or if just those adjustments used for normal operations would be varied.

The Commissioner advises that, for field compliance purposes only, the normal operating adjustments are to be varied to determine compliance with paragraph (c)(1)(ii). The effect of service adjustments will be evaluated in connection with approval of quality control and testing procedures.

5. Two comments were received concerning the exposure limit in paragraph (c)(1)(i) suggesting that it be lowered. A primary reason given for a limit lower than 0.5 mR in one hour was that it was well within the state-of-the-art of x-ray system manufacturers. One suggestion was for an exposure limit of 0.25 mR in one hour and another was for 0.1 mR in one hour.

The exposure limit of 0.5 mR in one hour was established so that under usual conditions of work load and occupancy the resulting personnel exposures will be well below limits for nonoccupationally exposed persons as recommended by the International Commission on Radiological Protection, the National Council on Radiation Protection and Measurements, the Federal Radiation Council, and most State governments. The limit is in agreement with that advised by the American National Standards Institute (ANSI Z54.1–1963) and is consistent with the state-of-the-art in manufacturing technology and field measurement techniques. Furthermore, the exposure limit of 0.5 mR in one hour, in practice, will result in systems designed to emit at a much lower level to account for production variations. However, since it is recognized that ionizing radiation bioeffects are cumulative, the need, technical feasibility, and practicality of lowering the exposure limit will be periodically reviewed by the Commissioner, and it will be lowered through amendment of the standard if sufficient basis is established therefor.

6. One comment stated that it appears to be an unnecessary design complication to require in paragraph (c)(4)(iii) that the functioning of every interlock necessitate use of the control required in paragraph (c)(6)(ii), and the functioning of the "disconnect" door interlock, required by paragraph (c)(4)(i), ought not to necessitate use of the control. The comment suggested that the second required door interlock could activate the control.

The provisions of the standard require that after interlock function use of the control would be necessary to resume x-ray production. This is necessary to preclude the use of interlocks as on-off mechanisms. This consideration applies to all required interlocks. If the second door interlock were to fail, the door could be used as an on-off mechanism if the "disconnect" door interlock were not required to activate the control specified in paragraph (c)(6)(ii).

7. One comment suggested that the States be notified when a manufacturer obtains a variance from the standard.

A notice of proposed rule making concerning variances from performance standards was published in the FEDERAL REGISTER of October 24, 1973 (38 FR 29340), which stated in the preamble that, where applicable, State radiation control authorities would be notified of applications for variances as well as actions taken.

8. Another comment stated that any required changes in baggage inspection systems as a result of Federal regulations would make the equipment ineffective in detecting contraband. In addition, the comment stated that the equipment currently in use by the respondent meets applicable State regulations, with personnel exposures far below recommended levels.

It has been demonstrated that X-ray baggage inspection systems can comply with the standard and, at the same time, meet the FAA criteria for detection of contraband. The provisions of the standard were designed to assure adequate radiation protection when using any system. The fact that one particular system results in low personnel exposures does not invalidate the need for a general radiation protection standard.

9. The suggestion was made that the early effective date for the standard, as it applies to baggage inspection systems, i.e., 15 days after the date of publication of the final regulation, would cause suspension of manufacture of such systems. It was suggested that at least 90 days be allowed before the standard becomes effective.

On or before November 12, 1973, manufacturers of baggage x-ray equipment were notified that failure to adhere to the radiation safety recommendations (guidelines), published in the FEDERAL REGISTER of August 8, 1973 (38 FR 21442), could be the basis for defect actions pursuant to 21 CFR Parts 1003 and 1004. The guidelines impose very similar provisions to those of the cabinet x-ray standard; thus, manufacturers have been aware of the radiation safeguards needed in their equipment for a considerable period of time. A meeting was held between representatives of the manufacturers and the Bureau of Radiological Health on October 24, 1973, to discuss these requirements. There was general agreement that the provisions could be met. A notice published in the FEDERAL REGISTER of January 16, 1974 (39 FR 2010), further informed all interested persons of the need to comply with the guidelines until such time as the standard becomes effective.

The Commissioner has determined that x-ray baggage systems manufactured prior to the early effective date for such systems as prescribed in § 1020.40(a), and which fail to comply with either (1) the guidelines as published in the FEDERAL REGISTER of August 8, 1973 (38 FR 21442), or (2) the provisions of § 1020.40, shall be considered defective pursuant to section 359(e) of the act and shall be subject to the provisions of § 1003.11.

10. An inquiry was made to the Bureau of Radiological Health as to whether the standard would apply to x-ray gauges, as used in industrial applications for thickness monitoring in production line operations.

The standard would apply to x-ray gauges which are electronic devices and which conform to the definition of "cabinet x-ray system" in § 1020(b)(3). Many x-ray gauges used for thickness monitoring in production line operations would not be of a type covered by the standard.

The possible environmental consequences of this regulatory performance standard have been carefully considered, pursuant to the provisions of § 6.1(b), and it has been determined that the action will have neither a marginal nor a significant impact upon the environment. Based upon this determination, it has been concluded that an environmental impact statement pursuant to sec. 102(2)(c) of the National Environmental Policy Act is not required. A copy of the environmental analysis report is available for public review in the Office of the Hearing Clerk, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852.

Section 358(c) of the act provides that a standard shall become effective not sooner than one year after date of promulgation unless the Secretary finds, for good cause shown, that an earlier effective date is in the public interest. The Administrative Procedure Act (5 U.S.C. 553(d)) provides that a regulation shall become effective not less than 30 days after publication unless otherwise provided by the agency for good cause shown. The final regulation states that the cabinet x-ray standard shall become effective one year after publication, except that x-ray baggage inspection systems manufactured or assembled beginning 15 days after publication shall meet the requirements of the new standard. The Commissioner finds that a relatively short effective date for the x-ray baggage inspection system is necessary to assure protection of the public health, by reducing unnecessary human exposure to ionizing radiation. The Commissioner has concluded that 15 days will provide sufficient time for such manufacturers to meet the certification requirements of § 1010.2 for new systems being manufactured and assembled. The Commissioner also believes that the requirements of the public health do not permit any longer effective date.

Therefore, pursuant to the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177–1179; 42 U.S.C. 263f), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), 21 CFR Part 1020 is amended by adding the following new section:

§ 1020.40 Cabinet x-ray systems.

(a) *Applicability.* The provisions of this section are applicable to cabinet x-ray systems manufactured or assembled on or after April 10, 1975, except that

the provisions as applied to x-ray systems designed primarily for the inspection of carry-on baggage are applicable to such systems manufactured or assembled on or after April 25, 1974. The provisions of this section are not applicable to systems which are designed exclusively for microscopic examination of material, e.g., x-ray diffraction, spectroscopic, and electron microscope equipment or to systems for intentional exposure of humans to x-rays.

(b) *Definitions.* As used in this section the following definitions apply:

(1) "Access panel" means any barrier or panel which is designed to be removed or opened for maintenance or service purposes, requires tools to open, and permits access to the interior of the cabinet.

(2) "Aperture" means any opening in the outside surface of the cabinet, other than a port, which remains open during generation of x radiation.

(3) "Cabinet x-ray system" means an x-ray system with the x-ray tube installed in an enclosure (hereinafter termed "cabinet") which, independently of existing architectural structures except the floor on which it may be placed, is intended to contain at least that portion of a material being irradiated, provide radiation attenuation, and exclude personnel from its interior during generation of x radiation. Included are all x-ray systems designed primarily for the inspection of carry-on baggage at airline, railroad, and bus terminals, and in similar facilities. An x-ray tube used within a shielded part of a building, or x-ray equipment which may temporarily or occasionally incorporate portable shielding is not considered a cabinet x-ray system.

(4) "Door" means any barrier which is designed to be movable or opened for routine operation purposes, does not generally require tools to open, and permits access to the interior of the cabinet. For the purposes of paragraph (c)(4)(i) of this section, inflexible hardware rigidly affixed to the door shall be considered part of the door.

(5) "Exposure" means the quotient of dQ by dm where dQ is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having mass dm are completely stopped in air.

(6) "External surface" means the outside surface of the cabinet x-ray system, including the high-voltage generator, doors, access panels, latches, control knobs, and other permanently mounted hardware and including the plane across any aperture or port.

(7) "Floor" means the underside external surface of the cabinet.

(8) "Ground fault" means an accidental electrical grounding of an electrical conductor.

(9) "Port" means any opening in the outside surface of the cabinet which is designed to remain open, during generation of x rays, for the purpose of conveying material to be irradiated into and out of the cabinet, or for partial insertion for irradiation of an object whose dimensions do not permit complete insertion into the cabinet.

(10) "Primary beam" means the x radiation emitted directly from the from the target and passing through the window of the x-ray tube.

(11) "Safety interlock" means a device which is intended to prevent the generation of x radiation when access by any part of the human body to the interior of the cabinet x-ray system through a door or access panel is possible.

(12) "X-ray system" means an assemblage of components for the controlled generation of x rays.

(13) "X-ray tube" means any electron tube which is designed for the conversion of electrical energy into x-ray energy.

(c) *Requirements*—(1) *Emission limit.* (i) Radiation emitted from the cabinet x-ray system shall not exceed an exposure of 0.5 milliroentgen in one hour at any point five centimeters outside the external surface.

(ii) Compliance with the exposure limit in paragraph (c)(1)(i) of this section shall be determined by measurements averaged over a cross-sectional area of ten square centimeters with no linear dimension greater than 5 centimeters, with the cabinet x-ray system operated at those combinations of x-ray tube potential, current, beam orientation, and conditions of scatter radiation which produce the maximum x-ray exposure at the external surface, and with the door(s) and access panel(s) fully closed as well as fixed at any other position(s) which will allow the generation of x radiation.

(2) *Floors.* A cabinet x-ray system shall have a permanent floor. Any support surface to which a cabinet x-ray system is permanently affixed may be deemed the floor of the system.

(3) *Ports and apertures.* (i) The insertion of any part of the human body through any port into the primary beam shall not be possible.

(ii) The insertion of any part of the human body through any aperture shall not be possible.

(4) *Safety interlocks.* (i) Each door of a cabinet x-ray system shall have a minimum of two safety interlocks. One, but not both of the required interlocks shall be such that door opening results in physical disconnection of the energy supply circuit to the high-voltage generator, and such disconnection shall not be dependent upon any moving part other than the door.

(ii) Each access panel shall have at least one safety interlock.

(iii) Following interruption of x-ray generation by the functioning of any safety interlock, use of a control provided in accordance with paragraph (c)(6)(ii) of this section shall be necessary for resumption of x-ray generation.

(iv) Failure of any single component of the cabinet x-ray system shall not cause failure of more than one required safety interlock.

(5) *Ground fault.* A ground fault shall not result in the generation of x-rays.

(6) *Controls and indicators for all cabinet x-ray systems.* For all systems to which this section is applicable there shall be provided:

(i) A key-actuated control to insure that x-ray generation is not possible with the key removed.

(ii) A control or controls to initiate and terminate the generation of x rays other than by functioning of a safety interlock or the main power control.

(iii) Two independent means which indicate when and only when x rays are being generated, unless the x-ray generation period is less than one-half second, in which case the indicators shall be activated for one-half second, and which are discernible from any point at which initiation of x-ray generation is possible. Failure of a single component of the cabinet x-ray system shall not cause failure of both indicators to perform their intended function. One, but not both, of the indicators required by this subdivision may be a milliammeter labeled to indicate x-ray tube current. All other indicators shall be legibly labeled "X RAY ON".

(iv) Additional means other than milliammeters which indicate when and only when x rays are being generated, unless the x-ray generation period is less than one-half second in which case the indicators shall be activated for one-half second, as needed to insure that at least one indicator is visible from each door, access panel, and port, and is legibly labeled "X RAY ON".

(7) *Additional controls and indicators for cabinet x-ray systems designed to admit humans.* For cabinet x-ray systems designed to admit humans there shall also be provided:

(i) A control within the cabinet for preventing and terminating x-ray generation, which cannot be reset, overridden or bypassed from the outside of the cabinet.

(ii) No means by which x-ray generation can be initiated from within the cabinet.

(iii) Audible and visible warning signals within the cabinet which are actuated for at least 10 seconds immediately prior to the first initiation of x-ray generation after closing any door designed to admit humans. Failure of any single component of the cabinet x-ray system shall not cause failure of both the audible and visible warning signals.

(iv) A visible warning signal within the cabinet which remains actuated when and only when x rays are being generated, unless the x-ray generation period is less than one-half second in which case the indicators shall be activated for one-half second.

(v) Signs indicating the meaning of the warning signals provided pursuant to paragraphs (c)(7)(iii) and (iv) of this section and containing instructions

for the use of the control provided pursuant to paragraph (c)(7)(i) of this section. These signs shall be legible, accessible to view, and illuminated when the main power control is in the "on" position.

(8) *Warning labels.* (i) There shall be permanently affixed or inscribed on the cabinet x-ray system at the location of any controls which can be used to initiate x-ray generation, a clearly legible and visible label bearing the statement:

CAUTION: X RAYS PRODUCED WHEN ENERGIZED

(ii) There shall be permanently affixed or inscribed on the cabinet x-ray system adjacent to each port a clearly legible and visible label bearing the statement:

CAUTION: DO NOT INSERT ANY PART OF THE BODY WHEN SYSTEM IS ENERGIZED—X-RAY HAZARD

(9) *Instructions.* (i) Manufacturers of cabinet x-ray systems shall provide for purchasers, and to others upon request at a cost not to exceed the cost of preparation and distribution, manuals and instructions which shall include at least the following technical and safety information: Potential, current, and duty cycle ratings of the x-ray generation equipment; adequate instructions concerning any radiological safety procedures and precautions which may be necessary because of unique features of the system; and a schedule of maintenance necessary to keep the system in compliance with this section.

(ii) Manufacturers of cabinet x-ray systems which are intended to be assembled or installed by the purchaser shall provide instructions for assembly, installation, adjustment and testing of the cabinet x-ray system adequate to assure that the system is in compliance with applicable provisions of this section when assembled, installed, adjusted and tested as directed.

(10) *Additional requirements for x-ray baggage inspection systems.* X-ray systems designed primarily for the inspection of carry-on baggage at airline, railroad, and bus terminals, and at similar facilities, shall be provided with means, pursuant to subdivisions (i) and (ii) of this subparagraph, to insure operator presence at the control area in a position which permits surveillance of the ports and doors during generation of x radiation.

(i) During an exposure or preset succession of exposures of one-half second or greater duration, the means provided shall enable the operator to terminate the exposure or preset succession of exposures at any time.

(ii) During an exposure or preset succession of exposures of less than one-half second duration, the means provided may allow completion of the exposure in progress but shall enable the operator to prevent additional exposures.

(d) *Modification of a certified system.* The modification of a cabinet x-ray system, previously certified pursuant to § 1010.2 by any person engaged in the business of manufacturing, assembling or modifying cabinet x-ray systems shall be construed as manufacturing under the act if the modification affects any aspect of the system's performance for which this section has an applicable requirement. The manufacturer who performs such modification shall recertify and reidentify the system in accordance with the provisions of §§ 1010.2 and 1010.3 of this chapter.

Effective date. This order shall become effective on April 10, 1975 except that the provisions as applied to x-ray systems designed primarily for the inspection of carry-on baggage shall become effective on April 25, 1974.

(Sec. 358, 82 Stat. 1177–1179; 42 U.S.C. 263f.)

Dated: April 5, 1974.

SHERWIN GARDNER,
Deputy Commissioner of Food and Drugs.

[FR Doc.74-8290 Filed 4-8-74;11:22 am]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD CCGD 5-74-03 R]

PART 127—SECURITY ZONES

Anchorage Six, Baltimore Harbor, Md.; Establishment

This amendment to the Coast Guard's Security Zone Regulations, establishes Anchorage Six, Baltimore Harbor, Maryland as a security zone. This security zone is established to facilitate the protection during a period at anchorage of the Rumanian Fishing Trawler INAU, a vessel seized by the Coast Guard for fishing illegally within the Contiguous Zone of the United States.

This amendment is issued without publication of a notice of proposed rulemaking and this amendment is effective in less than 30 days from date of publication because good cause exists and public procedures on this amendment are impracticable because there is insufficient time for completing public procedures.

In consideration of the foregoing, 33 CFR Part 127 is amended by adding § 127.503 to read as follows:

§ 127.503 Anchorage Six, Baltimore Harbor, Maryland.

The waters within the following boundary are a security zone: The waters within the boundaries from a point at position 39–13–47.8N, 76–32–25W thence to point 39–14–02N, 76–32–02.9W thence to point 39–13–34N, 76–31–33.5W thence to a point 39–13–20N, 76–31–56W thence to the point of origin.

(46 Stat. 220, as amended, sec. 1, 63 Stat. 503, sec. 6(b), 80 Stat. 937; (50 U.S.C. 191, 14 U.S.C. 91, 49 U.S.C. 1655(b)); E.O. 10174, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949–1953 Comp. 356, 778, 873, 3 CFR, 1964–1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b))

Effective date. This amendment becomes effective at 2100 hours e.d.t., March 26, 1974 and will remain in effect until 0900 hours Eastern Daylight Time, March 27, 1974.

Dated: March 26, 1974.

G. H. PATRICK BURSLEY,
Captain, United States Coast Guard, Captain of the Port, Baltimore, Maryland.

[FR Doc.74-8217 Filed 4-9-74;8:45 am]

[CGD CCGD 5-74-04 R]

PART 127—SECURITY ZONES

Curtis Creek, Baltimore Harbor, Md.; Establishment

This amendment to the Coast Guard's Security Zone Regulations, establishes an area adjacent the United States Coast Guard Yard on Curtis Creek, Baltimore Harbor, Maryland as a security zone. This security zone is established to facilitate the protection of the Rumanian Fishing Trawler INAU, a vessel seized by the Coast Guard for fishing illegally within the Contiguous Zone of the United States.

This amendment is issued without publication of a notice of proposed rulemaking and this amendment is effective in less than 30 days from date of publication because good cause exists and public procedures on this amendment are impracticable because there is insufficient time for completing public procedures.

In consideration of the foregoing, 33 CFR Part 127 is amended by adding § 127.504 to read as follows:

§ 127.504 Curtis Creek, Baltimore Harbor, Maryland.

The waters within the following boundary are a security zone: The waters within the boundary from a point 39–12–05N, 76–34–30W thence to a point 39–12–02N, 76–34–40W thence to a point 39–11–45N, 76–34–38W thence to a point 39–11–53N, 76–34–22W thence to the point of origin.

(46 Stat. 220, as amended, sec. 1, 63 Stat. 503, sec. 6(b), 80 Stat. 937; (50 U.S.C. 191; 14 U.S.C. 91; 49 U.S.C. 1655(b)); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949–1953 Comp. 356, 778, 873, 3 CFR, 1964–1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b)).

Effective date. This amendment becomes effective at 0900 hours e.d.t., March 27, 1974 and will remain in effect until further notice.

Dated: March 26, 1974.

G. H. PATRICK BURSLEY,
Captain, United States Coast Guard, Captain of the Port, Baltimore, Maryland.

[FR Doc.74-8216 Filed 4-9-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT

[FPMR Amdt. E-140]

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

Subpart 101-26.5—GSA Procurement Programs

PURCHASE OF MOTOR VEHICLES, TRUCKS, AND TRAILERS

This amendment provides guidelines for the procurement of trailers by executive agencies.

Section 101-26.501-1 is amended as follows:

§ 101-26.501-1 General.

Except as provided for the Department of Defense (DoD) in paragraph (a) of this section, executive agencies shall submit to GSA for procurement their requirements for purchase in the United States of all new passenger motor vehicles (FSC 2310), trucks/truck tractors (FSC 2320); and trailers (FSC 2330) of the following types: Van (with payload of not less than 5,000 lbs. nor more than 50,000 lbs.), camping, office, and house. Specifically included are sedans, station wagons, carryalls, ambulances, buses and trucks, including trucks with specialized mounted equipment, truck chassis with special purpose bodies, all camping-, office- and house-type trailers, and van-type trailers (with payload of not less than 5,000 lbs. nor more than 50,000 lbs.).

* * * * *

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

Effective date. This regulation is effective April 10, 1974.

Dated: April 2, 1974.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.74-8192 Filed 4-9-74;8:45 am]

CHAPTER 114—DEPARTMENT OF THE INTERIOR

Miscellaneous Amendments

Pursuant to the authority of the Secretary of the Interior contained in 5 U.S.C. 301 and sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c), 41 CFR Chapter 114, is amended as set forth below.

As these amendments relate solely to matters of internal Department practice, the prior notice and public procedure provisions of 5 U.S.C. 553 are inapplicable.

RICHARD R. HITE,
Deputy Assistant Secretary of the Interior.

APRIL 3, 1974.

(1) The following sections are amended so that the title "Office of Management Operations" will read "Office of Management Services" and the title "Director of Management Operations" will read "Director of Management Services":

Sections 114-3.105; 114-3.205; 114-3.206 (2 places); 114-25.350; 114-25.4801 (a); 114-26.600-50(c); 114-26.600-51(f); 114-38.102-1; 114-38.402(a); 114-39.404-3; 114-39.404-4; 114-40.307; 114-42.302-2; 114-43.319(b); 114-43.319-52; 114-45.316-2(b) (2 places); 114-45.317 (c)(2)(v); 114-46.407; 114-47.203-7; 114-47.301-5(b); 114-47.304-8(b) (2 places); 114-47.304-51(c)(2)(v); 114-47.802-54(d); 114-52.203(b); and 114-60.104.

PART 114-38—MOTOR EQUIPMENT MANAGEMENT

Subpart 114-38.6—Exemptions From Use of Official U.S. Government Tags and Other Identification

AUTHORITY: (5 U.S.C. 301); sec. 205(c), 63 Stat. 390; (40 U.S.C. 486(c)).

Subpart 114-38.6—Exemptions From Use of Official U.S. Government Tags and Other Identification

§ 114-38.605 Additional exemptions.

(a) Requests made pursuant to FPMR 101-38.605 for exemption from the requirement for displaying U.S. Government tags and other identification on motor vehicles shall be submitted to the Director of Management Services, in duplicate. Each such request shall describe the vehicle for which exemption is sought, the nature of the work on which it is used, and include a certification to the effect that conspicuous identification would interfere with such use.

(b) The Director of Management Services shall be notified promptly when:

(1) The need for a previously authorized exemption no longer exists,

(2) An exempted vehicle is rotated to other work not requiring continued exemption, or

(3) An exempted vehicle is replaced by another vehicle, in which case the notification shall include a description of the replacement vehicles.

(c) Copies of certifications and cancellation notices required to be furnished the General Services Administration pursuant to § 101-38.605 of this title will be transmitted to GSA by the Director of Management Services.

§ 114-38.606 Approval of tag requests for exempted vehicles in the District of Columbia.

(a) The following officials are authorized to approve requests for regular District of Columbia tags for exempted vehicles regularly based in the District of Columbia:

(1) Director of Management Services.

(2) Assistant Director for Property Management, Office of Managment Services.

(b) Requests for District of Columbia tags (renewal requests or otherwise) to be used on vehicles exempted from carrying U.S. Government tags pursuant to FPMR 101-38.602 through 101-38.605 shall be submitted to the Director of Management Services for signature and transmittal to the District of Columbia Department of Motor Vehicles. Special forms for requesting District of Columbia tags are available from the District of Columbia Department of Motor Vehicles.

§ 114-38.607 Report of exempted motor vehicles.

Each Bureau and Office which has been granted authority to operate motor vehicles without displaying U.S. Government tags and other identification, shall submit an annual report thereon to the Director of Management Services. The report should reflect exemptions in effect as of June 30 and should list separately the number of vehicles exempted pursuant to FPMR 101-38.602, 101-38.603, and 101-38.605. Reports shall be submitted to the Director of Management Services by July 10, of each year.

§ 114-38.5307 [Amended]

(3) Where they appear in § 114-38.5307(b) and (c), the titles "Office of Management Operations" and "Director of Management Operations" are amended to read "Office of Aircraft Services".

PART 114-43—UTILIZATION OF PERSONAL PROPERTY

§ 114-43.402-4 [Amended]

In § 114-43.402-4, the title "Director of Management Operations" is amended to read "Assistant Secretary—Management".

[FR Doc.74-8187 Filed 4-9-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[FCC 74-309]

UNITED STATES-MEXICO FM BROADCASTING AGREEMENT

Allotment and Use of Channels

In the matter of amendment of the Commission's rules and regulations to effectuate the United States-Mexico FM Broadcasting Agreement.

1. The United States-Mexico FM Broadcasting Agreement, which went into force and effect August 9, 1973, concerns the allotment and the use of FM broadcast channels within 199 miles (320 kilometers) of the common border between the United Mexican States and the United States. By Order, adopted October 3, 1973, and effective October 17, 1973 (43 F.C.C. 2d 293), the FM Table of Assignments—§ 73.202(b) of the Commission's rules and regulations—was amended for Arizona, California, New Mexico, and Texas to reflect the channel allotments agreed to for the border area, and § 73.507 was added to list the Class

A, B, and C noncommercial educational FM channel (201–220) allotments for the border area within these four states.

2. We are now promulgating amendments to the Commission's rules and regulations to further implement the Agreement.[1] These amendments relate to practice and procedure, or are interpretative in nature. In the circumstances, compliance with section 4 of the Administrative Procedure Act is excepted (see 5 U.S.C. 553(b)(3)(A)).

3. Accordingly, *It is ordered*, That, pursuant to the authority of sections 4(i) and 303(r) of the Communications Act of 1934, as amended, §§ 1.573, 73.204, 73.207, 73.504, and 74.1202 are amended as set forth below. These amendments are effective April 12, 1974.

Adopted: March 28, 1974.

Released: April 3, 1974.

(Secs. 4, 303, 48 Stat., as amended, 1068, 1082; (47 U.S.C. 154, 303))

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

PART 1—PRACTICE AND PROCEDURE

1. In § 1.573, Note 1 is amended to read as follows:

§ 1.573 [Amended]

* * * * *

NOTE 1: *Noncommercial educational stations.* Pending further consideration of issues in Docket No. 14185 (dealing with the revision of the FM Broadcast rules and regulations), an application for a noncommercial educational FM broadcast authorization will be subject to the following, notwithstanding any other provision of the FM Broadcast rules or this section:

(a) *Restrictions.* With respect to acceptance of an application for a construction permit for a new or changed facility on channels reserved in § 73.501 of this chapter for noncommercial educational use, the following restrictions will apply:

(1) *Channels 218, 219, and 220.* For Channels 218, 219, and 220, the following criteria must be met:

(i) Power and height may not exceed the maximum specified in § 73.211 of this chapter for a Class B or C commercial station depending on the zone in which it is proposed to locate the facility.

(ii) Minimum mileage separations to stations or assignments on Channels 221, 222, or 223, specified in the FM Table of Assignments (§ 73.202(b) of this chapter) must comply with §§ 73.207 and 73.504 of this chapter.

(iii) If the application is for a change in transmitter site, separation between the facility and either a co-channel or adjacent channel station may not be shortened if the result would be a spacing less than that required by § 73.207 of this chapter.

(2) *Objectionable interference.* No application for a facility on any channel specified in § 73.501 of this chapter will be accepted if the requested facility either would cause objectionable interference within the 1 mV/m contour of any co-channel or adjacent channel, or receive interference within the proposed 1 mV/m contour. The following standards shall be used to determine the existence of objectionable interference:

(i) The distance to the 1 mV/m contour shall be determined by the use of Figure 1 of § 73.333 (F(50,50) curve) of this chapter (see § 73.313(c)(1)).

(ii) The distance to the applicable interference contour shall be determined by the F(50,10) curve, dated June 20, 1960, and published with the Commission's Order, FCC 61–1447, adopted December 6, 1961, setting forth the interim procedure for processing FM applications.

(iii) Objectionable interference will be considered to exist if, on the basis of the curves referred to in this subparagraph, the ratio of undesired to desired signal exceeds: 1:10 for co-channel; 1:2 for first adjacent channel (200 kHz removed); 10:1 for second adjacent channel (400 kHz removed); and 100:1 for third adjacent channel (600 kHz removed).

(3) *Directional antenna.* No application for a construction permit of a new station, or change in channel, or change in an existing facility on the same channel will be accepted for filing a directional antenna with a maximum-to-minimum ratio of more than 15 dB is proposed.

(b) *Maximum and minimum facilities for stations on noncommercial educational FM channels.* No provision as to a minimum facility for an FM broadcast station shall apply to a noncommercial educational station operating on a channel specified in § 73.501 of this chapter; and no provision as to a maximum facility shall apply to a noncommercial educational station on Channels 201 to 217, inclusive. However, any application specifying a facility either below the minimum or exceeding the maximum set forth in § 73.211 will not be necessarily granted; see Notice of Inquiry in Docket No. 14185 as concerns educational FM matters (5 F.C.C. 2d 587, 588, fn. 2 (1966)); see also 13 F.C.C. 2d 751 (1968) and 17 F.C.C. 2d 496 (1969)).

(c) *Additional requirements for noncommercial educational stations under the United States-Mexico FM Broadcasting Agreement.* For the area within 199 miles of the common border between the United Mexican States and the United States, one may only apply for Class A, B, and C channels listed in § 73.507 of this chapter. An application for a noncommercial educational channel will not be accepted if there is a failure to meet the minimum mileage separations to Meixcan assignments or authorizations set forth in the Note to § 73.207 of this chapter.

* * * * *

PART 73—RADIO BROADCAST SERVICES

2. In § 73.204, paragraph (a) is amended to read as follows:

§ 73.204 International agreements and other restrictions on use of channels.

(a) The United States has entered into agreements with Canada and the United Mexican States, respectively, dealing with the allotment and use of FM broadcast channels and facilities for a defined border area. Assignment of an FM channel, authorization for use of an FM broadcast facility, and related matters as to the use of FM facilities for the particular border area are subject to the provisions of the respective agreements. Both provide for consultation and the right to object to any particular proposal. The Commission will give notice of the filing of such an objection; if, for whatever reason, the Commission has taken action inconsistent with any such timely objection, it may take appropriate steps to rescind the action taken.

* * * * *

3. In § 73.207(a) the following is added to the note to read as follows:

§ 73.207 Minimum mileage separations between co-channel and adjacent-channel stations on commercial channels.

(a) * * *

NOTE: * * *

Under the United States-Mexican FM Broadcasting Agreement, the following additional mileage separations to Mexican channel assignments and authorizations must be adhered to:

Class to class	Co-channel	1st adjacent	2d adjacent	3d adjacent
A to C	130			
A to B	110			
D to C	125	95	65	65
D to B	105	69	40	40
D to A	60	30	15	15
D to D	11	6	3	3

And for stations or assignments separated in frequency by 10.6 or 10.8 MHz (53 or 54 channels), the following mileage separations must be conformed to:

Classes of stations:	*Required spacing in miles*
C to D	15
B to D	10
A to D	5
D to D	2

4. In § 73.504 a Note is added at the end to read as follows:

§ 73.504 Zones, classes of stations, use of channels, facilities, and minimum mileage separations between stations.

* * * * *

NOTE: Under the United States-Mexican FM Broadcasting Agreement, for stations and assignments separated in frequency by 10.6 or 10.8 MHz (53 or 54 channels), the following mileage separations (see paragraph (g) of this section) to Mexican allocations or assignments must be adhered to:

Classes of stations:	*Required spacing in miles*
C to D	15
B to D	10
A to D	5
D to D	2

PART 74—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST AND OTHER PROGRAM DISTRIBUTIONAL SERVICES

5. In § 74.1202, a note is added at the end to read as follows:

§ 74.1202 Frequency assignment.

* * * * *

NOTE: A translator must comply with the mileage separations to Mexican FM channel assignments and authorizations as Class D FM stations set forth in the Note to § 73.207 of this chapter.

[FR Doc.74–8095 Filed 4–9–74;8:45 am]

[1] See "Interim Policy", 43 F.C.C. 2d 1237 (1973).

[Docket No. 18785; FCC 74-299]

PART 76—CABLE TELEVISION SERVICE

Systems With Fewer Than 500 Subscribers

INTRODUCTION

In the matter of amendment of § 74.1103 of the Commission's rules and regulations as it relates to CATV systems with fewer than 500 subscribers.

1. On January 16, 1970, the Commission, on its own motion, released a notice of proposed rulemaking in Docket No. 18785.[1] By this notice, interested parties were invited to file comments on a proposal that the signal carriage and non-duplication provisions of the rules (former § 74.1103)[2] be amended by the addition of the following footnote:

NOTE.—As used in § 74.1103, the term "community antenna television system" shall not include systems with fewer than 500 subscribers.

2. This action derived from a Public Notice of March 7, 1968[3] in which the Commission announced a modification of its processing priorities involving petitions for waiver of (former) § 74.1103, whereby, action would be deferred in cases involving cable television systems having fewer than 500 subscribers. The Commission stated that matters involving small cable systems, if processed in chronological order, would engender difficulties out of proportion to their impact on broadcasting, and that such systems would be most likely to present persuasive hardship cases which would justify waivers. It was further stated that a modification of our processing priorities would allow available staff to direct its attention to cases involving larger cable systems where potential adverse impact on broadcasters would be greatest.

3. The Commission's experience with the temporary processing procedure suggested the desirability of adopting a permanent policy which would fully exempt systems having fewer than 500 subscribers from the carriage and exclusivity rules. The instant proposal was based upon the rationale that such an exemption would not result in any substantial adverse impact on broadcasters and would relieve small cable systems from the burden of compliance with these rules.

SUMMARY OF COMMENTS

4. In joint comments filed by several operators of cable television systems having fewer than 500 subscribers,[4] the Commission is urged to adopt the proposed exemption on the grounds that compliance with the non-duplication rules imposes financial and manpower drains on small systems which are disproportionate to the potential impact such systems may have on local broadcasters. It is stated that the cost of switching equipment needed in order to provide nonduplication ($2,500–$3,500) can consume a substantial portion of a small system's annual gross revenues, which seldom reach $25,000 per year. In addition, it is argued that the manpower and maintenance costs, which are integrally related to the cost of the equipment, present a problem of substantial consequence when considering that operation and maintenance of a system having up to 750 subscribers can normally be performed by one person while two persons can service a system of 750 to 2,500 subscribers.

5. The Jerrold Corp., National Trans-Video, Inc., and Television Communications Corp. also support the proposal. In addition to pointing out the potential benefits this change in the rules will have on small operators, these parties state that "the CATV industry has long been of the opinion that the theoretical rationale for the program exclusivity rules lacked the factual justification so important to their being adjudged fair and equitable," and such "questionable restrictions on CATV should therefore be withdrawn."

6. The National Cable Television Association (NCTA) takes the position that CATV has never had an adverse effect on broadcasting, and, therefore, the non-duplication restrictions should be removed from all cable systems. NCTA states that the carriage priority provisions of the non-duplication rules, which are based upon predicted television signal contours, do not take into account the actual availability of signals off the air to television viewers in the area served by a cable system. The result, they aver, hardly serves the public interest when cable systems must carry signals of poor quality and must afford such signals protection against superior quality signals of a lower priority. Additionally, they point out that the effect of the rules often results in one local signal (e.g. grade A contour) being blacked out in order to protect another local signal (e.g. principle community contour); and although there are arguments to be made for protecting local signals against distant signals, there is no public interest served by protecting local signals from other local signals.

7. The NCTA enumerates several problems which, they state, occur in the day to day implementation of the non-duplication rules. They cite such examples as (a) power failures and mechanical malfunctions which prevent proper operation of switching equipment; (b) inaccurate program notices given to CATV in inadvertent delection of the last ten program; (c) mistaken notices, whereby a broadcaster does not carry a program for which non-duplication protection has been requested, which results in the inability of cable subscribers to view that program on any channel, and; (d) programs which run longer than anticipated, such as sports events, network movies and speeches by the President or Vice President, and are blacked out by automatic switching equipment before they have ended because the pre-programmed equipment cannot compensate for last-minute changes. These problems are particularly onerous for smaller systems which, it is said, cannot afford the manpower needed to readjust the equipment in such situations and which often have remote switching devices located at a headend that cannot be easily reached on short notice. NCTA states, "The rationale for imposing non-duplication rules upon CATV systems, that CATV unfa'rly competes with and has an adverse economic effect upon broadcast television, does not apply to such small CATV systems," since there simply aren't enough subscribers to such systems to dilute a television station's viewing audience to any significant degree.

8. Comments from broadcast interests reflect a different view of the proposal.[5] Palmer Broadcasting Co. objects to the proposal based upon the possibility of cumulative impact of "under 500 systems" if they could ignore the request of a local television station for carriage and/or duplication protection without being held to any procedural requirements whatsoever. Although recognizing that there may be cases where a waiver of the rules is warranted for a system that is both small in size and income and can demonstrate the need for such relief, Palmer argues that such a "radical shift" in Commission policy would "free on a permanent basis a whole class of parties regardless of the equities of each case" and would create the risk of serious harmful impact which would threaten the continued stability of television service achieved by the Commission in balancing conflicting interests under its current rules. Palmer questions an exemption from the carriage rules which would permit cable systems not only to duplicate a local station, but completely replace it with a distant signal of its own choosing. They argue that broadcast stations and small cable systems can now negotiate private agreements, whereby a broadcaster might be persuaded to accept something less than full protection under (former) § 74.1103; but, with the proposed change, such bargaining would be impossible. They state that the adoption of the proposed rule, for these and other reasons, would lead to a chaotic situation.

9. The National Association of Broadcasters (NAB) argues that proposed rule would effect a complete change in Commission policy without any relevant factors having been advanced, and that the proposed rule bears no relationship to the temporary procedures instituted in 1968. They state that an exemption from the carriage and non-duplication rules for all systems having fewer than 500 subscribers would affect a large number of

[1] FCC 70-65, adopted January 14, 1970.

[2] Former § 74.1103, in its entirety may be found in Appendix A.

[3] "Temporary modification of processing priorities in § 74.1103 waiver cases," FCC 68-259.

[4] Joint comments filed by AMECO, Inc., American Cable Television, Inc., Blatt Bros. TV Cable Corp., Communications Properties, Inc., Cotulla Cable TV, Inc., and Midwest Cable TV, Inc.

[5] A complete list of the parties filing comments in this proceeding may be found at Appendix C.

households nationwide, and would have an adverse impact on local stations, particularly those in small television markets which depend on small communities for a substantial portion of their audience. NAB contends that such small market television stations cannot afford fractionalization of their audiences which would occur if small cable systems are permitted to bypass local stations.

10. The Association of Maximum Service Telecasters (AMST) contends that the cumulative impact of the proposed exemption from carriage and non-duplication would be very severe, and that small market stations can least afford the protracted proceedings they state would be necessary in order to obtain carriage and non-duplication via special relief proceedings. It is further stated by both NAB and AMST that there would be no decrease in the Commission waiver backlog if this rule were adopted, due to the potential increase in petitions filed by broadcasters. Several broadcasting interests argue that the carriage requirements in particular pose no insupportable burdens for cable systems, large or small, and that the proposed rule would invite non-carriage of local signals. Additionally, since the proposed amendment would permit non-carriage of local stations, it represents a departure from the Commission's fundamental allocations policy which assigns local television stations and requires them to meet the needs and interests of the communities within their respective service areas.

11. The American Broadcasting Co. (ABC) and others argue that an exemption from the carriage and non-duplication rules, based solely upon system size, cannot be justified. Both AMST and ABC state that if such an exemption is granted, however, that the Commission should require new systems to comply with the rules, particularly if it appears evident that such systems will, at some point, have more than 500 subscribers. AMST suggests that the exemption should not be extended to any CATV system having a total population within its franchise area of 3,000 or more, since, based upon a predicted average of 3.5 persons per household and cable penetration of 60 percent, it could be predicted that there would be 500 subscribers in that community.

12. The National Association of Educational Broadcasters (NAEB) makes arguments substantially similar to those advanced by other broadcasting interests, stating that the Commission's instant proposal provides more relief than is needed, and could engender numerous procedural and substantive difficulties which transcend the merits of the proposal. Generally, NAEB stresses the importance of the mandatory carriage rules to local educational stations, and argues for maintaining the existing system of considering special relief petitions on a case-by-case basis. NAEB suggests that if some relief is deemed necessary by the Commission, it should be modified to apply only to the program exclusivity portion of (former) § 74.1103, where a more substantial showing of hardship to the small systems may be made due to the additional expense and effort required for switching. NAEB states that if the reasons for creating a blanket exemption are thought to be compelling, it should apply only to systems of 100 subscribers or less.

Discussion and Conclusions

13. With the adoption of our Cable Television Report and Order [6] in February, 1972, the Commission established a comprehensive new structure for the regulation of cable television. Although the new rules supersede, in pertinent part, the provisions of former § 74.1103 [7] the substantive questions raised in Docket 18785 remain to be resolved. In our discussion we will take up the issues of signal carriage and program exclusivity separately, for these two areas, in our judgment, represent disparate policy considerations requiring individual treatment.

Signal Carriage

14. Our cable television rules have, since the adoption of our First Report and Order in 1965,[8] contained provisions intended to assure carriage of all television stations within their primary service areas. Because cable systems generally desire to carry as many television broadcast signals as possible, the mandatory signal carriage provisions of our rules have generally met with little opposition and have caused few difficulties from the point of view of the cable television system operator. However, during the period following the adoption of our 1966 rules [9] there were a great many small cable systems in existence having the technical capacity to carry no more than three or five television signals. This limited channel capacity was often insufficient to permit the operators of such systems to comply with our mandatory carriage rules without having to engage in extensive system rebuilding. These difficulties, when considered in conjunction with other relevant factors mentioned in our notice of proposed rulemaking in this proceeding, suggested the desirability of exempting small systems from compliance with our signal carriage rules.

15. In the past few years, however, cable television technology has advanced to a significant degree, and many smaller systems have been rebuilt or upgraded substantially. As a result, the vast majority of cable systems now possess ample technical capacity to enable them to fully comply with our carriage rules. None of the comments filed in this proceeding make a sufficiently persuasive showing of hardship to justify an exemption for even this limited class of small systems. Our present signal carriage rules constitute a complex formulation of provisions through which the Commission has attempted to strike a balance between the often conflicting interests of broadcasters and cable television operators. These rules provide the cornerstone of our overall regulatory structure for cable, assuring broadcasters that they will continue to be able to reach their natural audience markets. We recognize, of course, that some cable systems still labor under special hardship situations; however, our existing special relief procedures provide an adequate method for dealing with cases involving exceptional circumstances which may warrant waiver of the rules. For the aforementioned reasons, we are not adopting the proposed exemption from our signal carriage rules.

Network Program Exclusivity

16. The program exclusivity (non-duplication) provisions of (former) § 74.1103 were established in conjunction with mandatory signal carriage rules for the purpose of preventing a loss or diminution of television broadcasting service in areas served by cable television systems. Commission studies which examined the potential impact of cable systems operating in the primary service areas of television stations indicated that duplication of local television station programming via cable carriage of signals not ordinarily available off-the-air in the community of the system could cause substantial audience fractionalization and a resultant loss of advertising revenues which could threaten the economic viability of local stations.[10] In view of the Commission's fundamental statutory responsibilities under the Communications Act [11] and our basic policy of encouraging the development of local television stations to serve the needs and interests of local communities, we determined that some restrictions were needed to limit cable system duplication of locally carried programming in order to avert potential adverse economic impact on broadcasters.

17. The exclusivity provisions of § 74.1103 [12] were based on a system of priorities, whereby local television stations would be afforded program exclusivity on

[6] Cable Television Report and Order, 36 FCC 2d 143 (1972).

[7] Sections 76.91–76.97 of the rules embody the provisions of former § 74.1103, with some modifications. See Appendix B. Our signal carriage rules are now contained in Subpart C, § 76.51–76.65 of the rules.

[8] First Report and Order in Docket Nos. 14895, 15233, 38 FCC 683 (1965).

[9] Second Report and Order in Dockets Nos. 14895, 15233, and 15971, 2 FCC 2d 725, (1966).

[10] *Id.*

[11] The Commission is charged with the duty of executing the policy the Communications Act to "make available, so far as possible, to all people of the United States, a rapid, efficient, nationwide and worldwide wire and radio communication service" (47 U.S.C. § 151) and "generally to encourage the larger and more effective use of radio in the public interest" (47 U.S.C. § 303(g)). The Commission is also required to "make such distribution of licenses, frequencies, hours of operation, and of power among the several States and communities as to provide a fair, efficient, and equitable distribution of radio service to each of the same" (47 U.S.C. § 307(b)).

[12] See Appendix A.

cable systems located within the stations' Grade B contours, as against duplicate programming carried on the same day by lower priority stations. From highest to lowest, the signal strength priorities were Principal Community, Grade A, and Grade B.[13] Except for a change from same day to simultaneous protection, we have retained the substantive provisions of § 74.1103, as well as the precedents and policies evolved under the prior rules, in our present network program exclusivity rules.[14]

18. Following the adoption of our Second Report and Order, in 1966, the Commission received numerous petitions for special relief from cable systems seeking waivers of the exclusivity rules. In order to avoid any substantial weakening of the effect of the rules, we have required a showing of special hardship or "unusual or exceptional" circumstances by cable systems seeking waivers. The heavy burden of proof we have imposed on cable systems is readily apparent from the fact that virtually no waivers of the exclusivity rules have been granted by the Commission. However, while we have strictly enforced exclusivity as a general rule, we have at the same time recognized that small cable systems encounter particular hardship if forced to fully comply with program exclusivity. Therefore, in 1968, we acted to temporarily relieve some small systems from the burdens of compliance by implementing a modified procedure for processing § 74.1103 waiver requests. Under this procedure, action was deferred in cases involving cable systems having fewer than 500 subscribers, on the grounds that such systems would be least likely to have any substantial adverse economic impact on broadcasters and would be most likely to present persuasive cases of hardships that would warrant waivers of the rules. It was felt that these small systems, being typically one or two person operations, constituted a unique class, deserving of special consideration in deference to their limited size and resources.

19. During the six years which have elapsed since our modified processing procedures were implemented, we have been able to gain valuable experience in determining the effect this temporary waiver policy has had on broadcasters, as well as the potential effects a permanent waiver may have. We have reviewed information submitted by the parties filing comments in the instant rule making proceeding as well as data provided in conjunction with petitions in opposition to pending exclusivity waiver requests. Current statistics on cable penetration in representative sample television markets have also been examined.

[13] An additional fourth priority was established for television translator stations, with 100 watts or higher power, licensed to the community of the system.

[14] Our notice of proposed rulemaking in this proceeding did not contemplate the Commission's new syndicated program exclusivity rules. Therefore, our consideration of the proposed exemption will be limited solely to network program exclusivity.

20. Based upon the information before us, it is clear that in the great majority of television markets across the nation, the cumulative number of homes served by cable systems having fewer than 500 subscribers constitutes a very small percentage of the total television households reached by broadcast stations. We have previously stated that we would favor some restrictions on the ability of cable systems to duplicate the programs of local broadcasters, unless we were convinced that the impact of cable system competition on them would be negligible.[15] In light of our past experience with the temporary waiver policy, it is our judgment that cable systems having fewer than 500 subscribers could have only a negligible adverse impact on broadcasters, and therefore, should be exempted from our network program exclusivity rules. We have seen no deleterious effects on broadcasters and, in fact, have never been presented with a persuasive showing of substantial adverse economic impact occurring as a result of program duplication by cable systems having fewer than 500 subscribers. Conversely, the costs of equipment and manpower needed by small systems in order to comply with the nonduplication rules does have a substantial financial impact on such systems when viewed in relation to their gross revenues.

21. Contrary to the assertions of various broadcasting interests, we are not embarking on a shift in Commission policy by adopting the proposed exemption from the exclusivity rules. Rather, we are codifying or making formal what has in substance been an informal Commission policy since 1968. We have determined that this exemption will relieve a limited class of small cable systems from the burdens of compliance with our network program exclusivity rules without adversely affecting television broadcasting stations. Only in television markets where an unusually large number of small systems are situated, will there exist a potential risk of adverse economic impact to broadcasters. In cases presenting special hardship situations, we will consider appropriate relief pursuant to § 76.7 of the rules.

22. In view of the foregoing, the Commission finds that adoption of an exemption from our network program exclusivity rules for cable television systems having fewer than 500 subscribers would be consistent with the public interest.

23. Authority for the rules adopted below is contained in sections 2, 3 (a) (b), 4(i)(j), 301, 303, 307(b), 308, 309, and 403 of the Communications Act of 1934, as amended.

24. Accordingly, *It is ordered*, That Part 76 of the Commission's rules and regulations, is amended, effective May 14, 1974, as set forth below. *It is further ordered*, That this proceeding is terminated.

[15] Note 8, *supra* at 38 FCC 683,706 (1965).

Adopted: March 28, 1974.

Released: April 4, 1974.

(Secs. 2, 3, 4, 301, 303, 307, 308, 309, 403, 48 Stat., as amended 1064, 1065, 1066, 1081, 1082, 1083, 1084, 1085, 1094 (47 U.S.C. 152, 153, 154, 301, 303, 307, 308, 309, 403))

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

Part 76 of 47 CFR Chapter I is amended as follows:

In § 76.95, a new paragraph (c) is added to read as follows:

§ 76.95 Exceptions.

* * * * *

(c) Any cable television system, (as defined in § 76.5(a)), having fewer than 500 subscribers need not comply with the provisions of §§ 76.91 and 76.93.

APPENDIX A—FORMER § 74.1103

§ 74.1103 Requirements relating to distribution of television signals by community antenna television systems.

No community antenna television system shall supply to its subscribers signals broadcast by one or more television stations, except in accordance with the following conditions:

(a) *Stations required to be carried.* Within the limits of its channel capacity, any such CATV system shall carry the signals of operating or subsequently authorized and operating television broadcast and 100 watts or higher power translator stations in the following order of priority, upon the request of the licensee or permittee of the relevant station:

(1) First, all commercial and noncommercial educational stations within whose principal community contours the system or the community of the system is located, in whole or in part;

(2) Second, all commercial and noncommercial educational stations within whose Grade A contours the system or the community of the system is located, in whole or in part;

(3) Third, all commercial and noncommercial educational stations within whose Grade B contours the system or the community of the system is located, in whole or in part; and

(4) Fourth, all commercial and noncommercial educational translator stations operating in the community of the system, in whole or in part, with 100 watts or higher power.

(b) *Exceptions.* Notwithstanding the requirements of paragraph (a) of this section,

(1) The system need not carry the signal of any station, if (i) that station's network programming is substantially duplicated by one or more stations of higher priority, and (ii) carrying it would, because of limited channel capacity, prevent the system from carrying the signal of an independent commercial station or a noncommercial educational station.

(2) In cases where (i) there are two or more signals of equal priority which substantially duplicate each other, and (ii) carrying all such signals would, because of limited channel capacity, prevent the system from carrying the signal of an independent commercial station or a noncommercial educational station, the system need not carry all such substantially duplicating signals, but may select, among them to the extent necessary to preserve its ability to carry the signals of independent commercial or noncommercial educational stations.

(3) The system need not carry the signal of any television translator station if: (i) The system is carrying the signal of the originating station, or (ii) the system is within the Grade B or higher priority contour of a station carried on the system whose programming is substantially duplicated by the translator: *Provided, however,* That where the originating station is carried in place of the translator station, the priority for purposes of paragraph (e) of this section shall be that of translator station unless the priority of the originating station is higher.

(4) In the event that the system operates, or its community is located, within the Grade B or higher priority contours of both a satellite and its parent station, the system need carry only the station with the higher priority, if the satellite station and its parent station are of equal priority, the system may select between them.

(c) *Special requirements in the event of noncarriage.* Where the system does not carry the signals of one or more stations within whose Grade B or higher priority contour it operates, or the signals of one or more 100 watts or higher power translator stations located in its community, the system shall offer and maintain, for each subscriber to choose between cable and noncable reception, unless the subscriber affirmatively indicates in writing that he does not desire this device.

(d) *Manner of carriage.* Where the signal of any station is required to be carried under this section,

(1) The signal shall be carried without material degradation in quality (within the limitations imposed by the technical state of the art);

(2) The signal shall, upon request of the station licensee or permittee, be carried on the system on the channel on which the station is transmitting (where practicable without material degradation); and

(3) The signal shall, upon the request of the station licensee or permittee, be carried on the system on no more than one channel.

(e) *Stations entitled to program exclusivity.* Any such system which operates, in whole or in part, within the Grade B or higher priority contour of any commercial or noncommercial educational television station or within the community of a fourth priority television translator station, and which carries the signal of such station shall, upon request of the station licensee or permittee, maintain the station's exclusivity as a program outlet against lower priority or more distant duplicating signals, but not against signals of equal priority, in the manner and to the extent specified in paragraphs (f) and (g) of this section.

(f) *Program exclusivity; extent of protection.* Where a station is entitled to program exclusivity, the CATV system shall, upon the request of the station licensee or permittee, refrain from duplicating any program broadcast by such station, on the same day as its broadcast by the station, if the CATV operator has received notification from the requesting station of the date and time of its broadcast of the program and the date and time of any broadcast to be deleted, as soon as possible and in any event no later than 48 hours prior to the broadcast to be deleted. Upon request of the CATV system, such notice shall be given at least 8 days prior to the date of any broadcast to be deleted.

(g) *Exceptions.* Notwithstanding the requirements of paragraph (f) of this section,

(1) The CATV system need not delete reception of a network program if, in so doing, it would leave available for reception by subscribers, at any time, less than the programs of two networks (including those broadcast by any stations whose signals are being carried and whose program exclusivity is being protected pursuant to the requirements of this section);

(2) The system need not delete reception of a network program which is scheduled by the network between the hours of 6 and 11 p.m., eastern time, but is broadcast by the station requesting deletion, in whole or in part, outside of the period which would normally be considered prime time for network programming in the time zone involved;

(3) The system need not delete reception of any program consisting of the broadcast coverage of a speech or other event as to which the time of presentation is of special significance, except where the program is being simultaneously broadcast by a station entitled to program exclusivity; and

(4) The system need not delete reception of any program which would be carried on the system in color but will be broadcast in black and white by the station requesting deletion.

APPENDIX B

Subpart E—[Reserved]

Subpart F—Program Exclusivity

§ 76.91 Stations entitled to network program exclusivity.

(a) Any cable television system operating in a community, in whole or in part, within the Grade B contour of any television broadcast station, or within the community of a 100-watt or higher power television translator station, and that carries the signal of such station shall, on request of the station licensee or permittee, maintain the station's exclusivity as an outlet for network programing against lower priority duplicating signals, but not against signals of equal priority, in the manner and to the extent specified in §§ 76.93 and 76.95.

(b) For purposes of this section, the order of priority of television signals carried by a cable television system is as follows:

(1) First, all television broadcast stations within whose principal community contours the community of the system is located, in whole or in part;

(2) Second, all television broadcast stations within whose Grade A contours the community of the system is located, in whole or in part;

(3) Third, all television broadcast stations within whose Grade B contours the community of the system is located, in whole or in part;

(4) Fourth, all television translator stations with 100 watts or higher power, licensed to the community of the system.

(c) If the signal of a television broadcast station licensed to a community in a smaller television market is carried by a cable television system, pursuant to § 76.57(a)(4), such signal shall, on request, be afforded network program exclusivity. This provision shall not be applicable to any signal authorized or lawfully carried by a cable television system prior to March 31, 1972.

§ 76.93 Extent of protection.

(a) Where the network programing of a television station is entitled to program exclusivity, the cable television system shall, on request of the station licensee or permittee, refrain from simultaneously duplicating any network program broadcast by such station, if the cable operator has received notification from the requesting station of the date and time of its broadcast of the program and the date and time of any broadcast to be deleted, as soon as possible and in any event no later than 48 hours prior to the broadcast to be deleted. On request of the cable system, such notice shall be given no later than the Monday preceding the calendar week (Sunday-Saturday) during which exlusivity is sought.

(b) Notwithstanding the provisions of paragraph (a) of this section, on request of a television station licensed to a community in the Mountain Standard Time Zone that is not one of the designated communities in the first 50 major television markets, a cable television system shall refrain from duplicating any network program broadcast by such station on the same day as its broadcast by the station. Where a cable system is required to provide same-day program exclusivity, the following provisions shall be applicable:

(1) A cable television system need not delete reception of a network program if, in so doing, it would leave available for reception by subscribers, at any time, less than the programs of two networks (including those broadcast by any stations whose signals are being carried and whose program exclusivity is being protected pursuant to the requirements of this section);

(2) A system need not delete reception of a network program which is scheduled by the network between the hours of 6 and 11 p.m., eastern time, but is broadcast by the station requesting deletion, in whole or in part, outside of the period which would normally be considered prime time for network programing in the time zone involved.

§ 76.95 Exceptions.

Notwithstanding the requirements of § 76.93:

(a) A cable television system need not delete reception of any program which would be carried on the system in color but will be broadcast in black and white by the station requesting deletion.

(b) The Commission will give full effect to private agreements between operators of cable television systems and local television stations which provide for a type or degree of network exclusivity which differs from the requirements of §§ 76.91 and 76.93.

§ 76.97 Waiver petitions.

Where a petition for waiver of the provisions of §§ 76.91 and 76.93 is filed within fifteen (15) days after a request for program exclusivity is received by the operator of a cable television system, such system need not provide program exclusivity pending the Commission's ruling on the petition or on the question of temporary relief pending further proceedings.

§ 76.99 Grandfathering.

The provisions of §§ 76.91, 76.93, 76.151, and 76.153 shall not be deemed to deprive a television station whose signal was carried by a cable television system prior to March 31, 1972, of the nonnetwork program exclusivity rights that such station had on March 30, 1972: *Provided, however,* That such exclusivity rights shall extend only to simultaneous duplication of programing by lower priority television stations, unless the station whose exclusivity rights are at issue is entitled to same-day network program exclusivity pursuant to § 76.93(b), in which case that station shall also be entitled to continued same-day nonnetwork program exclusivity.

APPENDIX C

A. PARTIES FILING COMMENTS

Ameco, Inc., American Cable, American Cable Television, Inc., Blatt Bros. TV Cable Corporation, Communications Properties, Inc., Cotulla Cable TV, Inc., Midwest Cable Television, Inc. (Joint Comments)
American Broadcasting Co.
Association of Maximum Service Telecasters
Bi-States Co.
Boise Valley Broadcasters, Inc.
Brockway Co.

Cohn and Marks
Continental Television, Inc.
Jerrold Corporation, National Trans-Video, Inc., Television Communications Corp. (Joint Comments)
KLIX Corp.
KTVB, Inc., KMSO–TV, Inc. (Joint Comments)
Manchester TV Corp.
National Association of Broadcasters
National Association of Educational Broadcasters
National Cable Television Association
Palmer Broadcasting Co.
Pine Bluffs Community Co.
Pine Bluffs Community Television System

B. PARTIES FILING REPLY COMMENTS

All-Channel Television Society
Ameco, Inc., American Cable Television, Inc., Blatt Bros. TV Cable Corporation, Communications Properties, Inc., Cotulla Cable TV, Inc., Midwest Cable TV, Inc. (Joint Reply Comments)
Association of Maximum Service Telecasters
KGVO–TV, KCFW–TV, KTVM, KCOY–TV (Joint Reply Comments)
KMSO–TV, Inc.
KTVB, Inc., Bi-States Company, Brockway Co. (Joint Reply Comments)
Lee Enterprises, Inc.
National Cable Television Association
Pine Bluffs Community Television System
Wheeling Antenna Company, Inc.

[FR Doc.74–8220 Filed 4–9–74;8:45 am]

PART 97—AMATEUR RADIO SERVICE

In the matter of editorial amendment of § 97.61 to conform the Authorized Frequency Table of the Amateur Radio Service to the Table of Frequency Allocations in Part 2 of the rules.

1. Because of recently adopted changes in the Table of Frequency Allocations in Part 2 of the Commission's rules certain variances exist between the information contained in the Table of Frequency Allocations in Part 2 and the Authorized Frequency list, § 97.61, of the Amateur Radio Service Rules.

2. This Order is issued to conform the information in Part 97 with the information contained in Part 2 relating to frequency allocations.

3. Because this amendment relates to editorial revisions to effect consistency among the Commission's rule parts, prior notice of rule making public procedure and effective date provisions are unnecessary, pursuant to the Administrative Procedure and Judicial Review provisions of 5 U.S.C. 553.

4. Accordingly, *It is ordered*, pursuant to sections 4(i), 5(d) and 303 of the Communications Act of 1934, as amended and § 0.231(d) of the Commission's rules and regulations, That effective April 16, 1974, § 97.61 of the Commission's rules is amended as set forth below.

Adopted: April 2, 1974.

Released April 4, 1974.

(Secs. 4, 5, 303, 48 Stat., as amended, 1066, 1068, 1082; (47 U.S.C. 154, 155, 303))

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] JOHN M. TORBET,
Executive Director.

In Chapter I of Title 47 of the Code of Federal Regulations, Part 97 is amended as follows:

1. Section 97.61 (a) and (b) are amended to read as follows:

§ 97.61 Authorized frequencies and emissions.

(a) * * *

Frequency band	Emissions	Limitations (see paragraph (b))
kHz		
1800–2000	A1, A3	1, 2
3500–4000	A1	
3500–3775	F1	
3775–3890	A5, F5	
3775–4000	A3, F3	4
7000–7300	A1	3, 4
7000–7150	F1	3, 4
7075–7100	A3, F3	11
7150–7225	A5, F5	3, 4
7150–7300	A3, F3	3, 4
14000–14350	A1	
14000–14200	F1	
14200–14275	A5, F5	
14200–14350	A3, F3	
MHz		
21.000–21.450	A1	
21.000–21.250	F1	
21.250–21.350	A5, F5	
21.250–21.450	A3, F3	
28.000–29.700	A1	
28.000–28.500	F1	
28.500–29.700	A3, F3, A5, F5	
50.0–54.0	A1	
50.1–54.0	A2, A3, A4, A5, F1, F3, F5	
51.0–54.0	A3	
144–148	A1	
144.1–148.0	A0, A2, A3, A4, A5, F0, F1, F2, F3, F5	
220–255	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5	5, 6
420–450	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5	5, 7
1215–1300	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5	5
2300–2450	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P	5, 8
3300–3500	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P	5, 12
5650–5925	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P	5, 9
GHz		
10.000–10.500	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5	5
24.000–24.250	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P	5, 10
48.000–50.000	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P	
71.000–84.000	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P	
152.00–170.00	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P	
200.00–220.00	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P	
240.00–250.00	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P	
Above 275.00	A0, A1, A2, A3, A4, A5, F0, F1, F2, F3, F4, F5, P	

(b) * * *

* * * * *

(8) No protection in the band 2400–2500 MHz is afforded from interference due to the operation of industrial, scientific, and medical devices on 2450 MHz.

(9) No protection in the band 5725–5875 MHz is afforded from interference due to the operation of industrial, scientific and medical devices on 5800 MHz.

(10) No protection in the band 24.00–24.25 GHz is afforded from interference due to the operation of industrial, scientific and medical devices on 24.125 GHz.

(11) The use of A3 and F3 in this band is limited to amateur radio stations located outside Region 2.

(12) Amateur stations shall not cause interference to the Fixed-Satellite Service operating in the band 3400–3500 MHz.

* * * * *

[FR Doc.74–8222 Filed 4–9–74;8:45 am]

Title 50—Wildlife

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

PART 33—SPORT FISHING

Squaw Creek National Wildlife Refuge, Mo.

The following special regulation is issued and is effective on April 10, 1974.

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

MISSOURI

SQUAW CREEK NATIONAL WILDLIFE REFUGE

Sport fishing on the Squaw Creek National Wildlife Refuge, Missouri is permitted only on the areas designated by signs as open to fishing. These open areas are delineated on a map available at the refuge headquarters and from the office of the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Sport Fishing shall be in accordance with all applicable State regulations subject to the following conditions:

(1) Open season: April 1, 1974 through December 31, 1974 Daylight hours only.

(2) Spearing or gigging is permitted: April 1, 1974 through June 30, 1974.

(3) Refuge waters will be open to the use of rowboats, canoes and sailboats. No sailboats after September 1, 1974.

(4) The use of motors on boats will be restricted to trolling or electric type motors.

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

GERALD M. NUGENT,
Refuge Manager, Squaw Creek National Wildlife Refuge, Mound City, Missouri.

MARCH 28, 1974.

[FR Doc.74–8191 Filed 4–9–74;8:45 am]

Title 10—Energy

CHAPTER II—FEDERAL ENERGY OFFICE

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Allocation and Pricing of Non-bonded Aviation Fuel

Parts 211 and 212 of Title 10 of the Code of Federal Regulations are revised to allow international air carriers access to non-bonded aviation fuels when bonded aviation fuels are not available at prices comparable to those for non-bonded fuels, to remove the exemption

from price controls for non-bonded aviation fuels uplifted in the United States for departing international flights and to provide a pricing rule for naphtha base aviation fuel.

A notice of proposed rulemaking concerning the allocation and pricing of non-bonded aviation fuel for international carriers was issued on March 25, 1974 (39 FR 11205, March 26, 1974). The proposed rule constituted a significant revision of a proposed rule issued March 4, 1974 (39 FR 8354, March 5, 1974). Pursuant to the March 25 notice, the Federal Energy Office has received approximately forty comments from international air carriers, domestic air carriers, trade associations, aviation fuel suppliers and government agencies. The majority of the comments expressed approval of the proposed regulation. Several suggestions were made with respect to technical aspects of the proposal, recommending changes to clarify its scope and intent. A few comments expressed opposition to the proposed rule, mainly on the grounds that it could adversely affect supplies to domestic air carriers and could result in higher fuel costs to such carriers.

After consideration of the comments received, FEO has decided to adopt the March 25 proposed rule with certain revisions. The revisions, largely technical in nature, result from further review of the proposal by FEO and from suggestions made in the comments. The major change is a modification of the Refinery Yield Program to increase available supplies of domestic fuel.

The Mandatory Petroleum Allocation Regulations are revised to allow international air carriers access to non-bonded aviation fuels when bonded aviation fuel is not available at a price which does not exceed the lawful price which the supplier may charge for non-bonded aviation fuel. In order to assist international air carriers in certifying whether bonded fuel is available at lawful prices for non-bonded aviation fuel, suppliers will notify international air carriers upon request whether the supplier will provide bonded aviation fuel at its lawful price for non-bonded aviation fuels at a station.

Under this regulation a supplier will provide its international air carrier purchasers with amounts of non-bonded fuel which, when added to the bonded aviation fuel certified as available to the carriers, will result in total volumes of non-bonded and bonded aviation fuel available to the carriers sufficient to bring them to parity with domestic carriers. This is accomplished by using a new concept, the bonded fuel factor. The bonded fuel factor for a supplier is determined by multiplying the percentage of the carrier's total base period volume attributable to that supplier times the volume of bonded aviation fuel available to the carrier for the month. The total of all bonded fuel factors for a carrier will equal the total bonded fuel available to it.

The bonded fuel factor for each international carrier supplied by a supplier is added to the supplier's total allocable supply for purposes of determining the supplier's allocation fraction. The supplier's allocation fraction is then used in the ordinary way to determine the volume which each carrier, domestic and international, is entitled. In determining the amount of non-bonded fuel to be delivered to an international carrier, however, the supplier will subtract the bonded fuel factor from the volume so calculated.

If an international air carrier which has certified the need for a particular amount of non-bonded fuel during a month purchases or obtains an amount of bonded fuel in addition to the amount which it has certified to be available to it, the carrier is required to amend its certification and its supplier must reduce by that amount the quantity of non-bonded fuel which would otherwise have been supplied to the international carrier.

Certifications for the month of April, 1974, must be made by international air carriers by April 12, 1974. Suppliers will be required to calculate new allocation fractions for the period April 16, 1974 through April 30, 1974 and make deliveries thereafter in accordance with these regulations.

The Mandatory Petroleum Price Regulations are revised to remove the exemption from price controls for non-bonded aviation fuels uplifted in the United States for international flights departing from the United States and to provide a pricing rule for naphtha-base jet fuel.

In a separate notice, FEO is modifying the current adjustment factor for kerosene base jet fuel under the Refinery Yield Program. The adjustment factor to be applied during the period May 1, 1974 through July 31, 1974 is 106 percent of a refiner's base percentage yield. The second calendar quarter of 1972 (April 1 through June 30, 1972) is established as the base period for determining a refiner's base percentage yield. By changing the base period to the second calendar quarter of 1972, the total yield of kerosene base jet fuel will be increased to approximately six percent of crude runs. FEO anticipates that this increased yield, together with increased crude runs and diminished Department of Defense requirements, will provide supply levels in the range of 750,000 to 800,000 barrels per day of kerosene base jet fuel available to domestic and international air carriers. The FEO intends to monitor the availability of kerosene base jet fuel closely, and if it is subsequently determined that sufficient supplies of kerosene base jet fuel are not being made available to civil air carriers, the FEO will take appropriate action to provide adequate supplies. Such action could entail increasing the adjustment factor, requiring the removal from bond of bonded supplies or ordering inventory adjustments. If unusual circumstances should in the future preclude FEO from taking effective action to provide adequate supplies, FEO will of course review the situation in light of circumstances then prevailing.

(Emergency Petroleum Allocation Act of 1973, P.L. 92-159, E.O. 11748, 38 FR 33575; Economic Stabilization Act of 1970, as amended, P.L. 92-210, 85 Stat. 843; P.L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345; Cost of Living Council Order No. 47, 39 FR 24)

In consideration of the foregoing, 10 CFR Parts 211 and 212 are amended as set forth below, effective immediately.

Issued in Washington, D.C., April 8, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

1. Section 211.142 is amended to add definitions of "adjusted allocable supply", "base period supplier", "base period volume", and "bonded fuel factor" in the appropriate alphabetical order to read as follows:

§ 211.142 Definitions.

For the purposes of this subpart—

"Adjusted allocable supply" means a supplier's allocable supply for a month plus the sum of the bonded fuel factors for all the international air carriers to be supplied for the month by the supplier.

* * * * *

"Base period supplier" means for an international air carrier its base period supplier of bonded or non-bonded aviation fuel or its supplier as assigned by FEO.

"Base period volume" means for an international air carrier the volume of bonded and non-bonded aviation fuels purchased by an international air carrier during a base period.

"Bonded fuel factor" means for each international air carrier to be supplied by a supplier that amount of bonded aviation fuel which bears the same proportion to the total volume of bonded aviation fuel to be received by the international air carrier from all sources for a month as that amount of the international air carrier's base period volume which was supplied by the supplier for the base period bears to the international air carrier's base period volume.

* * * * *

2. Section 211.143(b)(2)(ii) is revised to read as follows:

§ 211.143 Allocation levels.

* * * * *

(b) * * *

(2) * * *

(ii) International air carriers.

* * * * *

3. Section 311.145 is amended to read as follows:

§ 211.145 Method of allocation.

* * * * *

(c)(1) International air carriers which have traditionally used bonded aviation fuel for international flights shall be allocated non-bonded aviation fuels, including naphtha-base jet fuel, by their base period suppliers to reduce their shortages of bonded aviation fuel. Upon certification by an international air carrier to its base period suppliers that the carrier is unable to purchase or obtain sufficient bonded aviation fuel from its base period suppliers of bonded fuel for a month at prices which do not exceed the lawful price of its base period suppliers of bonded fuel for similar volumes of non-bonded aviation fuel at

the desired location, the base period suppliers shall provide non-bonded aviation fuel, including naphtha base jet fuel to that carrier. Unless the international air carrier certifies that it cannot utilize naphtha-base jet fuel, the base period suppliers may to the extent of the carrier's capability to use such fuel allocate non-bonded naphtha base jet fuel prior to allocating other non-bonded aviation fuels to the international air carrier. International air carriers which do not have base period suppliers or whose base period suppliers are unable to supply them currently with non-bonded aviation fuel shall apply to FEO for assignment of suppliers of non-bonded aviation fuels.

(2) Each base period supplier of bonded fuel shall notify international air carriers, upon request, whether the supplier will provide bonded fuel at the supplier's lawful price for its non-bonded aviation fuel at a station. For the month of April 1974, suppliers shall notify their international air carriers purchasers whether bonded fuel can be so supplied by April 10, 1974.

(3) (i) An international air carrier which files a certification with a supplier under this paragraph shall provide such certification to its supplier at least fifteen days prior to the beginning of the month to which the certification applies. The certification shall specify the volumes of bonded aviation fuel which can be obtained for a month, the international air carrier's base period volume, the amount of the international air carrier's base period volume which was supplied by the supplier, and whether and to what extent international air carrier can use naphtha-base jet fuel.

(ii) For the period April 16, 1974 through April 30, 1974, international air carriers shall provide their suppliers with certifications pursuant to this paragraph by noon April 12, 1974. Suppliers shall then calculate their allocation fractions for the period April 16 through April 30, 1974, taking into account said certifications and shall make deliveries in accordance with the provisions of this paragraph.

(4) Suppliers of non-bonded aviation fuel shall allocate suppliers of non-bonded aviation fuel as follows:

(i) The allocation fraction for providing aviation fuel pursuant to this paragraph shall be equal to the supplier's adjusted allocable supply divided by its base period volume.

(ii) For each civil air carrier to be supplied, the supplier shall multiply the civil air carrier's allocation requirement times the supplier's allocation fraction as determined pursuant to this paragraph. The resulting volume minus the bonded fuel factor for that civil air carrier shall be the amount of non-bonded aviation fuel allocated by the supplier to the civil air carrier for that month. The amount of non-bonded aviation fuel allocated each month to any civil air carrier when added to the bonded aviation fuel available to that civil air carrier shall not exceed the volume of aviation fuel which the civil air carrier would receive if the carrier were to use only non-bonded aviation fuels to meet its base period use.

(iii) If a carrier purchases or otherwise obtains a quantity of bonded aviation fuel for a month regardless of price in addition to the amount of bonded fuel which it certifies is available to it for that month under this paragraph, the carrier shall immediately report such quantity to its supplier by filing an amended certification and its supplier shall reduce by such quantity the amount of non-bonded aviation fuel which would otherwise be allocated to that carrier in the current or a subsequent month.

(5) None of the provisions of this paragraph shall affect existing contracts for the purchase of bonded aviation fuels.

* * * * *

4. Section 212.53(c) and § 212.82(f)(5) are amended to read as follows:

§ 212.53 Exports and imports.

* * * * *

(c) Non-bonded aviation fuel uplifted in the United States for international flights departing from the United States shall not be considered as export for the purposes of this part.

5. Section 212.82(f) is amended to read as follows:

* * * * *

§ 212.82 Price rule.

(5) *Special price rule for naphtha-base aviation fuel.* For purposes of computing the base price of naphtha-base aviation fuel pursuant to § 212.82(f), naphtha-base aviation fuel and kerosene-base aviation fuel shall be treated as a single item.

* * * * *

[FR Doc.74-8377 Filed 4-9-74;9:47 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airworthiness Docket No. 74-WE-12-AD; Amdt. 39-1812]

PART 39—AIRWORTHINESS DIRECTIVES

McDonnell Douglas Model DC-10-10/-30/-40 Airplanes

An automatic landing system has been type certificated for Douglas Aircraft Company Model DC-10-10/-30/-40 airplanes incorporating additional autopilot modes (single and dual land) that can enable aircraft automatic landings into Category II and IIIa lower weather minimums. Installation of this automatic landing system is incorporated by DC-10 Service Bulletin 22-48 or 22-56 or production equivalent.

Airline and manufacturers' functional flight testing has indicated a failure mode that results in poor lateral automatic landing performance which can lead to an unsafe condition when operating in lower weather minimums.

The agency has determined that, until the appropriate changes in type certification hardware are FAA-approved to eliminate this failure mode, operation of the presently approved automatic landing system into lower weather minimums must be prohibited.

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

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

McDONNELL DOUGLAS. Applies to all Douglas Aircraft Company DC-10-10/-30/-40 Series airplanes.

Compliance required as indicated, unless previously accomplished.

(a) Within 10 hours additional time in service after the effective date of this airworthiness directive, on all DC-10-10/-30/-40 series airplanes incorporating the automatic landing system installed per DC-10 Service Bulletin 22-48 or 22-56, or production equivalent, incorporate the following placard on the cockpit directional guidance control panel:

"Do not use autoland."

(b) Within 300 hours additional time in service after the effective date of this airworthiness directive accomplish (1) and (2).

(1) Incorporate revisions in the FAA-approved Airplane Flight Manual Flight Guidance Appendices IV, IVA and etc., as applicable, Documents MDC-J1010, MDC-J1030, MDC-J5830 and MDC-J1040, as follows:

(a) Add the following heading in Section I, Limitations, to read:

"AUTOMATIC LANDING SYSTEM

Do no use automatic landing system except for crew training and test flights. Do not use automatic landing system unless reported weather conditions are equal to or better than Category I minimums."

(b) Revise the existing heading *"Category I and II Automatic Landing,"* in Section I, Limitations, to read:

"CATEGORY I AUTOMATIC LANDING"

(c) Delete the existing Category IIIA Automatic Landing system limitations from Section I. (All limitations under the following heading, including the heading, are to be deleted from applicable airplane flight manual appendices.)

"CATEGORY IIIA AUTOMATIC LANDING"

(2) Remove the placard installed per (a), above, and install the following placard:

"Do not use Autoland. See AFM Limitations."

(c) Operators may elect, at any time, to deactivate the automatic landing system using a method approved by the Chief, Aircraft Engineering Division, FAA Western Region. In addition, when the automatic landing system is deactivated, the "LAND" pushbutton must be placarded "INOP." If this procedure is accomplished, the placards installed per (a) and (b), above, may be removed.

This amendment becomes effective April 11, 1974.

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

Issued in Los Angeles, California on March 29, 1974.

ARVIN O. BASNIGHT,
Director,
FAA Western Region.

[FR Doc. 74-8182 Filed 4-9-74; 8:45 am]

[Docket No. 13603; Amdt. No. 39-1818]

PART 39—AIRWORTHINESS DIRECTIVES

Transport Category Airplanes

On July 11, 1973, an in-flight fire initiating in the aft lavatory area of a Brazilian Varig Model B-707 aircraft resulted in 124 fatalities and the total destruction of the aircraft. While the cause of that fire is still under investigation, the FAA believes, based on reports and investigations of lavatory fires on a number of U.S. registered aircraft, that the fire may have been caused by the careless disposal of lighted cigarettes or matches in the lavatory paper or linen waste containers. In addition, during these and other investigations by the FAA, a large number of lavatory paper and linen waste receptacle doors were found to be loose, bent, and improperly sealed and to have defective latching mechanisms, with the result that the fire containment effectiveness of those receptacles was substantially impaired. The investigations further indicated that all transport category aircraft types having lavatories equipped with paper or linen waste receptacles are susceptible to those problems. Since those conditions are likely to exist or develop in aircraft of those type designs, an airworthiness directive is being issued to require the repetitive inspection of lavatory paper and line waste receptacles and their repair if found necessary, the installation of signs on lavatory doors to indicate that smoking is prohibited in the lavatory, the installation of ashtrays on the cabin side of lavatory doors, and the briefing of aircraft occupants prior to each flight by a crewmember to inform those occupants that smoking is prohibited in the aircraft lavatories on all U.S. registered transport category aircraft having lavatories equipped with paper or linen waste receptacles.

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

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

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (14 CFR 11.89), § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new airworthiness directive:

TRANSPORT CATEGORY AIRCRAFT. Applies to all Transport Category Aircraft Having One or More Lavatories Equipped With Paper or Linen Waste Receptacles, Including but not Limited to the Following:

Boeing Models B-707, 720, 727, 737, and 747 Series; British Aircraft Corporation Model BAC-1-11; Convair Models CV-880 and 990 Series; McDonnell Douglas Models DC-8, 9, and 10 Series; Lockheed Model L-1011; Aero Commander Model AC-680; Boeing Model B-377; Convair Models CV-580, 600, and 640 Series; de Havilland of Canada Model DHC-6; Fairchild Model F-27; Fairchild-Hiller Model FH-227; Grumman Model G-159; Hawker Siddeley Model HS-748; Lockheed Models L-188 and 382 Series; Short Brothers and Harlin Model SC-7; Nihon Model YS-11; Fairchild Model C-82; Convair Models 240, 340, and 440 Series; Curtis-Wright Model CW-46; Douglas Models DC-3, 4, 6, and 7 Series; Lockheed Model L-1049; and Martin Model M-404 aircraft.

To prevent possible fires that could result from smoking materials being dropped into lavatory paper or linen waste receptacles:

(a) Within 60 days after the effective date of this AD, unless already accomplished, accomplish the following:

(1) Install a placard on each side of each lavatory door over the door knob containing the legible words "No Smoking in Lavatory" or "No Smoking" to indicate that smoking is prohibited in the lavatory. The signs must be of sufficient size and contrast and be located so as to be conspicuous to lavatory users.

NOTE: A "No Smoking" symbol may be included on the placard.

(2) Install a placard on or near each lavatory paper or linen waste disposal receptacle door containing the legible words "No Cigarette Disposal."

(b) Within 30 days after the effective date of this AD, unless already accomplished, establish a procedure that requires that, prior to each flight, an announcement be made by a crewmember to inform all aircraft occupants that smoking is prohibited in the aircraft lavatories.

(c) Within 180 days after the effective date of this AD, unless already accomplished, install a self-contained, removable ashtray on or near the entry side of each lavatory door, except that one ashtray may serve more than one lavatory door if the ashtray can be seen readily from the cabin side of each lavatory door served.

(d) Within 30 days after the effective date of this AD, unless already accomplished within 30 days prior to the effective date of this AD and, thereafter, at intervals not to exceed 1,000 hours time in service from the last inspection, accomplish the following:

(1) Inspect all lavatory paper and linen waste receptacle enclosure access doors and disposal doors for proper operation, fit, sealing, and latching for the containment of possible trash fires.

(2) Correct all defects found during the inspections required by subparagraph (d)(1).

(e) Upon request of the operator, a principal FAA maintenance inspector may adjust the 1,000 hour repetitive inspection interval specified in subparagraph (d)(1) of this AD to permit compliance at an established inspection period of the operator if the request contains data to justify the requested change in the inspection interval.

This amendment becomes effective April 30, 1974.

Issued in Washington, D.C., on April 3, 1974.

JAMES M. VINES,
Acting Director,
Flight Standards Service.

[FR Doc.74-8181 Filed 4-9-74;8:45 am]

[Airspace Docket No. 74-AL-7]

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

Alteration of Deadhorse, Alaska, Control Zone Hours of Operation

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redesignate the Deadhorse, Alaska, control zone from a part-time to a full-time control zone.

The need for 24-hour weather reporting service and air-ground communications at Deadhorse, Alaska, has recently been established. The previous lack of such service has precluded air taxi and air carrier operations to the Deadhorse/Prudhoe Bay Airports during the hours when this service was not available. In order to provide the needed service, the Deadhorse FSS will be permanently converted to a 24-hour operation effective April 1, 1974.

With the establishment of the foregoing additional hours of operation of the FSS, a substantial increase of air traffic activity is anticipated within the control zone. Reports for the first two months of calendar year 1974 alone have indicated an overall increase in air traffic activity of 176 percent within the Deadhorse/Prudhoe Bay Airport area over the preceding 60-day period. Forecasts are for air traffic activity to be comparable to those reported in calendar year 1969 which showed 43,000 itinerant aircraft operations to these airports, 2,437 of which were Instrument Flight Rules operations.

Also, records of climatic conditions over a 23-year period indicate that low ceilings and low visibility frequently exist throughout the North Slope area of Alaska during the period from late April through November of each year.

The predicted poor weather conditions and substantial increases in air traffic activity that will be concentrated within the confines of the small geographical area served by the Deadhorse/Prudhoe Bay Airports presents a potentially hazardous situation to the safety of air traffic in that area. The redesignation of the Deadhorse control zone to a full-time control zone to accommodate prescribed standard and special instrument approach procedures is required to provide an acceptable level of safety at the Deadhorse/Prudhoe Bay Airports. Therefore, the Deadhorse, Alaska, control zone hours of designation are redescribed to coincide with the availability of air-ground communications and weather reporting service.

Inasmuch as a situation now exists which requires immediate action in the interest of safety in air commerce, compliance with the notice and public procedure provisions of the Administrative Procedures Act is impractical. For that reason, good cause exists for this amendment to become effective in less than 30 days.

In consideration of the foregoing Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., April 25, 1974, as hereinafter set forth.

In § 71.171 (39 FR 354) the Deadhorse, Alaska, control zone is amended by deleting "This control zone will be effective from 0645 to 2145 local time daily."

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

Issued in Anchorage, Alaska, on April 1, 1974.

LYLE K. BROWN,
Director, Alaskan Region.

[FR Doc.74-8185 Filed 4-9-74;8:45 am]

CHAPTER V—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

PART 1204—ADMINISTRATIVE AUTHORITY AND POLICY

General Procedures for Environmental Quality and Control

The revised Guidelines for the Preparation of Environmental Impact Statements issued by the Council on Environmental Quality (38 FR 20550, August 1, 1973) directed each Federal Agency to review its procedures for compliance with the National Environmental Policy Act established under previous editions of the CEQ Guidelines, revise them as may be necessary to respond to the newly revised guidelines, and make them available to the public for comment. The National Aeronautics and Space Administration revised its procedures and published them for comment in the FEDERAL REGISTER on November 15, 1973. Comments received have been considered in the preparation of these General Procedures, published herewith.

WILLIS H. SHAPLEY,
Associate Deputy Administrator, National Aeronautics and Space Administration.

1. Subpart 1204.11 revised in its entirety as follows:

Sec.

AUTHORITY: National Environmental Policy Act of 1969 (42 U.S.C. 4321; 4331 et seq.; and 4341 et seq.); Executive Order 11514 (35 FR 4247, March 5, 1970); Council on Environmental Quality (CEQ) Guidelines for Statements on Major Federal Actions Affecting the Environment (38 FR 20550, August 1, 1973); Office of Management and Budget Bulletin 72-6 (September 14, 1971); the Clean Air Act, as amended (42 U.S.C. 1857 et seq.); the Federal Water Pollution Control Act, as amended (33 U.S.C. 1151 et seq.); the Noise Control Act of 1972 (42 U.S.C. 4901 et seq.).

§ 1204.1100 Scope.

This Subpart 1204.11 sets forth the NASA policy guidelines concerning administering Agency activities for the protection and enhancement of environmental quality, conducting assessments and preparing environmental statements.

§ 1204.1101 Policy.

It is NASA policy to:

(a) Use all practicable means, consistent with NASA's statutory authority, available resources, and national policy, to protect and enhance the quality of the environment;

(b) Provide for proper and adequate attention to environmental protection and enhancement in all NASA activities, including those performed under contract or grant;

(c) Use organized, systematic, timely, and effective approaches to meet NASA's responsibilities in environmental matters;

(d) Pursue appropriate research and development, within the scope of NASA's authority or in response to authorized agencies, for application of technologies useful in the protection and enhancement of environmental quality;

(e) Cooperate with State, local, and regional authorities in the protection and enhancement of the environment wherever NASA facilities are located;

(f) Instill an environmental awareness in all NASA employees and contractors; and

(g) Make all major decisions with due regard for environmental factors.

§ 1204.1102 Implementation.

(a) The Associate Deputy Administrator, or his designee, shall:

(1) Coordinate the formulation and revision of NASA policies and positions on matters pertaining to environmental protection and enhancement;

(2) With the cooperation of the Assistant Administrator for DoD and Interagency Affairs, represents NASA in working with other governmental agencies and interagency organizations to formulate, revise, and achieve uniform understanding and application of Government-wide policies relating to the environment;

(3) Develop and ensure the implementation of Agency-wide standards, procedures, and working relationships for protection and enhancement of environmental quality and compliance with applicable laws and regulations;

(4) Systematically monitor NASA's basic decision processes to ensure that environmental factors are properly considered in all proposals and decisions, and that these considerations are adequately documented;

(5) Develop and implement procedures for the internal review of draft and final environmental impact statements and for their subsequent publication and public review;

(6) Systematically advise line management and inform NASA employees of technical and management parameters of environmental analysis, of appropriate expertise available in and out of NASA and, with the assistance of the General Counsel, of relevant legal developments;

(7) Establish and maintain appropriate working relationships with the Council on Environmental Quality, Environmental Protection Agency, and other national, State, and local governmental agencies;

(8) Consolidate and transmit to the appropriate parties NASA comments on environmental impact statements and other environmental reports prepared by other agencies; and

(9) Acquire information for and prepare other NASA reports on environmental matters.

(b) Officials-in-Charge of Headquarters Offices are responsible for identifying matters which may affect protection and enhancement of environmental quality and for ensuring that necessary actions are taken to meet the requirements of applicable laws and regulations; for coordinating environmental quality-related activities under their cognizance; and for supporting and assisting the Associate Deputy Administrator on request. Program and Institutional Directors are additionally responsible for giving high priority, in the pursuit of program objectives, to the identification, analysis, and proposal of research and development which, if conducted by NASA or other agencies, may contribute to the achievement of beneficial environmental objectives.

(c) Each Field Installation Director is responsible for:

(1) Implementing NASA policies, standards, and procedures on protection and enhancement of environmental quality and supplementing them as appropriate in local circumstances;

(2) Specifically assigning responsibilities for environmental activities under the installation's cognizance to appropriate subordinates, while providing for the coordination of all such activities; and

(3) Establishing and maintaining appropriate working relationships with national, State, regional and local governmental agencies responsible for environmental regulation in localities in which the Field Installation conducts its activities.

§ 1204.1103 Guidelines for Conducting Assessments and Preparing Environmental Statements.

(a) *Criteria.* (1) Section 102(2)(C) of the National Environmental Policy Act of 1969 requires that, in connection with recommendations or reports on proposals for (i) legislation or (ii) other major Federal actions (i.e., administrative actions, which could include program and project approvals, approval of facility design, procurement actions, etc.) which would significantly affect the quality of

the human environment, Federal agencies shall prepare detailed statements on the environmental impact of the actions. The Council on Environmental Quality and the Office of Management and Budget have provided guidelines and procedures to assist Federal agencies in implementing the National Environmental Policy Act, the requirement for assessments of environmental impact and, where necessary, environmental impact statements is separate from the requirement for environmental control measures, and is oriented to the decisions on the basic program or institutional actions themselves, However, the need for control measures may be brought to light by the assessments.

(2) This § 1204.1103 discusses the process of assessing the environmental impact of a proposed action, documenting that assessment, determining whether or not a statement is required, preparing and coordinating the statement, and using the resulting information at all stages of decisionmaking with respect to the proposed action.

(b) *Environmental assessments.* (1) *Purpose of assessment.* The NEPA requires that NASA take environmental factors into consideration in planning, decisionmaking, and implementing its actions. Thus, the consideration of environmental impact must be a part of the formulation and definition of all new or revised agency activities. The environmental assessment is the process by which the environmental effects of proposed actions are initially identified and analyzed for inclusion throughout the decision process.

(2) *Responsibility.* The Official-in-Charge of each Headquarters Office shall provide for an assessment of the environmental impact of each major action which he proposes or which is to be taken under his programmatic or institutional cognizance (see section 102(2) of the NEPA and 40 CFR 1500.2, 1500.5, and 1500.6 of the CEQ Guidelines). The NASA employee initiating an action is responsible in the first instance for assessing, or obtaining an assessment of, its environmental impact. Each NASA official having authority over the action, including the authority to recommend the proposal to higher management levels for review and decision, is responsible for the adequacy of the assessment supporting his decision or recommendation on the proposed action.

(3) *Extent of assessments.* (i) The basic criteria to be used in determining whether proposed legislation, projects, or activities have the potential to have a significant effect on the quality of the human environment appear in 40 CFR 1500.6 and 1500.8 of the CEQ Guidelines and in OMB Bulletin 72-6.

(ii) Section 101(b) of the NEPA (42 U.S.C. 4331(b)) indicates the broad range of environmental objectives to be considered in any assessment of significant effect. Significant effects on the quality of the human environment include both those that directly affect humans and those that indirectly affect them through effects on the environment. These are amplified in 40 CFR 1500.8(a)(3) of the CEQ Guidelines. The Associate Deputy Administrator will provide supplemental guidance on a continuing basis to acquaint NASA officials and employees with the aspects of the environment to be considered in assessments, and the kinds of actions to be covered by assessments.

(iii) Section 102(2)(A) of the NEPA establishes the requirement for a multidisciplinary approach in planning and decisionmaking, the results of which may have an impact on man's environment. This requirement, discussed in 40 CFR 1500.8(c) of the CEQ Guidelines, is to insure "the integrated use of the natural and social sciences and the environmental design arts" in such planning and decisionmaking.

(iv) Good judgment and reason are to be used in applying the above criteria in the consideration of environmental effects. Where there is no essential impact, and that fact is readily determinable, the statement of that fact is adequate. In other areas, major studies may be required.

(4) *Timing of assessments.* (i) Section 1500.2 of Title 40 of the Code of Federal Regulations of the CEQ Guidelines requires that assessments be conducted concurrent with initial technical and economic studies. This permits the environmental consequences of the proposed action to be considered throughout the decisionmaking process. Thus, environmental assessment must be a part of the earliest thinking about possible major actions, and must be a part of any rethinking based on new or more complete information bearing on environmental impact.

(ii) It should be noted that, especially in R&D projects, major parameters of environmental significance are, and must be, settled as a result of research, exploratory development, and performance decisions which necessarily follow the decision to engage in the project. Therefore, some NASA assessments (and their documentation) are likely to be incomplete as a result of either sub-project decisions yet to be made or technical assumptions which may be revised as development takes place. Documentation of an assessment must mention its own deficiencies and the activities planned to overcome them. The assessment and its documentation are then subject to continuing revision as warranted by changing performance factors and technical assumptions. Awareness of the need for continuing reassessment of environmental effects is of utmost importance.

(5) *Documentation of assessments.* All assessments shall be made a matter of record, even though many assessments will not lead to environmental impact statements. In some instances, the needed documentation may be a simple statement that there is no essential environmental impact. In other cases, major reports may be required. The general rule to be applied is that the documentation should thoroughly cover and, at the same time, be limited to the foreseeable environmental consequences of the proposed action. Where it appears likely that a new or revised environmental impact statement may be required, the documentation of the assessment or reassessment should be in the form of such a statement, as explained in § 1204.1103(c) and 40 CFR 1500.8 of the CEQ Guidelines. Where an existing statement adequately covers the proposed action, the applicable statement should be identified. In all cases, the documented assessment of environmental effects shall be considered by management along with all other factors at each step of the decision process. The Official-in-Charge of the Headquarters Office having direct management responsibility over the proposed activity will provide for maintaining the assessment documentation.

(6) *EPA review of certain assessments.* If the subject of the assessment involves the authorities of the Administrator of the Environmental Protection Agency with respect to water and air quality, solid waste, pesticides, radiation, noise, etc.; if it may be considered to come within the scope of section 309 of the Clean Air Act, as amended (42 U.S.C. 1857 *et seq.*); and if it appears that no formal environmental impact statement is required; the assessment shall be submitted to the Associate Deputy Administrator. This will be transmitted when appropriate to the Environmental Protection Agency for comment under § 1500.9(b) of the CEQ Guidelines. When it appears that a formal environmental impact statement is required, this separate submittal to EPA is not required; EPA review required by the statute will be fulfilled by their review of the statement itself as required by § 1204.1103(d)(4) and § 1500.9(b) of the CEQ Guidelines.

(c) *Environmental impact statements.* (1) *Decision to prepare.* The decision whether or not to prepare an environmental impact statement is made by the Official-in-Charge of the Headquarters Office having direct management responsibility over the proposed activity, and is a direct product of an evaluation of the assessment. Section 1500.6 of Title 40 of the Code of Federal Regulations of the CEQ Guidelines provides basic guidance for this decision. The Associate Deputy Administrator will provide the necessary overall guidance for the agency. The Official-in-Charge of the Headquarters Office having direct management responsibility over the proposed activity will maintain a list of decisions to prepare or not to prepare an environmental statement as part of his assessment documentation. Notice of each decision to prepare an environmental impact statement shall be submitted in writing to the Associate Deputy Administrator or his designee as soon as is practicable after that decision is made. In keeping with 40 CFR 1500.6(e) of the CEQ Guidelines, the Associate Deputy Administrator will maintain a master list of all such statements in process within NASA, provide this list to CEQ quarterly, and make it available to the public as required.

(2) *Nature and purpose.* The environmental impact statement documents those environmental analyses of major actions having the possibility of significant impact upon the environment. Each statement is developed as a draft, circulated for review inside and outside the agency, and then put in final form. The environmental impact statement is the most formal version of a documented assessment and provides the environmental information that must be considered throughout the decision process.

(3) *Types of statements.* (i) Section 1500.2(a) of Title 40 of the Code of Federal Regulations of the CEQ Guidelines divides assessments (and subsequent statements) into two classes: (*a*) those relating to legislative actions, and (*b*) those relating to all other major Federal actions, which CEQ terms "administrative actions." As applied to NASA, this distinction is drawn between those actions requiring Congressional approval in the form of enabling legislation (authorization or appropriation), and those discretionary actions which may be taken by or for NASA within the scope of an existing authorization or appropriation.

(ii) In 40 CFR 1500.6(d), CEQ crosscuts these with a distinction between "broad program statements" and "statements on major individual actions." Broad program statements are therein defined as covering "the environmental effects of a number of individual actions on a given geographical area (e.g., coal leases), or environmental impacts that are generic or common to a series of agency actions (e.g., maintenance or waste handling practices), or the overall impact of a large-scale program or chain of contemplated projects (e.g., major lengths of highway as opposed to small segments)."

(iii) NASA has, since 1971, provided for a somewhat different distinction through its "Institutional Statements" and "Program Statements." The institutional statements have recognized the operation of each NASA field installation as a "major Federal action" consisting of coherent and continuing bodies of R&D effort. The NASA program statements have covered the major development and flight programs of the Agency. These statements have provided for maximum coverage of NASA activities with a minimum number of broad statements. Most NASA program and institutional statements tend to be "broad program statements" by the CEQ definition, though not in every case.

(iv) These broad statements do not eliminate the need for continuing awareness and reassessment of the environmental impact of included activities or facilities. They do, however, permit subsequent assessments and reassessments to focus on relatively circumscribed activities or facilities. When such an assessment or reassessment so indicates, NASA will prepare a separate statement on a major individual action or facility coming under the umbrella of the institutional or program statement. Such a statement may be prepared as an amendment or supplement to the existing program or institutional statement or may stand as a separate statement, as determined by the Official-in-Charge of the responsible Headquarters office.

(4) *Content.* (i) Section 1500.8 of Title 40 of the Code of Federal Regulations of the CEQ Guidelines presents a detailed discussion on the expected content of an environmental statement, including eight particular items which should be considered in drafting the statement. These eight items, discussed in 40 CFR 1500.8(a) of the CEQ Guidelines provide a convenient, although not mandatory, format for the statement.

(ii) Section 1500.8(d) of Title 40 of the Code of Federal Regulations of the CEQ Guidelines requires that a summary sheet of prescribed form (Appendix I of the CEQ Guidelines) accompany each draft and final environmental impact statement. Section 1500.8(b) of Title 40 of the Code of Federal Regulations of the CEQ Guidelines contains additional guidance as to the contents of the statement and its relationship to fundamental documentation. However, care should be taken to ensure that the statement can be understood without undue reference to attachments or other documents.

(5) *Timing.* Environmental impact statements are drafted when an assessment has indicated the need and a responsible management official (see § 1204.1103(c)(1)) has determined that the statement shall be prepared. Sections 1500.9(f), 1500.11(b), and 1500.11(c) of Title 40 of the Code of Federal Regulations of the CEQ Guidelines provide minimum intervals for interagency and public review of draft statements (45 days), and between issuance of a final statement and the taking of action on the activity proposed therein (30 days). The overall minimum of 90 days required from release of the draft statement to taking of the subject action is of special significance; during that period comments are received, the necessary changes made, and the final statement released. These steps can require a significantly longer time. Furthermore, where impact statements are required on legislative proposals (e.g., authorization and appropriation requests), 40 CFR 1500.12 of the CEQ Guidelines requires that they should be prepared (drafted) before the legislative proposal is sent to OMB for clearance. A continuing awareness of the time factors is essential if NASA is to meet its obligations in environmental protection and enhancement without unnecessarily deferring other program action.

(d) *Processing environmental assessments and statements.* (1) *Preparation and submission of draft statement.* Fifteen copies of each draft environmental impact statement and attachments shall be submitted to the Associate Deputy Administrator prior to any formal review outside NASA. This submittal shall be accompanied by a plan for coordination with appropriate State and local agencies, organizations, and interested parties, prepared in accordance with 40 CFR 1500.9 of the CEQ Guidelines.

(2) *Review of draft statement and plan for coordination with State and local agencies, organizations and individuals.* (i) The Associate Deputy Administrator shall review (*a*) the plan for coordination with State and local agencies, organizations, and interested parties and (*b*) the draft statement and its attachments. He shall obtain additional comments from other elements of NASA, as appropriate, and communicate with the originating official, indicating concurrence or recommending changes in these documents.

(ii) Section 1500.7(d) of Title 40 of the Code of Federal Regulations of the CEQ Guidelines requires that procedures for holding public hearings be provided where appropriate. Therefore, if the official responsible for preparation of the plan for coordination with State and local agencies considers public hearings to be appropriate, he shall include a plan for such hearings in the plan for coordination with State and local agencies, including information sufficient to answer any questions relative to the four factors itemized in 40 CFR 1500.7(d) of the CEQ Guidelines.

(3) *Submission of draft statement to the CEQ.* After review and revision of the draft, fifty copies of the revised draft shall be provided to the Associate Deputy Administrator for external coordination. The Associate Deputy Administrator shall submit five copies of the draft statement with appropriate attachments to the CEQ. The originating NASA official shall also be sent a copy of the draft statement as submitted to the CEQ. From this point on, the draft statement shall replace any prior documentation of environmental assessment for consideration by management at each subsequent step of the decision process.

(4) *Review of draft statement by other national governmental agencies.* Upon submission of the draft statement to the CEQ, the Associate Deputy Administrator shall seek the views of other appropriate national governmental agencies in accordance with 40 CFR 1500.9(a) of the CEQ Guidelines. Appendix II of these guidelines lists agencies having special expertise who may be consulted. Any views submitted as a result of the agencies' reviews shall be provided to the originating official for consideration in preparing the final statement. To the extent possible, requirements for consultation with other agencies on environmental matters, established by statutes other than the NEPA, such as EPA review under section 309 of the Clean Air Act, should be met through this review process, as noted in 40 CFR 1500.9 (a) and (b).

(5) *Review of draft statement by State and local agencies, organizations, and interested parties.* Upon approval of the plan for State and local coordination, discussed in paragraphs (1) and (2) of this section, the originating NASA official shall seek comments on

the draft statement from affected State and local agencies. This shall be concurrent with the solicitation of national agencies by the Associate Deputy Administrator. Comments on the draft statement may be obtained directly from state and local governments, through public hearings, through state and local clearinghouses, by notice in the FEDERAL REGISTER under procedures established by NMI 1410.10, and by public notice in newspapers, where appropriate. The notice should specify that replies are required at a stated date not earlier than 45 days from publication date. Section 1500.9(c) of Title 40 of the Code of Federal Regulations and Appendix IV of the CEQ Guidelines and Office of Management and Budget Circular No. A–95 provide further guidance.

(6) *Preparation and submission of final statement to CEQ.* After conclusion of the review process with other national, State, and local agencies, and the public, the originating NASA official shall consider all suggestions and revise the statement as appropriate. Fifty copies of the final environmental statement and summary sheet, to which are attached copies of the comments received, shall be forwarded to the Associate Deputy Administrator. He will obtain any additional approvals which circumstances may warrant and officially submit copies of the final statement to the CEQ, to EPA for final review under section 309 of the Clean Air Act, and to others as called for by 40 CFR 1500.10(b) of the CEQ Guidelines. The final environmental impact statement shall then replace the draft statement for consideration by management throughout the decision process.

(7) *Public availability of environmental statements.* Each draft and final environmental statement and the related documents prescribed by law and regulation, prepared and submitted under this Instruction, will be available for public review and copying in the NASA Information Center, 600 Independence Avenue SW., Washington, D.C. 20546. Copies will also be available at information centers at appropriate field installations and, where appropriate, at State and local clearinghouses. For more details, see 40 CFR 1500.9(c) and Appendix IV to the CEQ Guidelines and Office of Management and Budget Circular No. A–95. These documents should be available on and after the date of their submission to CEQ, or, in the case of any statement relating to legislative proposals, on and after the date of its submission to the Congress.

(e) *Processing environmental statements originated by other governmental agencies.* Requests for review and comment on environmental statements prepared by other governmental agencies will be directed to the Associate Deputy Administrator for appropriate action within NASA. The Associate Deputy Administrator shall determine which NASA elements should review the statement, solicit and consolidate their comments, obtain any additional approvals which may be warranted, and transmit the comments to the originating agency. Five copies of the comments shall be sent to CEQ in accordance with 40 CFR 1500.11 of the CEQ Guidelines. Such comments shall be prepared as suggested in 40 CFR 1500.9(e) of the CEQ Guidelines.

(f) *Processing of legislative actions.* In accordance with OMB Bulletin 72–6 and 40 CFR 1500.12 of the CEQ Guidelines, NASA is responsible for identifying those of its legislative proposals, or reports on bills for which it is the principal agency concerned, that would require the preparation and review of environmental impact statements by the procedures set forth herein. For these cases, statements should be prepared prior to submission of the legislative proposal or report to the Office of Management and Budget. At least the draft environmental statement should be available to the Congress and the public when the legislative proposal or report is submitted to the Congress for action, with the comments received and the final text transmitted as soon thereafter as possible. The Assistant Administrator for Legislative Affairs, NASA Headquarters, is responsible for ensuring that any environmental statements required to accompany NASA legislative proposals or reports are provided to OMB and to Congress as herein required. The Associate Deputy Administrator, the Comptroller, and the General Counsel will provide guidance as required.

(g) *Implementing actions.* NASA Officials will provide to the Associate Deputy Administrator three copies of any instructions or guidelines which they issue to implement or supplement this NMI.

[FR Doc.74–8224 Filed 4–9–74;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

Mining Enforcement and Safety Administration

[30 CFR Part 71]

COAL MINE HEALTH AND SAFETY

Notice of Objections Filed and Hearing Requested on Asbestos Dust Standard for Surface Work Areas of Underground Coal Mines and Surface Coal Mines

Pursuant to the authority vested in the Secretary of the Interior by section 101(e) of the Federal Coal Mine Health and Safety Act of 1969 (30 U.S.C. 811 (e)) to publish proposed mandatory health standards transmitted to him by the Secretary of Health, Education, and Welfare, there was published as proposed rulemaking in the FEDERAL REGISTER for November 7, 1972 (37 FR 23645), amendments to the mandatory health standards for surface work areas of underground coal mines and surface coal mines which are set forth in 30 CFR Part 71. These amendments relate to periodic sampling of miners who have exercised the option to transfer afforded by section 203(b) of the Act; threshold limit values for gases, dusts, fumes, mists, and vapors; a standard and measurement requirements for asbestos dust; and noise level measurement procedures.

Interested persons were afforded a period of 45 days following publication to submit to the Director, Bureau of Mines written comments, suggestions, or objections to the proposed amendments, stating the grounds therefor, and to request a public hearing on such objections.

Section 101(f) directs the Secretary of the Interior to publish in the FEDERAL REGISTER a notice specifying the proposed mandatory health standards to which objections have been filed and a hearing requested.

Notice is hereby given that written objections were timely filed with the Director, Bureau of Mines, stating the grounds for objections and requesting a hearing on substanatially all of the proposed amendments. Subsequently, this request was modified to cover only the proposed new standard for exposure to asbestos (proposed 30 CFR 71.202).

Pursuant to section 101(g) of the Act, the Secretary of Health, Education, and Welfare will, after publication of this notice in the FEDERAL REGISTER, issue notice of the time and place at which a public hearing will be held for the purpose of receiving relevant evidence to the objections received.

WILLIAM A. VOGELY,
Acting Deputy Assistant Secretary of the Interior.

APRIL 5, 1974.

[FR Doc.74-8139 Filed 4-9-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 151]

RIGHT TO READ PROGRAM

General Provisions and Exemplary Preservice Teacher Training Program Development Projects

Pursuant to the authority contained in section 2(a) of the Cooperative Research Act, 20 U.S.C. 331a(a) notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to amend 45 CFR Part 151 by issuing the regulation set forth below which would establish general regulations for the Right to Read program and regulations governing the award and administration of grants for exemplary preservice teacher training program development projects. This regulation would supersede the existing provisions of Part 151.

Section 2(a)(1) of the Cooperative Research Act authorizes the Commissioner of Education to award grants or contracts for surveys, dissemination of information, and exemplary projects in the field of education. Funds which are appropriated pursuant to this authority to carry out the Right to Read Program are utilized to make grants to, and contracts with, eligible applicants for the purpose of increasing functional literacy within the United States.

Apart from a limited number of specifically focused procurements, the Right to Read effort is carried out through grant awards pursuant to the provisions of this part. In general, grants will be made within the following competitions or sub-programs: (1) Preservice teacher training; (2) Right to Read States program; (3) school-based program; (4) community-based program; and (5) special projects for national impact. Although unsolicited reading proposals which do not fit within these competitions will be considered for funding, proposals which come within these areas and meet the pertinent requirements will receive priority for funding.

The following regulation, in addition to establishing general provisions for Right to Read, sets forth in subpart B rules governing the award and administration of preservice teacher training program development grants. The purpose of such a grant is to enable grantees to make basic changes in their teacher preparation programs. Additional subparts are expected to be added to this part setting forth any special rules and criteria related to the other Right to Read competitions.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed criteria to the Director, Right to Read Office, U.S. Office of Education, 400 Maryland Avenue, SW., Room 2131, Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection at the above Office on Mondays through Fridays between 8:30 a.m. and 4:30 p.m. All relevant material received on or before May 10, 1974, will be considered. If no substantial comments are received, these regulations will take effect immediately upon republication in the FEDERAL REGISTER as final rules.

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

Dated: February 8, 1974.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: April 4, 1974.

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

Title 45 of the Code of Federal Regulations is amended by revising Part 151 to read as follows:

PART 151—RIGHT TO READ PROGRAM

Subpart A—General Provisions for Right to Read

Sec.

Subpart B—Exemplary Preservice Teacher Training Program Development Projects

AUTHORITY: Sec. 2(a) of the Cooperative Research Act enacted by section 401 of Pub. L. 89-10, 79 Stat. 44, as amended (20 U.S.C. 331a(a)).

Subpart A—General Provisions for Right to Read

§ 151.1 Scope.

(a) The provisions of this subpart apply to all grant awards made with funds available to carry out the Right to Read Program pursuant to section (a) (1) of the Cooperative Research Act.

(b) Assistance provided under this part shall also be subject to applicable provisions contained in Subchapter A of this Chapter (General Provisions for Office of Education programs relating

to fiscal, administrative, property management, and other matters).

(c) Contracts which may be awarded by the Right to Read Program will be made in accordance with criteria specified in this subpart and shall be subject to regulations in Chapters 1 and 3 of Title 41 of the Code of Federal Regulations.

(d) The regulations of this part are not applicable to the provision of technical assistance by the Commissioner in the field of reading.

(20 U.S.C. 331a, 332)

§ 151.2 Purpose.

The purpose of the Right to Read Program is, through the media of funding survey, dissemination, and exemplary projects in the field of reading under this part and the provision of technical assistance related to such projects, to stimulate greater attention to reading needs, and the initiation of innovative and effective reading programs, by all types of agencies and institutions which can contribute to the elimination of illiteracy in this country.

(20 U.S.C. 331a(a))

§ 151.3 Definitions.

As used in this part:

"Act" means the Cooperative Research Act, as amended, 20 U.S.C. 331.

"Competency based teacher education" means a system of teacher education which places emphasis on the specification, learning, and demonstration of those competencies which are of central importance to effective teaching.

"Institution of higher education" means an educational institution in any State which (a) admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate, (b) is legally authorized within such State to provide a program of education beyond secondary education, (c) provides an educational program for which it awards a bachelor's degree or provides not less than a two-year program which is acceptable for full credit toward such a degree, (d) is a public or other nonprofit institution, and (e) is accredited by a nationally recognized accrediting agency or association approved by the Commissioner for this purpose or, if not so accredited, (1) is an institution with respect to which the Commissioner has determined that there is satisfactory assurance, considering the resources available to the institution, the period of time, if any, during which it has operated, the effort it is making to meet accreditation standards, and the purpose for which this determination is being made, that the institution will meet the accreditation standards of such agency or association within a reasonable time, or (2) is an institution whose credits are accepted on transfer by not less than three institutions which are so accredited, for credit on the same basis as if transferred from an institution so accredited.

"Prospective teacher" means an undergraduate or graduate student who is preparing, in his university or college studies, to become an elementary school teacher.

"Protocol materials" means reproductions which portray concepts in teaching and learning. Protocol materials are used for interpretation of classroom behavior to facilitate the development of interpretative competencies in teachers.

(20 U.S.C. 331a(a))

§ 151.4 Competitions for funding.

(a) Public and private nonprofit institutions, agencies, and organizations shall be eligible to apply for assistance under this part.

(b) Unsolicited proposals involving surveys, dissemination, and exemplary projects related to reading which do not fall within the activities and specific eligibility requirements set forth under other subparts of this part will be evaluated by the Commissioner according to their overall quality in meeting the purposes of the Act and according to the criteria set forth in § 100a.26(b) of this chapter.

(c) The activities described by other subparts of this part represent areas in which the Commissioner has determined there is a special need for exemplary efforts and for better flow of information to eliminate illiteracy within the Nation, and applications which meet the criteria for selection set forth in these subparts will be given priority for funding.

(20 U.S.C. 331a(a)(1))

§ 151.5 Advice and recommendations on proposals.

The Commissioner will, prior to the approval of any proposal under this part, obtain and consider the advice and recommendations of a panel of specialists who are not employees of the Federal Government and who are competent to evaluate the proposal as to the soundness of its design, the possibilities of securing productive results, the adequacy of resources to conduct the proposed project and its relationship to similar projects already completed or in progress.

(20 U.S.C. 331a(a)(2))

Subpart B—Exemplary Preservice Teacher Training Program Development Projects

§ 151.11 Scope and purpose.

(a) This subpart governs applications from institutions of higher education for grants to develop exemplary preservice training components in the teaching of reading on the elementary school level designed to serve as models for other institutions of higher education which may wish to improve the quality of their teacher preparation programs.

(b) Grants under this subpart will support the development and installation of a new program of training in the field of the teaching of reading, or the development and installation of components necessary for the restructuring of an existing such program, for undergraduate or graduate students who are preparing to become elementary school teachers.

(20 U.S.C. 331a(a))

§ 151.12 Funding requirements.

(a) Projects funded under this subpart must be designed to devise a program of training in the field of the teaching of reading for prospective elementary school teachers that develops the understanding and skills which enable them to become effective teachers of reading in regular classroom settings. Projects must be designed to prepare prospective teachers to teach reading as an integral part of the overall elementary school curriculum.

(b) An application for Federal assistance under this subpart must describe the proposed activities and provide information adequate to establish that:

(1) The applicant will develop a program as described under paragraph (a) of this section which must include, but need not be limited to, instruction and experiences for prospective teachers which:

(i) Develop understanding of the reading process;

(ii) Develop mastery of a variety of approaches to the teaching of reading;

(iii) Develop mastery of a variety of diagnostic instruments and techniques;

(iv) Develop the ability to individualize instruction;

(v) Provide a variety of teaching experiences with children in school settings including one-to-one instruction, small group instruction, and whole class instruction;

(vi) Enable the prospective teacher to integrate reading instruction into subject matter courses such as social studies and mathematics;

(vii) Develop an understanding of the language development of children, and how to stimulate it in the classroom;

(viii) Develop understanding and appreciation of children's literature so that it can be presented effectively; and

(ix) Develop appropriate skills and attitudes to teach reading to children from diverse cultural and linguistic backgrounds.

(2) The applicant has conducted an assessment of its teacher preparation program in general and the teaching of reading component of that program in particular to determine what changes are needed to make the program more effective in preparing prospective teachers to teach reading in elementary schools, and the proposed project has been designed in light of that asessment;

(3) The project staff will document their experiences in developing the program in a form that will be useful to other institutions interested in changing their own teacher preparation program in reading;

(4) The project director has a background in both the field of reading and teacher training; and

(5) The project design will utilize recent research findings and provide for

the adoption of innovative products and practices in teacher training (such as any newly developed protocol materials, opportunities for undergraduate prospective teachers to engage in their freshman or sophomore years in practice teaching and similar work with elementary school children; competency based teacher education, individual counseling for prospective teachers, and implementation of the entire project in an elementary school).

(20 U.S.C. 331a(a))

§ 151.13 Evaluation criteria.

In evaluating project proposals under this subpart, the Commissioner will seek to identify a small number of exemplary projects and will evaluate proposals in accordance with the following criteria and point system totalling 100 points:

(a) The criteria set forth in § 100a.26 (b) of this chapter; (15 points)

(b) The overall quality of the project in satisfying the requirements set forth in § 151.12; (45 points)

(c) The extent to which the proposed project:

(1) Would involve, in program planning and implementation, representatives from local educational agencies, educational associations, students, and community groups, as well as faculty from different departments in the school of education; (5 points)

(2) Specifies performance objectives for each prospective teacher and criteria for evaluation of the extent to which they are achieved; (5 points)

(3) Provides for follow-up of the prospective teacher's preformance in the first year of teaching; (5 points)

(4) Would result in the adoption or development of new instructional materials and methods which would contribute to the elimination of illiteracy through improved reading instruction in elementary schools; (5 points)

(5) Provides for an effective management system with methodology for planning, installing and evaluating of project activities; (5 points)

(6) Provides for preparation of the teachers and administrators in cooperating elementary schools in order to facilitate their role as trainers of prospective teachers; and (5 points)

(7) Gives evidence of commitment and involvement of the dean (or person of the equivalent position) of the applicant's school of education to the project; (5 points)

(d) The extent to which the proposal shows evidence of a capacity and intent on the part of the applicant to implement the project design (if effective) in its elementary education training curriculum following completion of the project assisted under this subpart. (5 points)

(20 U.S.C. 331a(a))

§ 151.14 Allowable costs.

(a) Allowable costs under grants awarded pursuant to this subpart shall be determined in accordance with cost principles set forth in Appendix C to Subchapter A of this chapter, subject to the following restrictions:

(1) Funds supplied under the grants may not be used to pay undergraduate or graduate stipend support or tuition.

(2) Not in excess of five percent of the funds supplied under the grant may be used to purchase equipment.

(b) It is expected that grants will generally range from $20,000 to $50,000 depending on the scope of the proposed project.

(20 U.S.C. 331a(a))

§ 151.15 Project duration.

(a) Projects may be of one or two years duration.

(b) Applicants should make a realistic estimate of the amount of time needed to develop and implement the proposed curricular changes and develop a budget according to such estimate.

(c) With respect to funded projects of two years duration, it is anticipated that generally an initial grant will be awarded for the first year of the project for support of course development and experimental teaching. A continuation grant will support the cost of installing the new program during the second year. Decisions for refunding for the second year will be made on the basis of the extent to which the grantee has satisfactorily performed under the first grant and will be contingent upon availability of funds.

(20 U.S.C. 331a(a))

[FR Doc.74-8227 Filed 4-9-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 117]

[CGD 74 85]

GALVESTON CHANNEL, G.I.W.W., TEXAS

Drawbridge Operation Regulations

At the request of the Galveston County Navigation District No. 1, the Coast Guard is considering amending the regulations for the highway and railroad drawbridge across the Galveston Channel on the Pelican Island Causeway between Pelican Island and Galveston Island to permit periods during the morning, noon, and evening vehicular traffic rush hours when the draw may remain closed to the passage of vessels. These periods are from 7 a.m. to 9 a.m., 11:30 a.m. to 1:30 p.m. and 4 p.m. to 6 p.m., Monday through Saturday, except national holidays. The draw would open on signal for public vessels of the United States or vessels in distress.

Interested persons may participate in this proposed rule making by submitting written data, views, or arguments to the Commander (oan), Eighth Coast Guard District, Customhouse, New Orleans, La. 70130. 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, Eighth Coast Guard District.

The Commander, Eighth Coast Guard District, will forward any comments received before May 14, 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 § 117.553 immediately after § 117.550 to read as follows:

§ 117.553 Pelican Island Causeway drawbridge, Galveston, Texas.

(a) The draw shall open on signal except that from 7 a.m. to 9 a.m., 11:30 a.m. to 1:30 p.m. and 4 p.m. to 6 p.m., Monday through Saturday, except national holidays, the draw need not open for the passage of vessels.

(b) The draw shall open at any time for public vessels of the United States or vessels in distress. The opening signal is four blasts of a whistle or horn or by shouting.

(c) The owner of or agency controlling this bridge shall conspicuously post notices containing the provisions of this regulation on the upstream and downstream sides of the drawbridge or elsewhere in a manner that they may be easily read at all times from an approaching vessel.

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

Dated: April 4, 1974.

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

[FR Doc.74-8215 Filed 4-9-74;8:45 am]

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 73-NW-12-AD]

BOEING AIRPLANES

Proposed Airworthness Directives

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to the Boeing Models 707/720/727/737/747 series airplanes. Many incidents of in-flight lavatory waste container fires have been reported.

FAA reviews of lavatory designs on Boeing Models 707/720/727/737/747 series airplanes have revealed that many waste container systems exhibited a number holes, gaps and cracks within the container envelope. These openings provided numerous small air pathways leading to adjacent lavatory compartmentation and to the aircraft cabin interior.

Such air pathways may tend to create larger waste container volumes than that defined by the four sided container. In addition vent tubes are physically located within the intended waste container volume. Any failure of the vent tubes could provide an added potential source of ventilating air. Examination of in-service waste container systems have revealed that with time various flammable materials such as dust, lint and waste-paper accumulate beyond the waste containers (through the gap, holes and cracks) constituting a fire potential. With the introduction of cigarette butts fires may start and propogate beyond intended container volume by virtue of the multiplicity of pathways and chimneys. Possible melting of the vent tubes introduces additional vent air to the container causing a draft for the fire and can lead to a conflagration. Such fires, although originally confined to the lavatory module, can thereby develop into uncontrollable cabin fires leading to aircraft destruction and loss of life. For the reasons mentioned above, it is considered that the ability of many of the existing lavatory waste container systems may not be able to contain within the waste container a fire which reaches substantial proportions. Since this condition is likely to exist or develop in other airplanes of the same type design the proposed airworthiness directive would require a thorough inspection of all electrical appurtenances physically located within lavatory waste container areas for proper condition and accomplishment of lavatory rework, as necessary, in accordance with prescribed Boeing Service Bulletin instructions on all 707/720/727/737/747 airplanes.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communicaitons should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Washington 98108. All communications received on or before July 1, 1974, will be considered by the Administrator before taking action upon the proposed rule. The proposals contained in this notice may be changed in the light of comments received. All comments will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons.

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

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

THE BOEING COMPANY. Applies to Models 707/720/727/737/747 series airplanes certificated in all categories. Compliance required as indicated.

To reduce potential fire hazard, existing in lavatory waste containers of Boeing Models 707/720/727/737/747 series airplanes, accomplish the following:

(a) Within 300 hours time in service from the effective date of this AD, unless already accomplished within the last 1000 hours, visually inspect all electrical appurtenances, including wiring, terminal boxes, switches and hot water heaters physically located within lavatory waste container areas for wear, abrasion and corrosion. Remove and replace as necessary.

(b) Within 1000 hours time in service, or 100 days, whichever occurs first, from the effective date of this AD, unless already completed, accomplish lavatory rework in accordance with the following Boeing Service Bulletins, or a lavatory rework that has been been found acceptable to the Chief, Engineering and Manufacturing Branch, FAA, Northwest Region:

Model:	*Service Bulletin No.*
707/720	1270, 1363, 1365, 3146.
727	725-25-211.
737	737-25-1096.
747	747-25-2245.

Issued in Seattle, Washington, April 2, 1974.

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

[FR Doc.74-8184 Filed 4-9-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-AL-6]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amendments to Part 71 of the Federal Aviation Regulations which would alter the terminal airspace structure at Deadhorse, Alaska.

Interested persons may submit such written data, views, or arguments as they may desire. Communications should be submitted in triplicate to the Chief, Air Traffic Division, Alaskan Region, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska 99501. All communications received on or before May 10, 1974 will be considered before action is taken on the proposed amendments. 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, Air Traffic Division. 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, Federal Aviation Administration, 632 Sixth Avenue, Anchorage, Alaska.

Application of criteria for U.S. Terminal Instrument Procedures (TERPS) for establishment of terminal controlled airspace, the installation of an ILS/DME approach system and the planned installation of VOR/DME approach system at Deadhorse, Alaska, require amendments to the Deadhorse, Alaska, control zone and transition area. Refined coordinates of the Airport Reference Point (ARP) and revised configuration of the 1,200-foot transition area are also contained in this proposed amendment.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

1. Section 71.171 (39 FR 354) the Deadhorse, Alaska, control zone is amended to read:

DEADHORSE, ALASKA

Within a 5-mile radius of the Deadhorse airport (latitude 70°11'40" N., longitude 148°28'05" W.); within a 5-mile radius of the Prudhoe Bay airport (latitude 70°15'05" N., longitude 148°20'13" W.); within 3.5 miles each side of the Deadhorse VOR 255° radial extending from the 5-mile radius zone to 9.5 miles W of the VOR; within 3.5 miles each side of the Deadhorse VOR 081° radial extending from the 5-mile radius zone to 8.5 miles E of the VOR; within 3 miles each side of the Prudhoe Bay NDB 075° bearing extending from the 5-mile radius zone to 8.5 miles E of the NDB; and within 3 miles each side of the Prudhoe Bay NDB 259° bearing extending from the 5-mile radius zone to 8.5 miles W of the NDB.

2. In § 71.181 (39 FR 440) the Deadhorse, Alaska, transition area is amended to read:

DEADHORSE, ALASKA

That airspace extending upward from 700 feet above the surface within 6.5 miles S and 9.5 miles N of the Deadhorse VOR 075° radial extending from the VOR to 20 miles E of the VOR; within 6.5 miles S and 10 miles N of the Deadhorse VOR 255° radial extending from the VOR to 25.5 miles W; and within a 16.5 mile radius of the Deadhorse VOR extending from the 099° radial clockwise to the 231° radial. That airspace extending upward from 1,200 feet above the surface within the area bounded by a line beginning at latitude 69°40'00" N., longitude 153°00'00" W.; to 70°33'00" N., 150°45'00" W.; thence east via 3 nautical miles offshore to latitude 70°-14'00" N., longitude 146°00'00" W.; to 69°-00'00" W.; to 68°00'00" N., 148°00'00" W.; to 68°00'00" N., 153°00'00" W.; thence to point of beginning.

The action proposed herein would alter the Deadhorse, Alaska, control zone by changing the length and width of the northeast and southwest zone extensions to accommodate criteria for instrument approaches to runway 04 and 22. The 700-foot transition area would be altered to provide additional protective airspace for the proposed arc transitions for the VOR/DME and the ILS/DME instrument approaches. The 1,200-foot transition area would be expanded on the southern portion to join the Fairbanks, Alaska, transition area and would provide protective controlled airspace for anticipated increases in air traffic operating between Fairbanks, Alaska, and airports north of the Brooks Range.

These amendments are 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 Anchorage, Alaska, on April 1, 1974.

LYLE K. BROWN,
Director, Alaskan Region.

[FR Doc.74-8183 Filed 4-9-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19987; FCC 74-310; 10731]

UNITED STATES-MEXICO FM BROADCASTING AGREEMENT

Proposed Assignment and Use of Noncommercial Educational Channels

In the matter of amendment of Subpart B (FM broadcast stations) of Part 73 in certain respects).

1. Notice of proposed rulemaking is given concerning the assignment and use of noncommercial educational FM channels in portions of Arizona, California, New Mexico, Texas, and adjacent areas.

2. The United States-Mexico FM Broadcasting Agreement (Agreement), which went into effect August 9, 1973, concerns the allotment and use of FM broadcast channels within 199 miles (320 kilometers) of the common border (border area). To eliminate harmful interference between the FM broadcasting stations of the respective countries, the Agreement provides a scheme of mileage separations as between classes of channels in most respects identic with those set forth in Part 73, Subpart B of our rules and regulations as concerns the assignment and use of commercial channels (221–300) in the United States. Since Mexico makes full use of the FM spectrum (88 to 108 MHz) for commercial use, it was necessary to include within the Allotment Plan (Annex II of the Agreement) channels which in the United States are reserved for noncommercial educational use (201–220). Except for Channels 218, 219, and 220 which are variously adjacent to commercial Channels 221, 222, and 223, interference for the educational channels is determined on a contour interference basis (see § 1.573).

3. It would appear that the public interest, convenience, and necessity would be served if rules and regulations are adopted to assure that the allotment of educational channels be fully protected and there be the same flexibility of use as § 73.203 permits for commercial FM channels. It also would appear appropriate that provision be made for the assignment of additional noncommercial educational channels to the border area. In this respect, we propose to amend § 73.507 added to our rules and regulations, effective October 17, 1973 (43 F.C.C. 2d 293, 298, 299) as set forth in the attached Appendix. We also propose to provide Class A, B, and C assignments and authorizations with the same mileage protection from noncommercial educational Class D stations are set forth in the Agreement. When these amendments are adopted, appropriate editorial changes to the Notes to §§ 73.207 and 73.504, promulgated by Order, FCC 74–309, adopted today implementing the Agreement, will be made.

4. Accordingly, under the authority found in sections 4(i), 303 (g) and (r) of the Communications Act of 1934, as amended, it is proposed that the Commission's rules and regulations be amended as set forth below.

5. Pursuant to applicable procedures set out in § 1.415 of the Commission's rules and regulations, interested parties may file comments on or before May 14, 1974, and reply comments on or before May 23, 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.

6. 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 document shall be furnished the Commission.

7. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street, NW.).

Adopted: March 28, 1974.

Released: April 3, 1974.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] VINCENT J. MULLINS, *Secretary.*

1. Amend § 73.507 by adding paragraphs (b), (c), and (d) to read as follows:

§ 73.507 Noncommercial educational channel assignments under the United States-Mexico FM Broadcasting Agreement.

* * * * *

(b) Anyone applying for a noncommercial educational FM station other than on a Class D channel in the border area of Arizona, California, New Mexico, or Texas must apply for a channel set forth in the table in paragraph (a) of this section for use either at the listed community or an unlisted community under the same conditions set forth in § 73.203(b) of this chapter.

(c) The minimum mileage separations set forth in § 73.207 of this chapter and the Note thereto shall apply to (i) a petition for rulemaking to amend the table set forth in paragraph (a) of this section and (ii) an application for any class of noncommercial educational FM channel (new station, change in channel of an existing station, or change in location or facility of an existing station), whether within or outside the border area referred to in paragraph (a) of this section. Any petition to amend which so conflicts will be dismissed. Any application which does not so conform will not be accepted for filing.

(d) § 73.208 of this chapter will be complied with as to the determination of reference points and distance computations in considering petitions to amend the table set forth in paragraph (a) of this section and for applications for new or changed facilities. However, if it is necessary to consider a Mexican channel assignment or authorization, the computation of distance will be determined as follows: If a transmitter site has been established, on the basis of the coordinates of that site; if a transmitter site has not been established, on the basis of the reference coordinates of the community, town, or city.

[FR Doc.74–8096 Filed 4–9–74;8:45 am]

FEDERAL RESERVE SYSTEM

[12 CFR Part 225]

[Reg. Y]

BANK HOLDING COMPANIES

Application To Engage in Underwriting and Dealing in Certain Investment Securities

The Board of Governors has received the following application filed pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's regulation Y (12 CFR 225.4(b)(2)) for prior approval to engage in underwriting and dealing in obligations of the United States, general obligations of any State and of any political subdivision thereof, and others enumerated in section 24 (Paragraph Seventh) of Title 12 of the United States Code:

United Bancorp, Roseburg, Oregon has applied to form de novo United Bancorp Municipals, Inc., Roseburg, Oregon.

The activity of underwriting and dealing in such obligations has not heretofore been found by the Board to be closely related to banking. Applicant states that the proposed activity is being, and has been traditionally, performed by banks, and is, in Applicant's opinion, closely related to banking. This notice is published pursuant to § 225.4 (a) of regulation Y.

In connection with its consideration of this application, the Board will also consider possible rulemaking to add the proposed activity to the list of activities the Board has previously determined to be closely related to banking.

To implement the proposal, § 225.4(a) of Regulation Y would be amended by adding a subparagraph to read as follows:

§ 225.4 Nonbanking activities.

(a) *Activities closely related to banking or managing or controlling banks.* * * *.

(_) underwriting and dealing in such obligations of the United States, general obligations of any State and of any political subdivision thereof, and other obligations that State member banks of the Federal Reserve System may from time to time be authorized to underwrite and deal in.

* * * * *

Interested persons are invited to comment in writing on the question of whether such underwriting and dealing are so closely related to banking or managing or controlling banks as to be a proper incident thereto.

Interested persons are also invited to comment in writing on the question of

whether consummation of the subject proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

Written comments as they are received will be made available for inspection and copying, except as provided in § 261.6(a) of the Board's rules regarding availability of information (12 CFR 261.6(a)), in Room 1118 of the Board's building, 20th Street and Constitution Avenue, NW., Washington, D.C. The applications may be inspected and copied at the offices of the Board of Governors or at the Federal Reserve Bank of San Francisco.

Any comment on this proposal should be submitted in writing and should be received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 8, 1974.

By order of the Board of Governors, April 2, 1974.

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

[FR Doc.74-8188 Filed 4-9-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 29]

TOBACCO

Proposed Allocation of Tobacco Inspection Service and Eligibility for Price Support

CROSS REFERENCE: For a document concerning tobacco inspection and price support services with regard to flue-cured tobacco, and filed jointly by the Agricultural Stabilization and Conservation Service, the Commodity Credit Corporation and the Agricultural Marketing Service, see FR Doc. 74-8308, *infra*.

[7 CFR Ch. IX]

[Docket No. AO-377]

RYEGRASS SEED GROWN IN OREGON

Recommended Decision and Opportunity To File Written Exceptions Regarding Proposed Marketing Agreement and Order

Correction

In FR Doc. 74-7335, appearing at page 12015 in the issue for Tuesday, April 2, 1974, the comment closing date in the seventh line of the second paragraph which now reads "May 22, 1974", should read "April 22, 1974".

Agricultural Stabilization and Conservation Service

[7 CFR Parts 29, 725, 1464]

TOBACCO

Proposed Allocation of Tobacco Inspection Service and Eligibility for Price Support

Notice is hereby given that the Department is considering amending its regulations relating to tobacco inspection and price support services with regard to flue-cured tobacco by amending Subpart A—Tobacco Loan Program (7 CFR Part 1464) to require the producer to designate the warehouse in which he desires to market his tobacco and comply with other specified conditions before such tobacco will be eligible for price support, by adding a new Subpart G—Policy Statement and Regulations Governing Availability of Tobacco Inspection and Price Support Services to Flue-cured Tobacco on Designated Markets (7 CFR Part 29) and by amending Part 725 (7 CFR Part 725) to conform those regulations to the amendments in Parts 29 and 1464. The aforesaid policy statement and regulations are statements of agency policy and rules and regulations issued pursuant to the authority of the Tobacco Inspection Act (49 Stat. 731, 7 CFR 511 et seq.); the Commodity Credit Corporation Charter Act (62 Stat. 1070, as amended (15 U.S.C. 714 et seq.)); the Agricultural Act of 1949, as amended (63 Stat. 1051 (7 U.S.C. 1421 et seq.)); and the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended (7 U.S.C. 1301, 1314, 1371, 1375)).

Statement of consideration. Under the proposed provisions, price support would be provided at each warehouse only to the producers whose farms are within limited distances from the warehouse, and only to producers who had previously designated the warehouses for the marketing of all or specific quantities of their tobacco. Tobacco inspection would be provided throughout the marketing season by apportioning the available inspectors to each marketing area on the basis of the estimated quantity of tobacco ready for marketing in each market area. Such assignment of inspectors would be made by the Secretary of Agriculture after considering the recommendations of a Flue-cured Tobacco Advisory Committee appointed by the Secretary pursuant to the Federal Advisory Committee Act. In the past, a producer could obtain price support at any warehouse, and the Secretary, in cooperating with the industry, assigned inspectors to all warehouses largely on the basis of schedules recommended by an industry marketing committee and representatives of the various markets.

The facilities available for processing flue-cured tobacco limit the quantity of tobacco which may be marketed, without creating market gluts, to about 85 million pounds per week. This is substantially less than the quantities which are actually ready for marketing and which producers are anxious to market during most weeks of the marketing season. It is also substantially less than the weekly quantities which (i) could be purchased by the sets of buyers which are available to serve all warehouses, or (ii) could be inspected by the number of inspectors which the Secretary has available. In efforts to maintain orderly marketing in this situation, industry committees have for several years, established opening dates for the markets in the various belts, and limitations of the weekly purchases by each set of buyers so that total weekly marketings would not exceed the capacity of the available processing facilities. While the inspection of tobacco by the Secretary, largely in accordance with such opening date and selling schedules, has effectively controlled the quantity of weekly marketings, it has failed to equalize the opportunity of producers in all areas in marketing their tobacco and obtaining price support. With the markets opening first in the most southern areas (where tobacco matures earliest) and moving northward only as the marketing in each area is largely completed, producers in the more northern areas have not had local markets available when their tobacco was ready for market to the same extent as producers in the more southern areas. This has resulted in millions of pounds of tobacco being transported from the northern areas to the more southern markets by producers seeking to market as early as possible. In many instances, the tobacco transported to southern areas for marketing must be re-transported northward for processing. The movement of tobacco outside its production area for marketing also creates considerable disorder in the overall market situation. It displaces the sales opportunity of the producers in the vicinity of the markets to which it is transported, and delays the reassignment of the inspectors from the southern areas to the more northern areas. In the overall, these conditions have resulted in increasing the costs of marketing tobacco and in inequity to producers as to their marketing opportunities.

To establish more orderly marketing and to provide inspection and price support services to producers on a more equitable basis, consideration is being given to changing the price support, marketing quota and tobacco inspection regulations as set forth below.

All persons who desire to submit written data, views, or arguments for consideration in connection with these proposals may file the same in four copies with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250 not later than April 25, 1974.

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)).

PART 29—TOBACCO INSPECTION

3. Amend the regulations governing tobacco inspection in Part 29 (7 CFR Part 29) to add a new Subpart G as follows:

Subpart G—Policy Statement and Regulations Governing Availability of Tobacco Inspection and Price Support Services to Flue-Cured Tobacco on Designated Markets

Sec.

AUTHORITY: Tobacco Inspection Act, 49 Stat. 731; (7 U.S.C. 511 et seq.); Commodity

Credit Corporation Charter Act, 62 Stat. 1070, as amended (15 U.S.C. 714 et seq.); the Agricultural Act of 1949, as amended (63 Stat. 1051; (7 U.S.C. 1421 et seq.)); and the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended (7 U.S.C. 1301, 1314, 1371, 1375)).

Subpart G—Policy Statement and Regulations Governing Availability of Tobacco Inspection and Price Support Services to Flue-Cured Tobacco on Designated Markets

§ 29.9401 Definitions.

As used in this Subpart, the following terms shall have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated or may hereafter be delegated, to act in his stead.

(b) "Marketing area" means a geographical area within the flue-cured tobacco production area specified by the Secretary each year on the basis of his determination that significant quantities of tobacco produced in such area is ready for marketing.

§ 29.9402 Policy statement.

The sets of inspectors available to serve the flue-cured marketing areas are currently adequate to provide inspection service as rapidly as tobacco can be purchased, handled and processed by the currently existing facilities of the buyers, and the lack of inspection personnel is not a limiting factor to accelerated marketings or the extension of price support to producers. The sets of buyers assigned to the flue-cured markets by the buying industry are adequate to purchase tobacco as rapidly as it can be handled and processed by the buyers' facilities. However, the tobacco ready for marketing during most weeks of the marketing season substantially exceeds the quantities which can be purchased, handled and processed by the currently existing facilities of the buyers. Moreover, the total number of flue-cured markets are substantially greater than the number of sets of buyers assigned by the buying companies or the number of sets of available inspectors. In this situation, about 6 months is required to market a years crop of flue-cured tobacco and all warehouses cannot be served at the same time by the available sets of inspectors and the sets of buyers assigned by the buying companies. As additional sets of inspectors would not relieve the situation, inspection service will be provided by assigning the available inspectors to the various marketing areas and to warehouses within the marketing areas in a manner determined by the Secretary to provide the best and most equitable service to all growers.

§ 29.9403 Flue-cured Tobacco Advisory Committee.

To assist the Secretary in making the apportionment and assignment of inspectors, a Flue-Cured Tobacco Advisory Committee, appointed in accordance with the Federal Advisory Committee Act (5 U.S.C. Appendix I), shall advise and recommend to the Secretary marketing area opening dates and selling schedules for the flue-cured tobacco to be sold in each marketing area and in each warehouse within the marketing area.[1]

§ 29.9404 Marketing area opening dates and marketing schedules.

(a) The Flue-cured Tobacco Advisory Committee shall recommend to the Secretary marketing area opening dates and selling schedules for each marketing area and for the individual warehouses in each marketing area which specify the length of time inspectors will be available to inspect tobacco and/or the quantity of tobacco to be marketed in each area and through each warehouse within such marketing area. In developing such opening date and selling schedules, the committee shall take into account the following:

(1) When a sufficient volume of tobacco produced within a specific area of the flue-cured tobacco production area will be ready for marketing;

(2) The volume of tobacco ready for marketing which the producers have designated to be sold at specific warehouses and also the volume of tobacco ready for market which has not been so designated by the producers;

(3) The processing or redrying capacity of the industry and the number of inspectors available to provide inspection service during the specific period involved;

(4) Such other factors or information as may be necessary to develop an effective and equitable opening date and selling schedule.

(b) The Flue-cured Tobacco Advisory Committee shall thereupon submit its recommended opening date and selling schedule and the geographic areas to be included in specific marketing areas to the Secretary together with a basis supporting its recommendations.

§ 29.9405 Issuance of marketing area opening date and selling schedules by the Secretary.

(a) The Secretary shall review the recommendations of the Flue-cured Tobacco Advisory Committee and based upon such recommendations and the basis therefor and such other information as may be available to him, shall specify the geographic area to be encompassed by the marketing areas, set the opening dates for sale within the marketing areas and issue the selling schedules. The inspection of flue-cured tobacco will be in accordance with such schedules.

(b) The Flue-cured Tobacco Advisory Committee shall recommend modifications in the opening date and marketing schedule during the flue-cured tobacco marketing season as may be warranted by changes in marketing conditions and the Secretary shall act thereon in the same manner as approving the initial opening date and marketing schedules.

[1] It is contemplated that for the 1974 marketing year, the current industry wide flue-cured marketing committee will be appointed as the advisory committee.

PART 725—FLUE-CURED TOBACCO

4. Immediately after § 725.97, insert a new § 725.97a, as follows:

§ 725.97a Designation of warehouses by producers of flue-cured tobacco.

The county ASCS offices in each county in the flue-cured production area shall perform the duties and functions stated in Subpart A—Tobacco Loan Program regulations in § 1464.2(e)(2) of this title.

PART 1464—TOBACCO

1. In Subpart A, Tobacco Loan Program, § 1464.2 redesignate paragraphs (e) (2) and (3) as paragraphs (e) (3) and (4) and insert a new paragraph (e) (2) as follows:

§ 1464.2 Availability of price support.

* * * * *

(e) * * *

(2) For flue-cured tobacco offered for sale at auction warehouses, price support will be available only on tobacco which has been designated for sale at specific warehouses by the producer under the following conditions:

(i) Producer as used in this subparagraph means the person who was issued the tobacco marketing card pursuant to Part 725 of this Title.

(ii) *Producer designation of warehouses.* Producers shall be required, as a condition of price support, to designate the warehouses at which they will market their tobacco. Such designations may be at any warehouse or warehouses within a radius of 80 miles from the county seat of the county in which the farm is located, or if such farm is physically within two counties, then from the county seat of the county in which the county ASCS office administering that farm is located. To the extent that there are less than eight markets within such radius, any warehouse or warehouses in any of the eight markets nearest to the county seat may be designated. A producer may obtain price support only in a warehouse he has designated, and at each such warehouse only with respect to the quantity of tobacco he designated for sale at such warehouse.

(iii) *When producer designations shall be made.* Producer designations of the warehouse or warehouses at which they will market their tobacco shall be made each year during a period which shall be announced by the county ASCS office in their county prior to the start of the period. Such period shall be prior to May 31 each year, except for the 1974 crop, such period will be prior to June 14. Producers who lease quota after such period may designate the warehouse or warehouses at which the leased pounds will be marketed at the time the lease is filed at the County ASCS office. During the five work days ending on the first Friday of each calendar month after any flue-cured marketing area has opened for inspection and sale of tobacco, producers in any part of the flue-cured production area may change their designations with respect to that portion of their tobacco then remaining to be marketed.

(iv) *Form and content of designations.* A designation shall be made by each producer for each warehouse at which he desires to market his tobacco by executing a form provided by the county ASCS office. The producer will be required to indicate on such form the name of the warehouse or warehouses designated by him and the pounds of flue-cured tobacco he desires to sell at each such warehouse as well as any other information requested on such form.

(v) *Issuing warehouse designation card.* The county ASCS office shall execute and furnish the producer a warehouse designation card for each warehouse which the producer designates. Changes in designation by the producer shall be accomplished by the producer returning his warehouse designation card to the county ASCS office and requesting the transfer of any unmarketed pounds of flue-cured tobacco shown on any warehouse designation card to a warehouse designation card for another eligible warehouse or warehouses.

(vi) *Use of warehouse designation cards by warehouses.*

(*a*) The warehouse shall enter on the warehouse designation card the date of sale and the pounds of that producer's tobacco sold as well as any other information requested from the warehouse on such card;

(*b*) A separate sale bill marked "no price support" shall be prepared for that quantity of tobacco weighed in that is in excess of the pounds designated as shown on the warehouse designation card;

(*c*) The warehouse shall mark "no price support" on the sale bill for any tobacco for which the producer failed to present the warehouse a warehouse designation card.

(vii) *Availability of designation information.* Each county ASCS office shall send all designations received to the Flue-cured Stabilization Corporation, Raleigh, North Carolina, following each designation period and each period for changing designations. That corporation shall inform the Flue-cured Tobacco Advisory Committee of the pounds designated to each warehouse and shall furnish each warehouse the name and address of the producers who designated the warehouse and the pounds each designated.

(viii) *Failure to comply with opening date and selling schedule by warehouses.* The tobacco in each warehouse will be inspected in accordance with Part 29 of this title, and as a condition for price support, each warehouse must comply with the opening date and selling schedules issued pursuant to those regulations. In the event a warehouse sells tobacco in excess of that allowed by the opening date and selling schedule such excess amount shall be deducted from the amount of tobacco authorized to be sold at that warehouse the following sales day. On the following sales day if the warehouse again sells in excess of the amount authorized by the selling schedule less the amount to be deducted then price support will not be available to any flue-cured tobacco sold at that warehouse on the third sales day.

2. Amend § 1464.8 by redesignating paragraphs (e), (f), (g), (h), and (i) as (f), (g), (h), (i), and (j), and insert a new paragraph (e) as follows:

§ 1464.8 Eligible tobacco.

* * * * *

(e) If flue-cured tobacco which was delivered to the association through an auction warehouse, is a quantity which, when added to previous marketings of that producer at that warehouse, does not exceed the quantity designated by the producer for marketing at that warehouse.

* * * * *

Done at Washington, D.C. this 8th day of April, 1974.

CLAYTON YEUTTER,
Acting Secretary.

[FR Doc.74-8308 Filed 4-9-74;8:45 am]

Commodity Credit Corporation

[7 CFR Part 1464]

TOBACCO

Proposed Allocation of Tobacco Inspection Service and Eligibility for Price Support

CROSS REFERENCE: For a document concerning tobacco inspection and price support services with regard to flue-cured tobacco, and filed jointly by the Commodity Credit Corporation, the Agricultural Stabilization and Conservation Service, and the Agricultural Marketing Service, see FR Doc. 74-8308, *supra.*

Notices

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

DEPARTMENT OF STATE

[Public Notice 417]

COLORADO RIVER INTERNATIONAL SALINITY CONTROL PROJECT

Availability of Draft Environmental Impact Statement

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332), the Department of State and the Department of the Interior have jointly prepared a draft environmental impact statement on the International Salinity Control Project for the waters of the Colorado River, which will permit the United States to comply with its obligations under the Agreement of August 30, 1973, with Mexico as set forth in Minute No. 242 of the International Boundary and Water Commission, concluded pursuant to the Water Treaty of February 3, 1944. Major facilities discussed in the statement include a desalting complex in the vicinity of Yuma, Arizona, with a drain extending to a point near the Gulf of California, and a reconstructed portion of the Coachella Canal in Southern California. Written comments may be submitted to the Regional Director, Bureau of Reclamation, Nevada Highway and Park Street, Boulder City, Nevada 89005, within forty-five days of the date of this Notice. Please refer to the Statement number, INT DES 74–39.

This draft environmental impact statement is the second statement on this general subject. The first statement was prepared by the Department of State with the close support and cooperation of the Department of the Interior and focuses on the principal options considered prior to negotiations between the U.S. and Mexico leading to the Agreement of August 30, 1973. The final edition of the first impact statement was made available to the public in October, 1973, with notice to that effect appearing in the October 9, 1973, issue of the FEDERAL REGISTER. This second statement deals with the specific facilities recommended to meet the obligations incurred by the U.S. under the Agreement of August 30, 1973.

Copies of the draft environmental impact statement are available for inspection at the following locations:

Office of Saline Water
Room 334, South Building
Department of the Interior
Washington, D.C. 20240
Telephone: (202) 343–5881

Office of Communications
Room 7220
Department of the Interior
Washington, D.C. 20240
Telephone: (202) 343–9247

Office of the Assistant to the Commissioner—Ecology
Room 7620
Bureau of Reclamation
Department of the Interior
Washington, D.C. 20240
Telephone: (202) 343–4991

Office of Mexican Affairs
Room 3910
Department of State
Washington, D.C. 20520
Telephone: (202) 632–1317

Office of the U.S. Commissioner
International Boundary and Water Commission
P.O. Box 20003
El Paso, Texas 79998
Telephone: (915) 543–7393

Division of Engineering Support
Technical Services Branch
E&R Center
Denver Federal Center
Denver, Colorado 80225
Telephone: (303) 234–3007

Office of the Regional Director
Bureau of Reclamation
Nevada Highway and Park Street
Boulder City, Nevada 89005
Telephone: (702) 293–2161

Yuma Projects Office
Bureau of Reclamation
P.O. Bin 5569, 3800 Avenue 3E
Yuma, Arizona 85364
Telephone: (602) 726–2684

Single copies of the draft environmental impact statement may be obtained, upon request, from the Director of the Office of Saline Water, the Commissioner of Reclamation, the Regional Director of the Bureau of Reclamation, and the Yuma Projects Office of the Bureau of Reclamation.

Dated: April 2, 1974.

For the Secretary of State.

CHRISTIAN A. HERTER, JR.,
Special Assistant to the Secretary of State for Environmental Affairs.

[FR Doc.74–8186 Filed 4–9–74;8:45 am]

[Public Notice CM–127]

U.S. ADVISORY COMMISSION ON INTERNATIONAL EDUCATIONAL AND CULTURAL AFFAIRS

Notice of Meeting

The United States Advisory Commission on International Educational and Cultural Affairs will meet in open session on Tuesday, April 30, 1974, at the Department of State, Room 1207, from 9:30 a.m. to 12 noon. The agenda will include a progress report on the joint study of the similar and related functions performed by the U.S. Information Agency, its overseas information service, and the Department of State, with a view to recommending to the President, to the Congress, and to the agencies involved any rearrangements more suitable to the effective performance of these programs and more in keeping with the changing directions of U.S. foreign policy; a discussion of the Bureau of Educational and Cultural Affairs' "Concept Paper" which delineates the goals and purposes of the Bureau; a brief review of the present teenage exchange programs with which the Bureau cooperates as well as a discussion of the values inherent in teenage exchange activities; and such new business as may be recommended for discussion at later meetings.

For purposes of fulfilling building security requirements, anyone wishing to attend the open session must advise the Staff Director by telephone in advance of the meeting. Telephone: 632–2764.

Dated: April 2, 1974.

CAROL M. OWENS,
Acting Staff Director, Commission Secretariat.

[FR Doc.74–8190 Filed 4–9–74;8:45 am]

[Public Notice CM–128]

ADVISORY COMMITTEE ON INTERNATIONAL INTELLECTUAL PROPERTY

Notice of Meeting

The International Copyright Panel of the Department of State's Advisory Committee on International Intellectual Property will meet in open session April 18, 1974, at the Department of State in Room 1406 from 10 A.M. to 12:30 P.M. This open meeting will be to discuss the forthcoming diplomatic conference to be held in Brussels from May 6–21, 1974. A meeting to receive views of the public on this convention will also be held on April 11 (See 39 FR 9484; March 11, 1974).

This diplomatic conference, which is sponsored jointly by the United Nations Educational, Scientific and Cultural Organization (UNESCO) and the World Intellectual Property Organization (WIPO), has been called to adopt a convention relating to the distribution of programme-carrying signals transmitted by satellite. The purpose of the convention is to protect programme-carrying signals transmitted by satellite from unauthorized distribution by requiring contracting states to prevent distribution of such signals on or from their territory by any distributor for whom the signals are not intended.

Members of the general public who desire to attend the meeting will be admitted up to the limits of the capacity of the meeting room. Entrance to the Department of State building is controlled

and entry will be facilitated if arrangements are made in advance of the meeting. It is requested that prior to April 18, 1974, members of the general public who plan to attend the meeting inform their name and affiliation and address to Mr. Damon V. LaBrie, Office of Business Practices, Department of State; the telephone number is area code 202, 632–2181. All nongovernment attendees at the meeting should use the C Street entrance to the building.

Dated: April 3, 1974.

HARVEY J. WINTER,
Executive Secretary.

[FR Doc.74–8212 Filed 4–9–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Serial Nos. A 7950–A 7951]

ARIZONA

Public Hearing on Withdrawal of Kofa Game Range and Cabeza Prieta Game Range

Notice is hereby given that public hearings will be held at 1:00 p.m., April 24, 1974, in the Yuma Civic and Convention Center, Yuma, Arizona, and at 1:00 p.m., April 26, 1974, in the Phoenix City Council Chambers, Municipal Center, Phoenix, Arizona, on the proposed withdrawal of the Kofa and Cabeza Prieta Game Ranges.

The Kofa Game Range and Cabeza Prieta Game Range were established by Executive Orders 8039 and 8038 of January 25, 1939. These Executive Orders provided for joint administration of the Ranges by the Bureau of Sport Fisheries and Wildlife and the Bureau of Land Management, and for continued operation of the mining and mineral leasing laws and domestic livestock grazing.

The Bureau of Sport Fisheries and Wildlife has filed withdrawal application A–7950 to add 87,200 acres to the existing 660,000 acre Kofa Game Range, to change the name to the Kofa National Wildlife Refuge, to close the refuge to the provisions of the mining and mineral leasing laws and the provisions of the Taylor Grazing Act, and to vest sole Federal administration in the Bureau of Sport Fisheries and Wildlife, subject to existing rights.

The Bureau of Sport Fisheries and Wildlife has filed withdrawal application A–7951 to add 79,000 acres to the existing 861,000 acre Cabeza Prieta Game Range, to change the name to the Cabeza Prieta National Wildlife Refuge, to close the refuge to the provisions of the mining and mineral leasing laws and the provisions of the Taylor Grazing Act, and to vest sole Federal administration in the Bureau of Sport Fisheries and Wildlife, subject to existing rights including those of the Department of Defense. Most of the existing Game Range is covered by the overlapping Air Force Gunnery Range and all but 34,560 acres in the proposed withdrawal have been closed to the operation of the mining and mineral leasing laws and to grazing by the existing military withdrawals.

The two Refuges would be administered by the Bureau of Sport Fisheries and Wildlife in accordance with the laws, rules, and regulations applicable to the National Wildlife Refuge System.

The Notices of Proposed Withdrawal and Reservation of Lands were published in the March 6, 1974, FEDERAL REGISTER describing the lands and giving an opportunity for persons to submit comments, suggestions, or objections in connection with the proposed withdrawals. A large number of comments have been received; many requesting that a public hearing be held.

The purpose of the public hearings is to provide an opportunity for all interested persons, organizations, and governmental representatives to express their oral or written views on the proposed withdrawals. The transcript of the public hearings, written comments already received, and any written comments received by May 15, 1974, will be made a part of the record and will be considered in making the report and recommendations to the Secretary of the Interior.

These April 24 and April 26, 1974, public hearings on the withdrawal applications A–7950 and A–7951 are separate from the public hearings on the Wilderness Proposal for the Kofa Game Range which the Bureau of Sport Fisheries and Wildlife is holding in Yuma on April 25 and continued in Phoenix on April 27, 1974. These hearings are being held on consecutive days to facilitate public review and participation in the withdrawal and wilderness proposals.

Maps of the areas involved in the withdrawal applications are available at: Yuma District Office, 2450 Fourth Ave., Yuma, Arizona 85364; Phoenix District Office, 2929 W. Clarendon Ave., Phoenix, Arizona 85017; and Arizona State Office, 3022 Federal Building, Phoenix, Arizona 85025.

The complete public hearing schedule is summarized as follows:

April 24, 1974: Public hearing on withdrawal applications for the Kofa and Cabeza Prieta Game Ranges, 1:00 p.m.—Yuma Civic and Convention Center, Yuma, Arizona.

April 25, 1974: Public hearing on Kofa Wilderness Proposal, 1:00 p.m.—Yuma Civic and Convention Center, Yuma, Arizona.

April 26, 1974: Public hearing on withdrawal applications for the Kofa and Cabeza Prieta Game Ranges, 1:00 p.m.—Phoenix City Council Chambers, Phoenix, Arizona.

April 27, 1974: Public hearing on Kofa Wilderness Proposal, 9:00 a.m.—Phoenix Civic Plaza, Phoenix, Arizona.

Dated: April 3, 1974.

JOE T. FALLINI,
State Director.

[FR Doc.74–8211 Filed 4–9–74;8:45 am]

DEPARTMENT OF AGRICULTURE

[Designation No. AO41]

Farmers Home Administration

SOUTH CAROLINA

Designation of Emergency Areas

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following county in South Carolina:

Colleton

The Secretary has found that this need exists as a result of a natural disaster consisting of cool and dry weather in April and May 1973 and excessive rainfall June through August 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 John C. West that such designation be made.

Applications for Emergency loans must be received by this Department prior to May 28, 1974, for physical losses and prior to December 30, 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 or loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rulemaking and invite public participation.

Done at Washington, D.C., this 4th day of April 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74–8207 Filed 4–9–74;8:45 am]

Food and Nutrition Service

FOOD STAMP PROGRAM

Retroactive Benefits for Food Stamp Recipients

On October 27, 1972, the United States District Court for the District of Columbia ordered the Food and Nutrition Service (FNS) of the Department of Agriculture (USDA) to provide retroactive food stamp benefits to certain households that had their food stamps wrongfully denied, delayed, or terminated due to an administrative error on the part of the certifying State agency. On appeal by USDA, the United States Court of Appeals upheld the District Court order. On December 10, 1973, the United States Supreme Court refused to hear another appeal from USDA on this ruling, thereby leaving in effect the District Court order, affirmed by the Appellate Court.

In compliance with this order, on December 13, 1973, FNS notified its Regional Offices and the welfare commissioners of all participating State agencies of the Supreme Court's action and its effect. On January 3, 1974, USDA issued interim procedures, by telegram, in order to immediately implement the court order. These procedures were to be in effect until the Department could promulgate permanent procedures in this regard.

To assure that recipient households are aware of their entitlement to retroactive food stamp benefits, and to also make sure that this information is available to all interested and affected persons

the text of our January 3, 1974 telegram is printed below. This interim procedure will remain in effect until permanent regulations are issued. Proposed regulations will be issued in the near future which will be in the form of proposed rule making and will invite public comment.

CLAYTON YEUTTER,
Assistant Secretary.

APRIL 5, 1974.

JANUARY 3, 1974.

PBS
All FNS Regional Administrators
All State Welfare Commissioners

Re: *Bermudez, et al.* v. *United States Department of Agriculture, et al.* The restoration of lost food stamp benefits

Please refer to our telegram of December 13, 1973, which informed you of the court decision in the *Bermudez* case. On December 10, 1973, the United States Supreme Court refused to hear USDA's appeal of this decision; thereby the Department is required to comply with the District Court order to reimburse households which have had their food stamp benefits wrongfully delayed, denied or terminated.

USDA is now in the process of preparing procedures to implement this decision. In the interim, State agencies are to comply with the following policy:

A. Effective immediately, State agencies are directed to make retroactive benefits available to households which (1) are certified to participate in the program, (2) have requested a fair hearing on or after July 31, 1972, and (3) are determined by the fair hearing process to be entitled to lost food stamp benefits. With respect to households which meet items (2) and (3) but which are not presently certified to participate in the program, the State agencies shall make such benefits available only upon such households being certified to participate under regular procedures. In no event shall State agencies make retroactive benefits available to any household which is not certified to participate.

B. If, as a result of agency conference pursuant to FNS(FS) Instruction 732-14, a household is determined to be eligible for retroactive benefits, the State agency shall refer the matter to the hearing authority and shall make such benefits available to the household only if the hearing authority concurs in such determination.

C. The State agency shall make retroactive benefits available to households entitled thereto by reducing their purchase requirement so that the reduction(s) will, in the shortest time possible, equal the amount of the benefits lost. When an ATP card is issued to such a household, the reduction in purchase requirement reflected on the card shall be considered retroactive benefits made available to the household whether or not it negotiates the card.

D. The State agency shall record the lost benefits transaction(s) in the case file of each household receiving or entitled to receive retroactive benefits.

E. State agencies shall forward to the appropriate FNS Regional Office a monthly report which itemizes, by project area, the amount of benefits that have been restored. This report is to be received within 20 days of the end of each reporting month and must contain the following information:

1. The amount of benefits restored during the month by household name and case number.

2. The reason or cause which resulted in the lost benefits.

3. The period in which the lost benefits were incurred.

4. The total number of cases during the month in which a hearing authority authorized benefits and the total amount of such benefits.

We will provide you with more information on this in the near future. Thank you for your cooperation on this matter.

JAMES E. SPRINGFIELD,
Acting Administrator.

[FR Doc.74-8195 Filed 4-9-74;8:45 am]

Rural Electrification Administration

ARIZONA ELECTRIC POWER COOPERATIVE, INC.

Draft Environmental Statement

Notice is hereby given that the Rural Electrification Administration has prepared a Draft Environmental Statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a proposed loan application from Arizona Electric Power Cooperative, Inc., of Benson, Arizona. This proposed loan application will provide financing for a 65 MW combustion turbine, to be installed at the existing Apache generating station. No additional transmission facilities will be required. The proposed unit will be used primarily for emergency and peaking power.

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. Comments are particularly invited from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved from which comments have not been requested specifically.

Copies of the REA Draft Environmental Statement have been sent to various Federal, State and local agencies, as outlined in the Council on Environmental Quality Guidelines. The Draft 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.

Comments concerning the environmental impact of the construction proposed should be addressed to Mr. Askegaard at the address given above. Comments must be received on or before June 10, 1974 to be considered in connection with the proposed action.

Final REA action with respect to this matter (including any release of funds) will be taken 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 4th of April, 1974.

DAVID A. HAMIL,
Administrator, Rural Electrification Administration.

[FR Doc.74-8240 Filed 4-9-74;8:45 am]

MINNKOTA POWER COOPERATIVE, INC.

Draft Environmental Impact Statement

Notice is hereby given that the Rural Electrification Administration intends to prepare a draft environmental impact statement in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 in connection with an anticipated request to provide a combination of a loan guarantee and insured loan funds for Minnkota Power Cooperative, Inc., P.O. Box 1318, Grand Forks, North Dakota 58201, which will provide for new generation facilities and related transmission facilities.

The proposed generating facilities are expected to consist of a single 400 MW lignite fired unit. It is presently proposed that this unit will be located in Oliver County near Center, North Dakota.

Various transmission facilities are tentatively proposed to deliver the 400 MW output to Minnkota's system. The first of these is expected to be a 200 mile-230 kV line from the plant site to an area near Grand Forks, North Dakota. The second is expected to be a 270 mile-230 kV line from the plant site to an area near Winger, Minnesota. It is also expected that a 40 mile-230 kV line from Bemidji, Minnesota, to Badoura, Minnesota, would be constructed. It is tentatively proposed that these lines will be located in parts of Oliver, McLean, Sheridan, Wells, Eddy, Foster, Griggs, Steele, Traill, McHenry, Pierce, Benson, Ramsey, Nelson, and Grand Forks Counties in North Dakota, and Polk, Beltrami, and Hubbard Counties in Minnesota.

Interested persons are invited to submit comments which may be helpful in preparing the Draft Environmental Impact Statement.

Comments should be forwarded to the Assistant Administrator—Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, with a copy to the borrower whose address was given above. Additional information may be obtained at the borrower's office during regular business hours.

Dated at Washington, D.C., this 4th day of April, 1974.

DAVID A. HAMIL,
Administrator.

[FR Doc.74-8205 Filed 4-9-74;8:45 am]

DEPARTMENT OF COMMERCE

Maritime Administration

REPORT ON TANKER CONSTRUCTION IMPROVEMENT PROGRAM

Notice of Availability

Notice is hereby given that copies of the Maritime Administration report on

possible means for the environmental improvement of the Maritime Administration Tanker Construction Program will be made available to the public on April 10, 1974.

The report examines the current statutory and regulatory framework within which the tanker construction-differential subsidy program is conducted and identifies areas, such as research and development, for possible actions or recommendations with respect to appropriate means to develop additional capability for incorporation of design and construction features deemed desirable from an environmental standpoint for oil carrying vessels built in the United States.

Copies of the report may be obtained, upon request, from the Environmental Activities Group, Room 4862, Maritime Administration, Department of Commerce, Washington, D.C. 20230 (telephone 22–967–5136).

Dated: April 4, 1974.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74–8131 Filed 4–9–74;8:45 am]

National Oceanic and Atmospheric Administration

GERALD L. KOOYMAN

Notice of Receipt of Application for Scientific Research Permit

Notice is hereby given that the following applicant has applied in due form to take marine mammals for scientific reresearch as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

Gerald L. Kooyman, Assistant Research Physiologist, Scripps Institution of Oceanography, La Jolla, California 92037, to take six (6) California sea lions (*Zalophus californianus*) and six (6) Pacific harbor seals (*Phoca vitulina richardii*) for scientific research.

The sea lions will be taken by the Applicant from the beaches of the California Channel Islands. A hoop net will be used to take the sea lions. The Applicant and the other persons involved in the capture have considerable experience in the collection of pinnipeds. The harbor seals will be taken by a professional collector in the vicinity of Eureka, California. A seine net will be used to take the harbor seals. Three animals of each species will be taken during 1974. The remaining animals will be taken during 1975. All animals will be transported to the Scripps facility by truck.

The marine mammals will be maintained in two of three sea water tanks: a rectangular tank, 40 feet long, 15 feet wide and 8 feet deep; a circular tank, 25 feet in diameter and 8 feet deep; and a ring-shaped tank, 108 feet outer diameter, 80 feet inner diameter, and 8 feet deep.

The animals are to be used in comparative studies of lung function. Such studies should provide a better general understanding of the relationship of lung function and structure in mammals as well as specific understanding of the relationships of lung functions and structure in marine mammals.

There are three parts to the study in which the seals and sea lions will be used: (1) The mechanical properties of the respiratory system will be determined in anesthetized animals through the use of cycles of inflating and deflating the lungs at known pressures; (2) maximum volumes of air released will also be measured at this time by placing the animal in an airtight container. By rapidly adjusting the pressure in the box the rate of emptying of the lungs can be measured; and (3) the animals will be used to study the influence of lung volume on pulmonary gas exchange at various diving depths, and the method of reexpansion of collapsed lungs. Certain structural characteristics of the lung may permit this deep diving without damaging the lung or permitting nitrogen to be absorbed in the blood in such quantities as to cause decompression sickness. In order to test the importance of lung structure, the gas exchanging properties of the lung will be compared at different pressures. To measure these gas exchanging properties, catheters will be placed in the blood vessels of animals under anesthesia. After recovery from these procedures, the compression dives will be carried out.

No mortality or serious disability is anticipated as a result of conducting these studies with the seals and sea lions. Following completion of the compression dive experiments, the catheters will be removed. Following recovery from surgery the animals will then be available for further use in a research or display capacity.

The information gained from these studies will aid in developing rational diagnoses and treatment of pulmonary illnesses in marine mammals. The studies will also provide a better understanding of the underlying causes of human respiratory abnormalities such as chronic obstructive lung disease.

Dr. Kooyman has worked for eight years on the anatomy, physiology and behavior of marine birds and mammals, with specific emphasis on physiological adaptation to environmental conditions such as extreme water pressures.

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

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

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

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

Interested parties may submit written data or views on this application within 30 days of the publication of this notice to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

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

Dated: March 27, 1974.

JOSEPH SLAVIN,
Acting Director, National Marine Fisheries Service.

[FR Doc.74–8199 Filed 4–9–74;8:45 am]

HONG KONG JOCKEY CLUB (CHARITIES) LTD. AND LA CALOPERIC

Notice of Receipt of Applications for Permit

Marine Mammals

Notice is hereby given that the following applicants have applied in due form for permits to take marine mammals for use in foreign public display facilities as authorized by the Marine Mammal Protection Act of 1972 and the Regulations Governing the Taking and Importing of Marine Mammals.

1. The Hong Kong Jockey Club (Charities) Ltd., Ocean Park Limited, Prince's Building, Hong Kong, to take ten (10) California sea lions (*Zalophus californianus*) and ten (10) Pacific harbor seals (*Phoca vitulina richardii*) for the purpose of public display.

The California sea lions will be taken from the California Channel Islands by a professional collector. The harbor seals will be taken in the vicinity of Eureka, California by a professional collector. All animals will be taken from beaches using nets, prior to May 1975.

The animals will be transported to the Ocean Park facility in Hong Kong by commercial airline. The Ocean Park staff veterinarian will accompany the animals in transit.

The Ocean Park seal and sea lion facilities are currently under construction, with an anticipated opening in December 1975. The sea lions will be maintained in three 300 gallon pools, 8 feet wide, 10 feet long and 2½ feet maximum depth. The sea lions will perform in the 1.6 million gallon Ocean Theater. The harbor seals will be maintained in a 300,000 gallon pool, which has been designed to simulate a cliff site seal rookery. The features of the harbor seal pool include rocky slopes, a sand beach and artificially produced 3-foot waves.

The Joint Operations Manager of Ocean Park, Mr. Rod Abel, was previously the manager of Marineland of New Zealand. He is experienced in the husbandry, capture, transport and management of dolphins, seals, sea lions and marine birds. The head trainer, Mr. Terry Martin, has worked as a trainer for 5 years in New Zealand, Australia and Hong Kong. The veterinarian, Dr.

D. D. Hammond, has had 8 years experience working with dolphins, sea lions, seals and penguins. He has also been employed by Scripps Institution of Oceanography as a research scientist and veterinarian for six years.

The harbor seals will be displayed in a simulated natural sea and cave exhibit. The sea lions will be exhibited in three daily shows, not to exceed 15 minutes each. Ocean Park Limited has a capacity of 40,000 persons daily.

2. La Galoperie, Societe a Responsabilite Limitee au Capital de 290.000 Fr 59 Anor (Nord) France, to take three (3) Atlantic bottlenosed dolphins (*Tursiops truncatus*) and two (2) California sea lions (*Zalophus californianus*) for public display.

The dolphins will be taken by a professional collector from shallow waters in the vicinity of the Florida Keys, by use of a seine net. The sea lions will be taken by a professional collector from the beaches of the California Channel Islands, by use of hoop nets. All animals will be acclimated to captivity by the collectors and transported by commercial airline to the La Galoperie facility.

The dolphins will be maintained in an enclosed pool, 22 meters long, 7.4 meters wide, and 4.25 meters deep, containing artificial sea water, which is filtered and heated. Currently, this pool contains one dolphin. The sea lions will be maintained in an enclosure with a pool measuring 5 meters long, 4 meters wide and 0.5 meters deep. A platform is available for use as a hauling ground. The sea lion enclosure is completely protected from adverse weather conditions.

The maintenance staff consists of a trainer, with six years experience in training dolphins and sea lions, and one assistant.

The animals will perform in three 30 minute shows daily, with four shows on Sunday. An estimated 200,000 persons will visit La Galoperie annually.

The facilities and arrangements for transporting and maintaining the animals have, in both of the above cases, been inspected by licensed veterinarians, who have certified that such facilities and arrangements are adequate to ensure the well-being of the animals.

Documents submitted in connection with these applications are available as follows:

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

Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, Florida 33702, telephone 813-893-3141 (application No. 2);

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, telephone 213-548-2575 (both applications).

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

Interested parties may submit written data or views on these applications on or before May 10, 1974, to the Director, National Marine Fisheries Service, Department of Commerce, Washington, D.C. 20235.

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

Dated: March 29, 1974.

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

[FR Doc.74-8197 Filed 4-9-74;8:45 am]

HONG KONG JOCKEY CLUB AND LA GALOPERIE

Notice of Public Hearing

Notice is hereby given that, as authorized by § 216.33 of the regulations governing the taking and importing of Marine Mammals (39 FR 1851, January 15, 1974), a hearing will be held at 10:00 a.m. on April 30, 1974, in the Penthouse conference room, National Marine Fisheries Service, Page Building No. 1, 2001 Wisconsin Avenue, NW., Washington, D.C. 20007. The purpose of the hearing is to consider display permit applications from: (1) The Hong Kong Jockey Club, to take (10) California sea lions (*Zalophus californianus*) and ten (10) Pacific harbor seals (*Phoca vitulina richardii*); and (2) from La Galoperie, Anor (Nord); France to take three (3) Atlantic bottlenosed dolphins (*Tursiops truncatus*) and two (2) California sea lions (*Zalophus californianus*). The animals requested in each application will be exhibited in foreign public display facilities.

The National Marine Fisheries Service has received inquiries and/or applications from three other foreign display facilities, It is the desire of the National Marine Fisheries Service to receive public comments on the specific applications outlined above as well as on the general concept of permitting marine mammals to be taken for public display in foreign facilities.

Individuals and organizations may express their views or opinions by appearing at this hearing, or by submitting written comments for inclusion in the record between the date of publication of this notice and 30 days following the hearing. Written comments should be submitted, and inquiries with respect to this hearing directed, either to the Director, National Marine Fisheries Service, Washington, D.C. 20235, or to the Regional Director, National Marine Fisheries Service, Southeast Region, Duval Building, 9450 Gandy Boulevard, St. Petersburg, FL 33702, or to the Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731.

Dated: March 29, 1974.

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

[FR Doc.74-8198 Filed 4-9-74;8:45 am]

Office of the Secretary

[Dept. Organization Order 40-1; Amdt. 1]

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Organization and Functions

This order, effective March 25, 1974, amends the material appearing at 39 FR 1871 of January 15, 1974.

Department Organization Order 40-1, dated November 12, 1973, is hereby amended as follows:

1. *Section 7. Bureau of International Commerce.* This section is revised to read as follows:

SECTION 7. *Bureau of International Commerce (BIC).*

The Deputy Assistant Secretary for International Commerce shall assist and advise the Assistant Secretary on export expansion, and shall serve as National Export Expansion Coordinator. Within the framework of overall DIBA goals, the Deputy Assistant Secretary shall determine the objectives of the Bureau—a mainline component of DIBA—formulate policies and programs for achieving those objectives, and direct the execution of Bureau programs. The Deputy Assistant Secretary shall be responsible for representing the interests of the Department to other agencies with regard to the official representation of U.S. commercial Interests abroad. The Deputy Assistant Secretary shall be assisted by a Deputy Director who shall perform the functions of the Deputy Assistant Secretary in the latter's absence. The functions of the Bureau shall be carried out through its principal organizational elements as prescribed below:

.01 The Office of Market Planning shall provide principal planning and strategy development for the Bureau, shall develop and review Bureau role, objectives, and operating plans on a worldwide basis, shall identify those sectors of U.S. industry with the greatest export growth potential and examine foreign markets offering the greatest export opportunities to U.S. industry; shall develop guidelines for allocation of resources for DIBA-sponsored export programs; shall establish "intensive promotion cycles" for BIC export expansion activities; shall measure and evaluate Bureau programs, and shall coordinate the development of Bureau publications, communications programs, information systems, Country commercial programs, and the Office of Field Operations/BIC agreement.

.02 The Office of Export Development shall conduct activities in the United States designed to stimulate export marketing in all segments of the domestic economy which have the capability to export; shall develop promotional activities for increasing national awareness of export potentials and benefits, and for improving Government/business cooperation in export development; shall be the focal point for the export expansion activities involving DIBA district offices; shall provide information on commercial participants in world trade and furnish specific trade investment opportunities

to U.S. businessmen; shall assist qualified U.S. firms in achieving maximum participation in major systems and development projects abroad; shall provide coordination for DIBA participation in domestic trade fairs; shall encourage foreign direct capital investments and licensing by foreign firms in the United States; and shall provide information and other services consistent with U.S. balance of payments policies and objectives, to U.S. firms undertaking investments overseas.

.03 The Office of International Marketing shall provide overseas marketing assistance to U.S. companies through a variety of informational and promotional techniques; shall plan and implement individual country programs to support the marketing needs of U.S. business on a targeted industry, product, and market basis, and shall maintain appropriate information services for all such activities; shall direct the exhibitions program at commercial trade fairs and U.S. trade centers; and shall have responsibility for the participation of the United States in the International Exposition on the Environment at Spokane, Washington.

2. The organization chart attached to this amendment supersedes the organization chart of November 12, 1973 which is attached as Exhibit 1 to DOO 40–1. A copy of the Organization Chart is attached to the original of this document on file in the Office of the Federal Register.

TILTON H. DOBBIN,
Assistant Secretary for Domestic and International Business.

Approved:

HENRY B. TURNER,
Assistant Secretary for Administration.

[FR Doc.74–8245 Filed 4–9–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

IMMUNIZATION PRACTICES ADVISORY COMMITTEE

Pursuant to Pub. L. 92–463, the Director, Center for Disease Control, announces the meeting dates and other required information for the following National Advisory body scheduled to assembly during the month of May 1974.

Committee name	Date, time, place	Type of meeting and/or contact person
Immunization Practices Advisory Committee.	May 16–17, 8:30 a.m., room 207, Bldg. 1, Center for Disease Control, Atlanta, Ga. 30333.	Open—Contact Dr. H. Bruce Dull, room 224, Bldg. 1, Center for Disease Control, Atlanta, Ga. 30333, Code: 404–633–3296.

Purpose. The Committee is charged with advising on the appropriate uses of immunizing agents for public health practice.

Agenda. The Committee will consider the status of selected immunizable diseases and continue its annual review of recommendations on the use of vaccines in public health practice.

Agenda items are subject to change as priorities dictate.

A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: April 4, 1974.

DAVID J. SENCER,
Director, Center for Disease Control.

[FR Doc.74–8337 Filed 4–9–74;8:45 am]

Health Resources Administration

COOPERATIVE HEALTH STATISTICS ADVISORY COMMITTEE

Notice of Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92–463, 86 Stat. 770–776) the Health Resources Administration announces the establishment by the Secretary, DHEW, on March 25, 1974, with concurrence by the Office of Management and Budget Committee Management Secretariat, of the following advisory committee:

Designation. Cooperative Health Statistics Advisory Committee

Purpose. Advises and makes recommendations to the Secretary and the Director of the National Center for Health Statistics, Health Resources Administration, on general program policy and plans for research, development, and implementation of the Cooperative Federal-State-Local Health Statistics System; for assuring that national, state, and local agencies are appropriately involved in the System; for the development of appropriate uniform standards relating to the content, definitions, data sets, and methodology to be utilized in the System; for the review, endorsement, and promulgation of national standard data sets in the areas of hospital, ambulatory, and long-term health care; for the effective and efficient operation of the System; and for the recommendation of temporary Technical Consultant Panels to investigate assigned technical problems.

Authority for this committee will expire March 24, 1976, unless the Secretary, DHEW, with the concurrence of the Office of Management and Budget Committee Management Secretariat, formally determines that continuance is in the public interest.

Dated: April 5, 1974.

HAROLD MARGULIES,
Acting Administrator, Health Resources Administration.

[FR Doc.74–8255 Filed 4–9–74;8:45 am]

National Institutes of Health

VISION RESEARCH PROGRAM COMMITTEE

Meeting Change

Pursuant to Public Law 92–463, amended notice is hereby given that the meeting of the Vision Research Program Committee, National Eye Institute, will be held on April 25, 1974, instead of April 30, 1974, at the Holiday Inn, Lido Beach, Sarasota, Florida. This meeting will be open to the public from 7:30 p.m. to 8:30 p.m. for a report by the chairman, Dr. Mansour Armaly, on the National Advisory Eye Council Subcommittee's program evaluation on the Retinal and Choroidal Diseases program, and a preliminary report on the National Eye Institute's Cataract and Cornea programs. Attendance by the public is limited to space available. The meeting will be closed to the public from 8:30 p.m. to adjournment for the review of a grant application in accordance with provisions set forth in 5 U.S.C. sec. 552(b)4 and Pub. L. 92–463 sec. 10(d).

The Information Officer who will furnish summaries of the meeting and rosters of committee members is Mr. Julian Morris, National Eye Institute, Building 31, Room 6A–27, National Institutes of Health, Bethesda, Maryland, 496–5248.

Substantive program information may also be obtained from Dr. Wilford L. Nusser, Chief, Scientific Programs Branch, National Eye Institute, Building 31, Room 6A–47, National Institutes of Health, 496–5301.

Dated: April 8, 1974.

LEON M. SCHWARTZ,
Associate Director for Administration, National Institutes of Health.

(Catalog of Federal Domestic Assistance Program No. 13.331, National Institutes of Health.)

[FR Doc.74–8374 Filed 4–9–74;8:45 am]

Office of Education

OFFICE OF MANAGEMENT, ADMINISTRATIVE SERVICES DIVISION

Statement of Organization, Functions, and Delegations of Authority

Part 2 (Office of Education) section 2–B, Organization and Functions, of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare published in the FEDERAL REGISTER on March 11, 1974, at 39 FR 9489 is hereby amended as follows:

The statement under the heading Office of Managament, General Services Division, is amended by changing the title of the General Services Division to "Administrative Services Division".

Dated: April 4, 1974.

THOMAS S. MCFEE,
Deputy Assistant Secretary for Management Planning and Technology.

[FR Doc.74–8229 Filed 4–9–74;8:45 am]

RIGHT TO READ PRESERVICE TEACHER TRAINING PROGRAM DEVELOPMENT PROJECTS

Closing Date for Receipt of Applications

Notice is hereby given that pursuant to the authority contained in section

2(a)(1) of the Cooperative Research Act, as amended by section 303 of the Education Amendments of 1972 (20 U.S.C. 331a), applications are being accepted from institutions of higher education for Right to Read Preservice Teacher Training Program Development grants. The Office of Education is proposing regulations which, when published in final form, will govern awards of these projects.

Applications must be received by the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Street, SW., Washington, D.C. 20202 (mailing address: U.S. Office of Education Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention: 13.533 on or before May 14, 1974.

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

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

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

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

(20 U.S.C. 331a)

Dated: March 20, 1974.

PETER P. MUIRHEAD,
U.S. Commissioner of Education.

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

[FR Doc.74-8228 Filed 4-9-74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[(FDAA-422-DR); Docket No. NFD-164]

ALABAMA

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11749 of December 10, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Pub. L. 92-209 (85 Stat. 742); notice is hereby given that on April 4, 1974, the President declared a major disaster as the damage in certain areas of the State of Alabama resulting from tornadoes, beginning about April 3, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 91-606.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11749, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238, to Administer the Disaster Relief Act of 1970 (Pub. L. 91-606, as amended), I hereby appoint Mr. Thomas P. Credle, HUD Region 4, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

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

The Counties of:

Cullman	Marion
Fayette	Morgan
Lawrence	Walker
Limestone	Winston
Madison	

This disaster has been designated as FDAA-422-DR.

(Catalog of Federal Domestic Assistance No. 14.701. Disaster Assistance.)

Dated: April 4, 1974.

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

[FR Doc.74-8234 Filed 4-9-74;8:45 am]

INDIANA

[(FDAA-423-DR); Docket No. NFD-165]

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11749 of December 10, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Pub. L. 92-209 (85 Stat. 742); notice is hereby given that on April 4, 1974, the President declared a major disaster as the damage in certain areas of the State of Indiana resulting from tornadoes, beginning about April 3, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Pub. L. 91-606.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11749, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238, to administer the Disaster Relief Act of 1970 (Pub. L. 91-606, as amended), I hereby appoint Mr. Robert E. Connor, HUD Region 5, to act as the Federal Coordinating Officer to perform the duties specified by Section 201 of that Act for this disaster.

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

The Counties of:

Bartholomew	Kosciusko
Clark	Lagrange
Crawford	Noble
Decatur	Ohio
Franklin	Perry
Fulton	Randolph
Grant	Steuben
Hancock	Tippecanoe
Harrison	Warren
Henry	Washington
Jackson	White
Jefferson	

This disaster has been designated as FDAA-423-DR.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 4, 1974.

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

[FR Doc.74-8235 Filed 4-9-74;8:45 am]

KENTUCKY

[(FDAA-420-DR); Docket No. NFD-166]

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11749 of December 10, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Pub. L. 92-209 (85 Stat. 742); notice is hereby given that on April 4, 1974, the President declared a major disaster as the damage in certain areas of the State of Kentucky resulting from tornadoes, beginning about April 3, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Pub. L. 91-606.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11749, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238, to Administer the Disaster Relief Act of 1970 (Pub. L. 91-606, as amended), I hereby appoint Mr. Thomas P. Credle, HUD Region 4, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

I do hereby determine the following areas in the State of Kentucky to have

been adversely affected by this declared major disaster:

The Counties of:

Breckinridge	Lincoln
Clinton	Madison
Cumberland	Meade
Franklin	Nelson
Hardin	Oldham
Henry	Warren
Jefferson	Whitley

This disaster has been designated as FDAA–420DR.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 4, 1974.

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

[FR Doc.74–8235 Filed 4–9–74;8:45 am]

OHIO

[(FDAA–421–DR); Docket No. NFD–167]

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11749 of December 10, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–73–238; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Public Law 92–209 (85 Stat. 742); notice is hereby given that on April 4, 1974, the President declared a major disaster as the damage in certain areas of the State of Ohio resulting from tornadoes, beginning about April 3, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Pub. L. 91–606.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11749, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–73–238, to Administer the Disaster Relief Act of 1970 (Pub. L. 91–606, as amended), I hereby appoint Mr. Robert E. Connor, HUD Region 5, to act as the Federal Coordinating Officer to perform the duties specified by Section 201 of that Act for this disaster.

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

The Counties of:

Adams	Hamilton
Butler	Madison
Greene	Warren

This disaster has been designated as FDAA–421–DR.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 4, 1974.

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

[FR Doc.74–8237 Filed 4–9–74;8:45 am]

TENNESSEE

[(FDAA–424–DR); Docket No. NFD–168]

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11749 of December 10, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–73–238; and by virtue of the Act of December 31, 1970, entitled "Disaster Relief Act of 1970" (84 Stat. 1744), as amended by Pub. L. 92–209 (85 Stat. 742); notice is hereby given that on April 4, 1974, the President declared a major disaster as the damage in certain areas of the State of Tennessee resulting from tornadoes which occurred on April 3, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Pub. L. 91–606.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11749, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D–73–238, to administer the Disaster Relief Act of 1970 (Pub. L. 91–606, as amended), I hereby appoint Mr. Thomas P. Credle, HUD Region 4, to act as the Federal Coordinating Officer to perform the duties specified by section 201 of that Act for this disaster.

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

The Counties of:

Bradley	Knox
Franklin	McMinn
Giles	

This disaster has been designated as FDAA–424–DR.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: April 4, 1974.

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

[FR Doc.74–8238 Filed 4–9–74;8:45 am]

Federal Insurance Administration

[Docket No. N–74–225]

NATIONAL INSURANCE DEVELOPMENT PROGRAM

Riots or Civil Disorders; Resulting Excess Aggregate Loss

The purposes of this notice are:

(1) To publicly offer Federal reinsurance against excess aggregate losses resulting from defined riots or civil disorders to insurers eligible for such reinsurance for the contract year commencing May 1, 1974, and ending April 30, 1975;

(2) To provide the method by which the offer may be accepted; and

(3) To set forth the terms and conditions of the Standard Reinsurance Contract (1974–75).

Since the offer to provide reinsurance and the terms and conditions of the Standard Reinsurance Contract for the May 1, 1974, to April 30, 1975, contract year must appear in time for acceptance by eligible insurers on or before April 30, 1974, this notice of offer to provide insurance against excess aggregate losses resulting from riots or civil disorders is effective April 10, 1974.

The Standard Reinsurance Contract (1974–75) provides for an aggregate basic premium rate of $0.025 per $100 of direct premiums earned on lines reinsured which is a reduction from a basic premium rate of $0.05 under the 1973–74 Standard Reinsurance Contract. Payment of an additional premium will be required if the total amount of all excess aggregate losses paid by the reinsurer under all Standard Reinsurance Contracts issued for the period between May 1, 1974, and April 30, 1975, exceeds the total amount of all aggregate basic premiums under all such contracts.

An additional increment of additional premium has been included so that the sum of the basic and the additional premiums reproduce the rate structure under the 1973–74 contracts when the excess aggregate paid losses under the 1974–75 contracts exceed the total amount of all aggregate basic premiums under all such contracts.

Both the aggregate basic premium and the additional premium, if any, are payable on an advance estimated basis as specified in the contract. Interest shall accrue at 6 percent (6) per annum on any portion of any amount due the reinsurer which is not paid to the reinsurer within 30 days from its due date.

The offer to provide reinsurance is as follows:

OFFER TO PROVIDE REINSURANCE

Pursuant to the provisions of the Urban Property Protection and Reinsurance Act of 1968, as amended (12 U.S.C. 1749bbb–1749bbb–21), subject to all regulations promulgated thereunder and to the terms and conditions set forth in the Standard Reinsurance Contract (1974–75) as printed below, the Federal Insurance Administrator (hereinafter referred to as the "reinsurer") offers to enter into the Standard Reinsurance Contract (1974–75), the terms and conditions of which are as printed hereinbelow, with any eligible insurer which accepts this offer. The reinsurer's offer to provide reinsurance is effective upon April 10, 1974.

METHOD OF ACCEPTANCE OF OFFER

(1) Acceptance of this offer shall be by telegraphed or mailed notice of acceptance to the reinsurer. If the date and time of dispatch of the notice of acceptance are no later than midnight, e.s.t., April 30, 1974, reinsurance coverage shall be in effect from 12:01 a.m., e.s.t., May 1, 1974. If the date and time of dispatch of the notice of acceptance are later than midnight, e.s.t., April 30, 1974, reinsurance coverage shall be in effect from 12:01 a.m., e.s.t., on the day after such notice of acceptance is dispatched. The date and time of dispatch of the notice of acceptance must be clearly shown either by telegraph dispatch notation or postmark, and such notation or postmark shall be conclusive proof of the date and time of dispatch.

(2) The telegram or letter accepting this offer of reinsurance shall indicate the States in which reinsurance on lines of mandatory coverage is to be provided and shall specifically designate for each such State the lines of optional coverage, if any, for which reinsurance is to be provided. The notice of acceptance shall be in substantially the following form:

The [name of insurer or insurers] hereby accepts the offer, as filed with the Office of the Federal Register, of the Standard Reinsurance Contract (1974–75), pursuant to the Urban Property Protection and Reinsurance Act of 1968, as amended, for the mandatory and [specify] optional lines in the following States: [specify].

(3) Any eligible insurer accepting this offer of reinsurance shall be supplied copies of the Standard Reinsurance Contract (1974–75), Form HUD 1601, for execution and return to the reinsurer.

TERMS AND CONDITIONS OF THE STANDARD REINSURANCE CONTRACT (1974–75)

[At this point in the contract, the insurance company or companies reinsured are required to list the names and addresses of the principal company and all property insurance companies under common or related ownership or control as defined in the contract, and space is provided for the execution of the contract by the parties.]

THIS CONTRACT, made by and between the Federal Insurance Administrator (hereinafter referred to as the "Reinsurer") and the company or companies specified above hereinafter referred to as the "Company"):

WITNESSETH:

Subject to the provisions of the Urban Property Protection and Reinsurance Act of 1968, as amended, and to the terms and conditions herein set forth, the Reinsurer hereby obligates itself to pay, as reinsurance of the company, the amount of the Company's excess aggregate losses resulting from riots or civil disorders in such lines of mandatory and optional coverage as are designated separately for each State by the Company in its notice of acceptance and confirmed under sec. XVIII.

SEC. I. *Policies reinsured.* This Standard Reinsurance Contract applies to:

(A) All policies or contracts of direct property insurance issued by the Company to any property owner, except for policies for which the business is handled for or through any State pool or any other continuing organization, pool, or association of insurers, and

(B) The Company's participations in State pools and, as may be approved by the Reinsurer, in other continuing organizations, pools, or associations of insurers, which policies, contracts, or participations are in force on the effective date hereof or which commence or are renewed on or after such effective date in all the mandatory and in such optional standard lines of property insurance listed below as are designated separately for each State by the Company in its notice of acceptance and confirmed under sec. XVIII.

LINES OF MANDATORY COVERAGE

(A) Fire and extended coverage;
(B) Vandalism and malicious mischief;
(C) Other allied lines of fire insurance;
(D) Burglary and theft; and
(E) Those portions of multiple peril policies covering similar perils to those provided in (A), (B), (C), (D);

LINES OF OPTIONAL COVERAGE

(F) Inland marine;
(G) Glass;
(H) Boiler and machinery;
(I) Ocean marine;
(J) Aircraft physical damage.

SEC. II. *Premiums.* The aggregate basic premium due the REINSURER for the reinsurance coverage provided under this contract shall be computed by applying an annual rate of two and one half hundredths of one per centum (0.025 percent) to an aggregate premium base consisting of the sum of the products of the COMPANY'S direct premiums earned in each State for each reinsured line for the calendar year 1974 multiplied by the specified percentage of such earned premium, as defined in Sec. XVII of this contract.

If the total amount of all excess aggregate losses paid by the REINSURER under this contract and all like Standard Reinsurance Contracts issued for the period between May 1, 1974, and April 30, 1975, exceeds the total amount of all aggregate basic premiums paid or payable to the REINSURER under all such contracts, the COMPANY shall be obligated to pay the REINSURER, at or subsequent to adjustment, an additional premium determined on the basis of the amount of the remainder derived by subtracting the total amount of all aggregate basic premiums paid or payable to the REINSURER under all such contracts from the total amount of all excess aggregate losses paid by the REINSURER under all such contracts. The amount of the additional premium shall be equal to the product of the COMPANY'S aggregate basic premium multiplied:

By a factor of one, if the remainder is less than or equal to the total amount of all aggregate basic premiums under all such contracts;

By a factor of three, if the remainder is greater than the total amount of all aggregate basic premiums under all such contracts, but is less than or equal to three times that amount;

By a factor of five, if the remainder is greater than three times the total amount of all aggregate basic premiums under all such contracts, but is less than or equal to five times that amount;

By a factor of seven, if the remainder is greater than five times the total amount of all aggregate basic premiums under all such contracts, but is less than or equal to seven times that amount; or

By a factor of nine, if the remainder is greater than seven times the total amount of all aggregate basic premiums under all such contracts.

An advance premium, which shall be an estimated premium only, shall be computed by the COMPANY on the basis of its direct premiums earned in the calendar year 1973 in the manner required for the computation of the aggregate basic premium. If any line of insurance is added during the term of this contract for which the COMPANY had no premium writings in 1973, the premium base for the advance premium shall be estimated by State for the period from the date of attachment of coverage to the expiration date of this contract. In no event shall the advance premium be less than $25.00 for each State in which reinsurance is provided under this contract. The advance premium shall be paid to the REINSURER without demand within 30 days from the effective date of coverage.

At the option of the REINSURER and prior to adjustment, the COMPANY shall pay the additional premium on an estimated basis. An estimated additional premium payment equal to the amount of the COMPANY'S advance premium shall be payable to the REINSURER if the total amount of all excess aggregate losses paid by the REINSURER under this contract and all like Standard Reinsurance Contracts issued by the REINSURER for the period between May 1, 1974, and April 30, 1975, exceeds the total amount of all estimated premiums collected by the REINSURER under all such contracts (the total amount of all advance premiums plus the total amount of any estimated additional premium payments). The total amount of estimated additional premium payments, whether required separately or concurrently, shall not exceed nine times the amount of the COMPANY'S advance premium. The actual amount of the additional premium shall subsequently be computed and adjusted in accordance with the provisions of the preceding paragraph and Sec. VII.

With the exception of the advance premium which is due without demand of the REINSURER within 30 days from the effective date of coverage, premium amounts shall be due 30 days after the demand of the REINSURER. Interest shall accrue at 6 per centum (6%) per annum on any portion of any premium amount which is not received on or before 30 days from its due date.

The aggregate basic premium, together with any additional premium which may be due the REINSURER in accordance with the preceding paragraphs, shall be deemed fully earned on the date that such reinsurance coverage attaches, except as otherwise provided in Sec. VI.

SEC. III. *Assessments.* If any other company (or companies) reinsured by the Reinsurer under a like Standard Reinsurance Contract incurs aggregate losses in reinsured lines in any State during the period of this contract, which in total exceed its net retention for all such lines, and as a result lodges claims against the Reinsurer, then the Company, on demand of the Reinsurer, shall pay to the Reinsurer an assessment sufficient to meet the Company's equitable share of all such excess aggregate losses incurred in the State, but only to the extent that such losses exceed the unused net amount of all reinsurance premiums paid or payable by all reinsured companies into the National Insurance Development Fund for the period from August 1, 1968, through April 30, 1975 (including interest earned thereon), for reinsurance in such State. Such share shall be in the proportion that—

(A) The amount, if any, by which the Company's net retention in lines reinsured hereunder in such State exceeds the Company's aggregate losses in such lines, bears to

(B) The aggregate amount of unabsorbed net retention for all the lines of insurance of all companies reinsured hereunder in such State, but such share shall not exceed the amount of the Company's unabsorbed net retention under (A). An assessment will be required only after the termination of coverage provided by this contract.

SEC. IV. *Claims.* The Company shall advise the reinsurer by letter (A) of all losses from a single occurrence which exceed $50,000 and (B) whenever it appears that aggregate losses have been incurred in an amount equal to 90 percent (90%) of the Company's net retention in any State, on the basis of its direct premiums earned and reported to the Reinsurer for the calendar year 1973.

When the Company incurs aggregate losses which exceed its net retention in any State, the Company may make claim upon the Reinsurer for the payment of excess aggregate losses in that State by filing a certification of loss and thereafter such supporting documentation of such losses as may be required by the Reinsurer, and following the receipt of such certifications and documentation the Reinsurer shall, as promptly as possible, in such installments and on such conditions as may be determined by the

Reinsurer to be appropriate (including advance payments made on the basis of preliminary certifications of loss filed in advance of the final determination of the ultimate amount of losses paid), pay to the Company the amount of such excess aggregate losses subject to adjustments on account of underpayments or overpayments.

If the ultimate amount of losses to be paid by the Company has not been finally determined when the certification of loss is filed, the Company shall, in due course, file one or more supplementary certifications of loss and thereafter the Reinsurer or the Company, as the case may be, shall pay the balance due.

Claims paid pursuant to computations of net retentions based upon the direct premiums earned for the calendar year 1973 shall be recomputed and adjusted at the termination of the coverage provided by this contract on the basis of direct premiums earned in reinsured lines for the calendar year 1974.

SEC. V. *Inception and expiration dates.* Provided the Company has requested reinsurance by States and lines of coverage on or before April 30, 1974, this Standard Reinsurance Contract shall be in effect from 12:01 a.m. e.s.t. on May 1, 1974, and shall expire at 12:00 p.m. (midnight) e.s.t. on April 30, 1975, unless sooner terminated.

If the Company applies for coverage on or after May 1, 1974, this contract shall be effective from 12:01 a.m. e.s.t. on the day after such application is dispatched, as determined by the date of postmark or telegram, provided the Company requests coverage by State and line and otherwise complies with the eligibility requirements of this contract.

This contract applies only to losses occurring during the term hereof, as follows:

(A) If at the inception of this contract any riot or civil disorder is in progress, no coverage shall be provided for losses resulting therefrom unless this contract is a continuation of coverage from the previous year's contract.

(B) If this contract terminates while a riot or civil disorder covered hereby is in progress, no coverage shall be provided for any losses resulting therefrom which occur after the date and time of termintion of this contract.

SEC. VI. *Cancellations.* Reinsurance under this contract may be canceled by the Company in its entirety or with respect to any State upon written notice by the Company to the Reinsurer stating that it desires to cancel the reinsurance coverage specified and that it will pay any premium due the Reinsurer in accordance with the provisions of this contract, subject to any adjustments which may be required under sec. VII; provided, however, that no coverage shall attach under this contract if the Company has wilfully concealed or misrepresented any material fact with respect thereto.

Reinsurance under this contract may be canceled by the Reinsurer in its entirety or with respect to any State upon 30 days written notice to the Company of such cancellation, stating the reasons for cancellation, which shall be limited to one or more of the following grounds: fraud or misrepresentation subsequent to the inception of the contract, nonpayment of premium or any other amount due the Reinsurer, and the grounds set forth in the second paragraph of sec. XII.

Whenever the Reinsurer determines, in his discretion, that any cancellation of reinsurance is involuntary and without fault on the part of the Company, the premium due the Reinsurer for the coverage afforded under this contract shall be prorated in the ratio of—

(A) The number of days for which coverage was provided prior to the cancellation of such coverage plus thirty, to

(B) The total number of days of coverage provided under this contract from the inception of coverage up to and including April 30, 1975.

In the event of any cancellation of reinsurance coverage under this section, the net retention and assessment of such Company shall be computed, without proration, on the basis of the direct premiums earned for the calendar year 1974. Refunds of premiums, if any, due the Company upon cancellation may, at the discretion of the Reinsurer, be deferred until after final adjustments have been made in accordance with the provisions of Sec. VII hereof.

SEC. VII. *Adjustments.* The Company shall report to the Reinsurer within 60 days after requests its direct premiums earned for the calendar year 1974 in all reinsured lines in all States for which reinsurance was provided under this contract, for the purpose of computing and adjusting the reinsurance premium due to the Reinsurer with respect to the coverage provided. The direct premiums earned to be reported for any line of insurance added during the contract term for any State in which the Company had no premium writings in such line in 1974 shall be the direct premiums earned for the first four months of 1975 as estimated by the Company, subject to audit by the Reinsurer.

In no event shall the adjusted amount of direct premiums earned by the Company result in a basic premium to the Reinsurer in an amount less than $25 for each State during the contract year, which shall constitute the minimum adjusted reinsurance premium for any State under this contract.

On or before July 31, 1975, or such later date as may be permitted at the option of the Reinsurer, the Company shall report to the Reinsurer its aggregate losses.

Any overpayment or underpayment between the Reinsurer and the Company shall be adjusted and paid in accordance with the obligations assumed hereinunder.

SEC. VIII. *Insolvency.* In the event of insolvency of the Company the reinsurance under this contract shall be payable by the Reinsurer to the Company or to its liquidator, receiver, or statutory successor on the basis of the liability of the Company under all policies, contracts, or participation shares reinsured without diminution becaus of the reinsured without diminution because of the

It is further agreed that the liquidator, or receiver, or statutory successor of the Company shall give written notice to the Reinsurer of the pendency of any claim against the Company on the policies, contracts, or participation shares reinsured within a reasonable time after such claim is filed in the insolvency proceeding, and that during the pendency of such claim the Reinsurer may investigate such claim and interpose, at its own expense, in the proceeding where such claim is to be adjudicated, any defense or defenses which may be deemed available to the Company or its liquidator, receiver, or statutory successor. The expense thus incurred by the Reinsurer shall be chargeable, subject to court approval, against the Company as part of the expense of liquidation to the extent of a proportionate share of the benefit which may accrue to the Company solely as a result of the defense undertaken by the Reinsurer.

SEC. IX. *Errors and omissions.* Inadvertent delays, errors, or omissions made in connection with any transaction under this contract shall not relieve either party from any liability which would have attached had such delay, error, or omission not occurred, provided always that such delay, error or omission is rectified as soon as possible after discovery.

SEC. X. *Restriction of benefits.* No Member of or delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

SEC. XI. *Participation in statewide plans.* No reinsurance shall be offered or effective under this contract in any State unless there is in effect in such State, on the date coverage commences, a continuing statewide plan to make essential property insurance more widely available, and the Company is fully participating in such plan on a risk-bearing basis and is certified by the State insurance authority as meeting the requirements of this section. Except with respect to its runoff business after ceasing to do business within a State, the Company shall not be eligible for reinsurance under this contract in any State in which it is not engaged in the direct writing of property insurance at the time coverage is requested, or in which it is less it reports such nonadmitted business to writing business on a nonadmitted basis, unthe State insurance authority and participates in the statewide plan of such State on the basis of such reported business. The Company shall file and maintain with the State insurance authority in each State in which it is participating in the statewide plan a statement pledging its full participation and cooperation in carrying out the plan and shall file a copy of each such statement with the Reinsurer. The Company shall not direct any agent, broker, or other producer not to solicit business through such plans and shall not penalize in any way any agent, broker, or other producer for submitting applications for insurance under such plans. The Company shall also establish and carry out an education and public information program to encourage agents, brokers, and other producers to utilize the programs and facilities available under such statewide plans.

In the event that the Company after the inception of this contract voluntarily withdraws from any State plan, pool, or other facility required by the provisions of this section, such withdrawal shall be deemed to constitute cancellation by the Company with respect to that State as of the effective date of the withdrawal.

SEC. XII. *Limitations on reinsurance.* Reinsurance hereunder shall not be applicable to insurance policies subsequently written in a State by the Company after the close of the second full regular session of the appropriate State legislative body following August 1, 1968, if the State has not enacted legislation to reimburse the Reinsurer, as necessary, for the portion of the aggregate losses specified in section 1223(a)(1) of the National Housing Act, as amended (12 U.S.C. 1749bbb–9(a)), paid by the Reinsurer under this contract.

The Reinsurer shall cancel coverage, in accordance with the provisions of this contract, with respect to any State in which—

(A) The Reinsurer has found (after consultation with the State insurance authority) that (1) it is necessary to have a suitable program adopted, in addition to required statewide plans, to make essential property insurance available without regard to environmental hazards and that such a program has not been adopted, or (2) the Company is not fully participating in the statewide plan; and, where it exists, in a State pool or other facility; and, where it exists, in any other program found necessary to make essential property insurance more readily available in the State; or

(B) following a merger, acquisition, consolidation, or reorganization involving the Company and one or more insurers with or without such reinsurance, the surviving insurer does not meet all criteria or eligibility for reinsurance and within 10 days pay any reinsurance premiums due; or

(C) the Reinsurer has found (after consultation with the State insurance authority) that a statewide plan is not complying with the Reinsurer's statutory or regulatory criteria or has become inoperative.

Notwithstanding the foregoing provisions, reinsurance may at the election of the Company be continued, up to and including April 30, 1975, for the term of such policies and contracts reinsured prior to the date of termination of reinsurance under this section, provided the Company pays the reinsurance premiums in such amounts as may be required. For the purposes of this section, the renewal, extension, modification, or other change in a policy or contract for which any additional premium is charged, shall be deemed to be a policy or contract written on the date such change was made.

Reinsurance under this contract shall be subject to all of the provisions of the Urban Property Protection and Reinsurance Act of 1968 (12 U.S.C. 1749bbb–1749bbb–21), as amended, and to all regulations duly promulgated by the Reinsurer pursuant thereto prior to the inception of any particular coverage provided under this contract.

SEC. XIII. *Arbitration.* If any misunderstanding or dispute arises between the Company and the Reinsurer with reference to the amount of premium due, the amount of loss, or to any other factual issue under any provisions of this contract, other than as to legal liability or interpretation of law, such misunderstanding or dispute may be submitted to arbitration for a determination which shall be binding only upon approval by the Reinsurer. The Company and the Reinsurer may agree on and appoint an arbitrator who shall investigate the subject of the misunderstanding or dispute and make his determination. If the Company and the Reinsurer cannot agree on the appointment of an arbitrator, then two arbitrators shall be appointed, one to be chosen by the Company and one by the Reinsurer.

The two arbitrators so chosen, if they are unable to reach an agreement, shall select a third arbitrator who shall act as umpire, and such umpire's determination shall become final only upon approval by the Reinsurer. The Company and the Reinsurer shall bear equally all expenses of the arbitration.

Findings, proposed awards, and determinations resulting from arbitration proceedings carried out under this section shall, upon objection by the Reinsurer or the Company, be inadmissible as evidence in any subsequent proceedings in any court of competent jurisdiction.

SEC. XIV. *Access to books and records.* The Reinsurer and the Comptroller General of the United States, or their duly authorized representatives, shall have access for the purpose of investigation, audit, and examination to any books, documents, papers, and records of the Company that are pertinent to the business reinsured under this contract. Such audits shall be conducted to the maximum extent feasible in cooperation with the State insurance authorities and through the use of their examining facilities. The Company shall keep records which fully disclose all matters pertinent to the business reinsured, including premiums and claims paid or payable under this contract. Records relating to premiums shall be retained and available for three (3) years after final adjustment of premiums, and to reinsurance claims three (3) years after final adjustment of such claims.

SEC. XV. *Information and annual statements.* The Company shall furnish to the Reinsurer such summaries and analyses of information in its records as may be necessary to carry out the purposes of the Urban Property Protection and Reinsurance Act of 1968, as amended, in such form as the Reinsurer, in cooperation with the State insurance authority, shall prescribe; and the Company shall file with the Reinsurer a true and correct copy of the Company's Fire and Casualty annual statement, or amendment thereof, as filed with the State insurance authority of the Company's domiciliary State, at the time it files such statement or amendment with the State insurance authority. The Company shall also file with the Reinsurer an equivalent of page 14 of such annual statement for each State in which reinsurance is provided under this contract.

SEC. XVI. *Exclusions.* Reinsurance under this contract shall not be applicable with respect to any claim for:

(A) All or any part of a loss which is the direct or indirect result of controlled or uncontrolled nuclear reaction, radiation, or radioactive contamination; or

(B) Any loss to any aircraft while the aircraft is in flight, including that period between the time when power is turned on for the purpose of taxiing connected to takeoff until the time when the landing run has ended, taxiing has been completed, and power has been turned off; or

(C) Any loss to any aircraft, or resulting from collision with aircraft, which is precipitated or caused by hijacking of any aircraft or attempt thereat, including loss from wrongful seizure, wrongful diversion from course of flight pattern, or wrongful exercise of command or control, of an aircraft, by any person or persons, through the use of force or violence or the threat of force or violence.

SEC. XVII. *Definitions.* As used in this contract the term—

(1) "Aggregate losses" means the sum total of losses resulting from riots or civil disorders occurring in a State and allocable to a State in which reinsurance is provided;

(2) "Company" means any company authorized to engage in the insurance business under the laws of any State, except that if there are two or more companies within a State in which reinsurance is to be provided under this contract which, as determined by the Reinsurer:

(A) Are under common ownership and ordinarily operate on a group basis; or

(B) Are under single management direction; or

(C) Are otherwise determined by the Reinsurer to have substantially common or interrelated ownership, direction, management, or control;

then all such related, associated, or affiliated companies, excluding nonadmitted companies, which are not specifically included by endorsement to this contract, shall be reinsured only as one aggregate entity;

(3) "Continuing organization, pool, or association of insurers" means an industry pool created to provide direct insurance to meet special problems of insurability, such as for a particular class or type of business;

(4) "Direct premiums earned" means direct premiums earned as reported in column 2 on page 14 of the Company's Fire and Casualty annual statement for the specified calendar year, in the form adopted by the National Association of Insurance Commissioners, subject to (A) adjustment as approved by the Reinsurer for cessions to pools, facilities, and associations, and for the inclusion of participations in such pools, facilities, and associations, and (B) such other appropriate adjustments as may be approved or required by the Reinsurer, which shall include adjustments for dividends paid or credited to policyholders and reported in column 3 on page 14, subject to a maximum credit of 20 percent (20%) of direct premiums earned for any one line of insurance;

(5) "Excess aggregate losses" means that part of aggregate losses which is equal to the sum of—

(A) Ninety percent of the Company's aggregate losses in excess of its net retention, until the Company's 10 percent share of aggregate losses under this provision (A) equals the amount of its net retention;

(B) Ninety-five percent of the Company's remaining aggregate losses (after deducting the Reinsurer's share of aggregate losses under (A)) in excess of twice its net retention, until the Company's 5 percent share of aggregate losses under this provision (B) equals the amount of its net retention; and

(C) Ninety-eight percent of the Company's remaining aggregate losses (after deducting the Reinsurer's share of aggregate losses under (A) and (B)) in excess of an amount equal to three times its net retention;

(6) "Losses" means all claims proved, approved, and paid by the Company under reinsured policies, resulting from riots or civil disorders occurring in a State during the period of this contract, after making proper deduction for salvage and for recoveries other than reinsurance, together with an allowance for expense in connection therewith, hereby agreed to equal an amount per claim of 8 percent (8%) of the first $25,000 of any such claim, plus 3 percent (3%) of the amount by which such claims exceeds $25,000 but it less than $100,000, plus 1 percent (1%) of the amount by which the claim exceeds $100,000; it does not mean any claim excluded under sec. XVI;

(7) "Net retention" means the amount of aggregate losses that the Company must stand before the Reinsurer's liability hereunder attaches and shall be one aggregate figure for each State which shall be the larger of either $1,000 or the amount determined by applying a factor of 2½ % percent (2½ %) to the specified percentage of the Company's direct premiums earned in the State for the calendar year 1974 on those lines of insurance hereby reinsured;

(8) "Riot" means:

(A) Any tumultuous disturbance of the public peace by three or more persons mutually assisting one another, or otherwise acting in concert, in the execution of a common purpose by the unlawful use of force and violence resulting in property damage of any kind;

"Civil disorder" means

(B) Any pattern of unlawful incidents taking place within close proximity as to time and place and involving property damage intentionally caused by persons apparently having civil disruption, civil disobedience, or civil protest as a primary motivation, at least two of which incidents result in property damage in excess of $1,000 each; or

(C) Any occurrence of property damage in excess of $2,000 caused by persons whose unlawful conduct in causing the occurrence clearly manifests their primary purpose of civil disruption, civil disobedience, or civil protest;

(9) "Specified percentage" means 100 percent (100%) of the direct premiums earned for each line of insurance reinsured under this contract, except that the specified percentage of Homeowners multiple peril shall be 85 percent (85%) and that of Commercial multiple peril shall be 65 percent (65½);

(10) "State" means the several States, the District of Columbia, the Commonwealth

of Puerto Rico, the territories and possessions, and the Trust Territory of the Pacific Islands; and

(11) "State pool" means any State Fair Plan pool or insurance placement facility which is intended to meet the requirements of Part A of the Urban Property Protection and Reinsurance Act of 1968 (82 Stat. 558, 84 Stat. 1791, 12 U.S.C. 1749bbb–3—1749bbb–6a).

SEC. XVIII. *Schedule of coverages.* The Company shall indicate with an "X" in the appropriate column and line those States in which the mandatory lines are to be reinsured under this contract. Coverage of mandatory lines may be designated only for those States in which the Company is eligible for reinsurance in accordance with Sec. XI of this contract.

The Company shall also indicate by State with an "X" in the appropriate column and line any optional lines which are to be reinsured under this contract. Coverage of optional lines is available only for those States in which the mandatory lines are reinsured.

[The schedule of mandatory and optional coverages by State and line is set forth at this point in the Contract.]

Effective date. This Notice of Offer shall be effective on April 10, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–8291 Filed 4–9–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 74; 74–98]

SCIENCE ADVISORY COMMITTEE

Notice of Open Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given that the ninth meeting of the Science Advisory Committee will be held on 25–26 April 1974 in the TAMPA Room of the Officer's Club, U.S. Coast Guard Base, Governor's Island, New York City, New York. Members of the public will be admitted to the meeting beginning at 0830 each day according to a first-come, first served basis up to the seating capacity of the room, which is about 20–25 persons. Questions may be raised if, time permits, by members of the public by submitting such questions in writing to the Committee Chairman either in advance or at the meeting.

The agenda consists of the following topics:

a. Review of preliminary design concepts for the permanent U.S. Coast Guard Research and Development Center.

b. Techniques providing efficient and expeditious project hand-offs between the Coast Guard's Office of Research and Development and the Office of Engineering.

c. Technical review of state-of-the-art in search and rescue practice, including visits to the National Search and Rescue School, the AMVER Center, and presentation of SAR-case anlysis.

d. Polar mobility in the American Arctic—how much and how soon?

e. Technical impact of offshore port technology on the Coast Guard of the future.

f. Impact of "New Federalism" on Coast Guard R&D

g. Miscellaneous items raised by Committee members

The Coast Guard Science Advisory Committee serves in an advisory capacity only. The Committee's duration was formally extended by the Acting Secretary of Transportation on 8 November 1972 for a 2-year period ending 31 December 1974. The present Chairman of the Committee is Mr. Jack Dempsey of Mountain Lakes, New Jersey.

Further information concerning this meeting can be obtained from Captain Wilfred R. Bleakley, Jr., USCG, Executive Secretary of the Committee at the Office of Research and Development, U.S. Coast Guard Headquarters, 7th and D Streets, SW, Washington, D.C. 20590. Telephone contact may be made on 202–426–1031. Summary minutes of this meeting may also be had by contacting the same office.

Dated: April 3, 1974.

A. H. SIEMENS,
Rear Admiral, U.S. Coast Guard, Chief, Office of Research and Development.

[FR Doc.74–8214 Filed 4–9–74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50–471, 50–472]

BOSTON EDISON COMPANY, ET AL.

Notice and Order for Special Prehearing Conference

Notice is hereby given that, pursuant to the Atomic Energy Commission's Notice Of Hearing On Applications For Construction Permits, dated January 9, 1974, and published in the FEDERAL REGISTER on January 14, 1974 (39 FR 1786), and in accordance with § 2.751a of the Commission's rules of practice, 10 CFR Part 2, a Special Prehearing Conference will be held at The New Suffolk County Courthouse, Room 906, Pemberton Square, Boston, Massachusetts 02108, commencing at 10 a.m., local time, on Friday, April 19, 1974.

This Special Prehearing Conference will deal with the following matters:

1. Pending petitions for intervention and oppositions and responses thereto filed in this proceeding;
2. Identification of the key issues;
3. Consideration of a schedule for further action; and
4. Such other matters as may aid in the orderly and expeditious conduct of the hearing.

At the Special Prehearing Conference, the Board will entertain oral argument on each of the pending petitions to intervene. In connection with said oral argument, each petitioner and counsel for the parties shall address themselves to the matters regarding the basis for intervention, including the matters set forth in § 2.714 of the Commission's regulations.

Members of the public are invited to attend this Special Prehearing Conference as well as the Evidentiary Hearing to be held at a later date to be fixed by the Board. Members of the public wishing to make limited appearances may identify themselves at this Special Prehearing Conference, but oral or written statements to be presented by limited appearance will not be received at this Conference. The Board will receive such statements at the aforementioned Evidentiary Hearing.

It is so ordered.

Issued at Bethesda, Maryland this 5th day of April 1974.

ATOMIC SAFETY AND LICENSING BOARD,
MAX D. PAGLIN,
Chairman.

[FR Doc.74–8225 Filed 4–9–74;8:45 am]

[Docket No. 50–201]

NUCLEAR FUEL SERVICES, INC. AND NEW YORK STATE ATOMIC AND SPACE DEVELOPMENT AUTHORITY

License No. CSF–1; Applications for Amendments; Conversion to Full-Term Operating License; Time for Submission of Views on Antitrust Matter

Nuclear Fuel Services, Inc., and New York State Atomic and Space Development Authority (the applicants), have filed applications for amendments to License No. CSF–1, including any construction permit required for authorization to perform certain modifications to the West Valley Fuel Reprocessing Plant and authorization to operate the modified Facility for a term of 40 years. Pursuant to the Commission's order of November 13, 1973, published in the FEDERAL REGISTER on November 20, 1973 (38 FR 31985), the applications will be processed in accordance with the requirements of section 103 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations pertaining to applications for a license pursuant to section 103 of the Act.

An application was tendered by Nuclear Fuel Services, Inc., on October 3, 1973. Following a preliminary review for completeness, it was amended and resubmitted on December 13, 1973. The application for the New York State Atomic and Space Development Authority was submitted on December 13, 1973. The applications were docketed on December 17, 1973.

The West Valley Fuel Reprocessing Plant is located in the Western New York Nuclear Service Center in the town of Ashford, near Riceville, Cattaraugus County, New York, about thirty miles south of Buffalo. After modification, the reprocessing facility will have an operating capacity of approximately 750 metric tons of uranium per year.

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

Any person who wishes to have his views on the antitrust aspects of the applications presented to the Attorney General for consideration shall submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545, Attn: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, Regulation, on or before May 20, 1974.

The request should be filed in connection with Docket No. 50–201A.

Copies of the applications are available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the Memorial Library of Little Valley, Main Street, Little Valley, New York.

The applicants have also filed, pursuant to the National Environmental Policy Act of 1969, and the regulations of the Commission in Appendix D to 10 CFR part 50, an environmental report dated December 13, 1973. The report has been made available for public inspection at the aforementioned locations. The report, which discusses environmental considerations related to the proposed modifications and subsequent operation of the modified West Valley Fuel Reprocessing Plant is also being made available at the State Clearinghouse, New York State Office of Planning Services, 488 Broadway, Albany, New York 12207 and at the Southern Tier West Regional Planning Board, 303 Court Street, Little Valley, New York 14755.

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

Dated at Bethesda, Maryland, this 5th day of March 1974.

For the Atomic Energy Commission.

LELAND C. ROUSE,
Chief, Fuel Fabrication and Reprocessing Branch, Directorate of Licensing.

[FR Doc.74–6324 Filed 3–19–74;8:45 am]

[Docket Nos. STN 50–477, STN 50–478]

PUBLIC SERVICE ELECTRIC AND GAS CO.

Receipt of Application for Site Construction Permits and Facility Licenses and Availability of Applicant's Environmental Report; Time for Submission of Views on Antitrust Matters

Public Service Electric and Gas Company (the applicant), on behalf of itself and Atlantic City Electric Company and Jersey Central Power & Light Company, pursuant to section 103 of the Atomic Energy Act of 1954, as amended, has filed an application, which was docketed on March 1, 1974, for authorization to construct all necessary site related structures and to install two floating nuclear power plants, each of which incorporates a pressurized water reactor. An application filed by Offshore Power System for a license to manufacture these and other floating nuclear plants is currently under review. The floating nuclear plants will be manufactured in Jacksonville, Florida, and towed to selected sites. The Public Service Electric and Gas Company application was tendered on December 19, 1973. Following a preliminary review for completeness, the application was found acceptable for docketing on February 11, 1974.

The application has been docketed under one of the options of the Commission's standardization policy for nuclear power plants, wherein applications may be filed utilizing reactors manufactured at a location different from where they will eventually be located. Docket Nos. STN 50–477 and STN 50–478 have been assigned to the application and should be referenced in any correspondence relating to the application.

The proposed nuclear facilities, designated by the applicant as the Atlantic Generating Station, Units 1 and 2, are to be moored behind a protective breakwater in the Atlantic Ocean approximately 2.8 statute miles off the southeastern coast of New Jersey. Each unit is to be designed for initial operation at 3411 megawatts thermal and a net electrical output of approximately 1150 megawatts.

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

Any person who wishes to have his views on the antitrust matters of the application presented to the Attorney General for consideration should submit such views to the U.S. Atomic Energy Commission, Washington, D.C. 20545. Attention: Chief, Office of Antitrust and Indemnity, Directorate of Licensing, on or before May 20, 1974. The request should be filed in connection with Docket Nos. STN 50–477A and STN 50–478A.

A copy of the application is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545, and at the Stockton State College Library, Pomona, New Jersey 08240.

The applicant has also filed, pursuant to the National Environmental Policy Act of 1969 and the regulations of the Commission in Appendix D to 10 CFR Part 50, an Environmental Report dated March 1, 1974. The report, which discusses environmental considerations related to the construction and operation of the proposed facilities, is being made available for public inspection at the aforementioned locations and at the Division of State and Regional Planning, Department of Community Affairs, P.O. Box 2768, Trenton, New Jersey 08625.

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

Dated at Bethesda, Maryland, this 7th day of March 1974.

For the Atomic Energy Commission.

KARL R. GOLLER,
Chief, Light Water Reactors Group 1–3, Directorate of Licensing.

[FR Doc.74–6323 Filed 3–19–74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket Nos. 26057, 26075; Order No. 74–4–29]

PAN AMERICAN WORLD AIRWAYS, INC.

Authorization of International Capacity Limitation Discussions

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 4th day of April 1974.

By Order 73–11–34, November 8, 1973, the Board authorized, subject to various conditions, Pan American World Airways, Inc. (Pan American) to hold discussions looking toward agreements on capacity limitations and related matters as necessary to meet the current fuel crisis. Pursuant to that order the authorization was limited to a period of 119 days.

Pan American requests that the Board extend the authorization granted by Order 73–11–34 to hold capacity limitation discussions for an additional period of 120 days.

In support of the request, Pan American states that the international capacity discussions heretofore authorized by the Board have been fruitful, resulting in an estimated fuel savings of approximately 59 million gallons;[1] that the fuel situation remains critical for international carriers because of the continued fuel shortage and rapidly spiraling fuel costs; that there continues to be significant interest on the part of Pan American, Trans World Airlines, Inc., and the foreign-flag carriers in maintaining the capacity discussions so as to attempt to negotiate further agreements for an additional period of 120 days, under the same conditions as set forth in Order 73–11–34.

TWA filed an answer in support of Pan American's application and requested that the Board's approval be predicated

[1] Appendix A.

upon either the shortage or the price of international aviation fuel.

The Board notes that, notwithstanding the recent lifting of the Mideast fuel embargo, the shortfall of aviation fuel for international air service still presents, at least for the present, a significant problem, and that its practical impact upon foreign air transportation remains a current reality. The Board's views regarding mutual agreements between carriers as a means for dealing with this problem in a manner most likely to provide the public with the best service possible in light of the fuel shortage have been fully considered in Order 73–11–34. No useful purpose would be served by repeating them here. Moreover issues relating to whether the prevoiusly stated grounds for approving fuel-related capacity agreements will still obtain in the months ahead can be considered when and if an agreement is filed.

Pan American's original request and the Board authorization in Order 73–11–34 to hold discussions was based upon the critical shortage of aviation fuel and a showing that reductions in scheduled operations would produce significant fuel savings. Pan American's request herein for an extension of such discussion relies upon the same considerations. Neither Pan American or TWA has made a due showing regarding the extent of increased cost of fuel, the impact of such increases upon the various carriers participating in the discussions, or resultant fuel savings meriting mutual agreements for reduction of frequencies. In these circumstances we see no need or basis for predicating our authorization herein to extend the period for holding discussions upon grounds other than the present, continuing fuel supply situation. Accordingly, we shall deny TWA's request that the Board broaden the basis for its authorization herein to include considerations of price increases in international aviation fuel.[2]

The conditions, limitations, and admonitions set forth in Order 73–11–34 are equally applicable to the extended authorization granted herein.

Accordingly, *It is ordered*, That:

1. Pan American's request for continuance of discussions authorized by Order 73–11–34, November 8, 1973, looking toward agreements on capacity limitations as necessary to meet the current fuel situation, be and it hereby is granted;

2. Except as herein modified, the conditions set forth in ordering paragraph 1 of Order 73–11–34, November 8, 1973, shall remain in full force and effect with respect to the authorization granted herein;

3. The authorization herein shall expire on July 8, 1974, and may be revoked or amended at any time in the discretion of the Board;

4. Except to the extent granted herein, all other requests be and they hereby are denied; and

5. Copies of this order shall be served on the Departments of Defense, Justice, Transportation and State; the U.S. Postal Service; and all air carriers authorized by certificate or permit to engage in foreign air transportation in scheduled services to and from the United States.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

APPENDIX A.—*Estimated annual gallons of fuel saved as a result of capacity agreements (international)*[1]

Capacity agreement No.	Markets involved	Carrier involved	Estimated annual fuel savings
[2] 24110	Chicago to London	Pan American, TWA, BOAC	12,112,000
[3] 24141	New York to London	Pan American, TWA, BOAC British Caledonian.	29,530,000
[4] 24164	New York to Milan/Rome, Boston-Rome, Chicago-Milan.	Alitalia, Pan American, TWA	14,519,000
[5] 24180	Miami to London	National, BOAC	2,704,000
		Total International	58,874,000

[1] Statement of Chairman Robert D. Timm, Before the Aviation Subcommittee of the Senate Commerce Committee, United States Senate, Mar. 5, 1974, Appendix I, page 3.
[2] Order 73–12–109, dated Dec. 28, 1973, approved agreement until Apr. 27, 1974.
[3] Order 74–1–34, dated Jan. 4, 1974, approved agreement until Apr. 27, 1974.
[4] Order 74–2–84, dated Feb. 21, 1974, approved agreement until Mar. 31, 1974.
[5] Order 74–2–93, dated Feb. 22, 1974, approved agreement until Mar. 31, 1974.

[FR Doc.74–8119 Filed 4–9–74;8:45 am]

[Docket Nos. 26576, 23572; Order No. 74–4–41]

AMERICANA DE AVIACION, C.A., ET AL.

Permit Applications and Cancellations

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 4th day of April, 1974.

In the matter of Americana de Aviacion, C.A. and Compania Internacional Aerea, S.A. (CIASA); permit cancellations. Application of Aeronaves del Ecuador, S.A. (Aerodesa) for a foreign air carrier permit.

Americana de Aviacion (Americana) and Compania Internacional Aerea (CIASA) are Ecuadorian air carriers holding foreign air carrier permits issued by the Board[1] authorizing foreign air transportation of property and mail between points in Ecuador and Miami, Florida, via the intermediate point Panama City, Panama. Both permits also authorize off-route charter flights. Aeronaves del Ecuador (Aerodesa), a third Ecuadorian carrier, has a presently pending application in Docket 23572 for a foreign air carrier permit authorizing identical air transportation.

The Board has been advised that the Government of Ecuador has, by separate resolutions dated July 12, 1972, canceled the operating authorizations of Americana, CIASA, and Aerodesa.

In view of the foregoing, the Board tentatively finds that cancellation of the foreign air carrier permits held by Americana and CIASA, and dismissal of Aerodesa's application for a foreign air carrier permit, would be in the public interest.

Accordingly, *It is ordered*, That:

1. All interested persons are hereby directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein, and:

(a) Canceling the foreign air carrier permit issued to Americana de Aviacion pursuant to Order E–26822;

(b) Canceling the foreign air carrier permit issued to CIASA pursuant to Order 68–8–103;

(c) Dismissing the application for a foreign air carrier permit filed by Aerodesa in Docket 23572; [2]

2. Any interested person having objection to the issuance, without hearing, of an order making final the tentative findings and conclusions stated herein shall file a statement of objections supported by evidence within twenty days of service of this order. If an evidentiary hearing is requested the objector should state in detail why such hearing is considered necessary and what relevant and material facts he would expect to establish through such hearing which cannot be established in written pleadings;

3. If timely and properly supported objections are filed, further consideration will be accorded the matters and

[1] Americana's permit was issued pursuant to Order E–26822 (Docket 19202), approved by the President of the United States on May 20, 1968. CIASA's permit was issued pursuant to Order 68–8–103 (Docket 19533), approved by the President on August 22, 1968.

[2] The application was filed on June 28, 1971 and, following a public hearing, a decision was issued by Administrative Law Judge Thomas P. Sheehan recommending issuance of a three-year permit. Grant of the authority was predicated, in part, on the designation of the carrier by the Republic of Ecuador to operate the route (R.D. 2, 10). No further action has been taken in view of the uncertainty concerning rights granted Aerodesa by its home country. In view of the cancellation of the carrier's operating authority by the Republic of Ecuador, dismissal of the application and termination of the proceeding is appropriate. Cf: Order 74–2–51, February 14, 1974.

[2] Our position is, of course, without prejudice to a showing by the carriers that fuel costs are a proper basis for authorizing further discussions on capacity limitations.

issues raised by the objections before further action is taken by the Board;

4. In the event no objections are filed, all further procedural steps will be deemed to have been waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. Copies of this order shall be served upon Americana de Aviacion, CIASA, Aerodesa, and the Ambassador of Ecuador.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.74-8233; Filed 4-9-74;8:45 am]

[Docket No. 26570; Order No. 74-4-37]

AMERICAN AIRLINES, INC.

Order of Investigation and Suspension Regarding Fares

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 4th day of April 1974.

By tariff revisions[1] marked to become effective April 5, 1974, American Airlines, Inc. (American) proposes to reduce the second-level fares to the direct-fare levels in the Washington-Tulsa, Washington-Oklahoma City, and San Diego-Tucson markets. In justification thereof, American alleges that as a result of fuel-related flight cancellations, it is no longer able to operate direct- or through-plane service whose routing conforms to the routing applicable to the direct fare level. Therefore, in order not to penalize passengers who choose to travel via American between these points, the carrier proposes that they be permitted to travel at the direct fare despite the circuitry involved until such time as the fuel situation will permit the resumption of direct service.[2]

Braniff Airways, Inc. (Braniff) has filed a complaint against the fare proposals in the Washington-Tulsa and Washington-Oklahoma City markets alleging, inter alia, that the fare reductions violate the more-distant-points rule of tariff construction and are not required in order to meet competition. Braniff further alleges that adequate service is available at the direct-fare level in those markets and therefore it may be assumed that persons desiring to travel at hours other than those served by direct flights will be willing to use the more circuitous routings despite minor fare differentials.

Answers to the complaint have been filed by the City of Tulsa, the Tulsa Airport Authority, and the Metropolitan Tulsa Chamber of Commerce (Tulsa parties); and by American. The Tulsa parties principally allege that the American proposal is just and reasonable since passengers using the Washington-Tulsa routing via Dallas/Ft. Worth and Oklahoma City do so for the convenience of American which wishes to terminate flights in Tulsa (its maintenance center) in order to avoid the necessity of a ferry flight. The Tulsa parties further allege that the Board has previously established precedent for such a proposal in permitting Allegheny to provide a lower fare in the Washington-Hartford/Springfield market than in the Washington-Providence market despite the former fare's applicability over routings through Providence, a more distant point.[3]

American alleges that Braniff's objections—that the proposed fare violates the more-distant-points rule of tariff construction, and that it is not justified by competition—are not reasonable. American alleges that the more-distant-points rule is subject to numerous exceptions in current tariffs and that fuel-related circumstances justify its proposed exception. American alleges that Braniff's argument that American's tariff is not required to meet competition is frivolous since Braniff continues to provide direct service in the face of American's frequency cutbacks.

Upon consideration of the tariff proposal, the complaint, and all other relevant matters, the Board finds that the proposals to reduce fares between Washington, on the one hand, and Oklahoma City and Tulsa, on the other, applicable via Dallas, and San Diego-Tucson fares applicable via Los Angeles, may be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and should be investigated. The Board further concludes that the proposals should be suspended pending investigation.

WASHINGTON-TULSA FARE PROPOSAL

American proposes to reduce the northern tier second-level fare (via Chicago and Oklahoma City) and the southern tier second-level fare (via Dallas/Ft. Worth and Oklahoma City) to the direct-fare level of $79.63. The circuity factors are 34 percent and 40 percent, respectively.

The Board believes that some relief is warranted in the Washington-Tulsa market. In recent months American has dropped all through flights for which direct fares recently applied. American now provides no direct service either eastbound or westbound; its only through services are the two backhaul flights in question. Braniff continues to provide one round-trip nonstop as it has for some time, and TWA still offers its two-stop service eastbound although it has canceled its two-stop westbound service. Various connecting services are available via Chicago and St. Louis.

In view of American's schedule cutbacks, the limited through service available and since many of the connecting services available are through the congested Chicago terminal, and in the absence of complaints, the Board will permit American to apply the direct fare to flights via Chicago and Oklahoma City despite the circuitry involved, and the fare anomaly which will result.[4] In regards to possible abuse, since American provides the bulk of service to the more distant intermediate point Oklahoma City, it is reasonable to expect that any necessary corrective action would be quickly forthcoming, and in any event, competing carriers should not be greatly affected.

On the other hand, we do not believe the routing via Dallas and Oklahoma City should be permitted at the direct-fare level. First, since the American flight departs earlier than Braniff's nonstop flight and arrives in Tulsa later, it would not seem to add anything to the service alternatives in the market, unless Braniff's flight is inadequate to handle the traffic. We have no evidence of this, and in any event, the other American flight departing one-half hour later will now be available at the direct-fare level to compensate for any capacity problems. Second, the more distant intermediate point Dallas is a heavily traveled market served by various carriers, predominantly American and Braniff, and the possibilities of abuse, particularly that which might adversely affect competing carriers, is much greater The circuitry is also somewhat greater than via Chicago and Oklahoma City. Inasmuch as the service in question seems to add little to travelers' options, we can see no reason for permitting a fare anomaly in this instance.

WASHINGTON-OKLAHOMA CITY FARE PROPOSAL

Here again, as in American's Washington-Tulsa southern tier routing proposal, the resulting fare between the origin and destination would be less than the fare applicable between the origin (Washington) and the intermediate or connecting point (Dallas/Ft. Worth). Also, as in the case of the Tulsa market, American has canceled a number of frequencies (principally in the westbound direction). However, contrary to the Tulsa market, various one-stop services by American, plus a one-stop round-trip flight by Braniff, a two-stop eastbound service by TWA, and numerous connecting services continue to be available in the Oklahoma City market at the direct fare level. In these circumstances we can see no reason for permitting the proposed fare anomaly.

SAN DIEGO-TUCSON FARE PROPOSAL

This is American's second attempt in a little over a year to effectuate this proposal. By Order 73-2-66, February 15,

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[1] Revisions to Airline Tariff Publishers, Inc., Agent, Tariff C.A.B. No. 202.

[2] The reduced fares are all marked to expire with March 31, 1975. Inasmuch as American now intends to reinstate direct service to Oklahoma this summer the carrier indicates it will advance the expiry date to June 15, 1974.

[3] *Allegheny Fare Case*, 34 C.A.B. 327 (1961). See particularly, pp. 333-334.

[4] We will expect American to terminate this lower fare as soon as direct service is restored.

1973, the Board suspended American's previous proposal on the grounds that its purported reason for reducing the second level fare did not adequately justify the fare anomaly which would result, particularly in view of the significant circuity involved. In our opinion, conditions in this market have not so radically changed in the intervening year as to warrant a departure from the Board's original determination in this issue. Various connecting services continue to be available in both directions via Phoenix at the direct fare level. Also, a number of additional services continue to be available via Los Angeles for only $3.70 more, a modest differential considering the 50 percent circuity involved.

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to devisions described in Appendix A attached termine whether the fares and prohereto,[5] and rules, regulations, and practices affecting such fares and provisions, are or will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful fares and provisions, and rules, regulations, or practices affecting such fares and provisions;

2. Pending hearing and decision by the Board, the fares and provisions described in Appendix A hereto are suspended and their use deferred to and including July 3, 1974, unless otherwise ordered by the Board, and that no changes be made therein during the period of suspension except by order or special permission of the Board;

3. Except to the extent granted herein, the complaint in Docket 26522 is hereby dismissed;

4. The investigation ordered herein be assigned before an Administrative Law Judge at a time and place hereafter to be designated;

5. A copy of this order be filed with the aforesaid tariff and be served on American Airlines, Inc., Braniff Airways, Inc., and The Tulsa Parties which are hereby made parties to this proceeding.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] PHYLLIS T. KAYLOR,
Acting Secretary.

[FR Doc.74-8232 Filed 4-9-74;8:45 am]

[5] Appendix A is filed as part of the original document.

[Docket No. 22162]

COUNTY OF SULLIVAN, NEW YORK AND SULLIVAN COUNTY AIRPORT COMMISSION

Notice of Reassignment of Proceeding

Administrative Law Judge Joseph L. Fitzmaurice is on sick leave pending retirement and is no longer available. Accordingly, the proceeding is hereby reassigned to Administrative Law Judge Milton H. Shapiro. Future communications should be addressed to Judge Shapiro.

Dated at Washington, D.C., April 4, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74-8231 Filed 4-9-74;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2 p.m. on Wednesday, April 17, 1974, to continue discussions on the fiscal year 1975 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it was determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council would not be open to the public.

For the President's Agent.

RICHARD H. HALL,
Advisory Committee Management Officer for the President's Agent.

[FR Doc.74-8178 Filed 4-9-74;8:45 am]

FEDERAL TRADE COMMISSION

CIGARETTE TESTING RESULTS

Tar and Nicotine Content; Correction

In FR Doc. 74-6658 appearing at page 11149 in the issue for Monday, March 25, 1974, the entry under "Nicotine" for Vantage, King size, filter should be 0.8 not 0.9 as reported.

Dated: April 8, 1974.

[SEAL] CHARLES A. TOBIN,
Secretary.

[FR Doc.74-8375 Filed 4-9-74;9:19 am]

ENVIRONMENTAL PROTECTION AGENCY

ENVIRONMENTAL IMPACT STATEMENTS

Availability of EPA Comments

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969, and section 309 of the Clean Air Act, as amended, the Environmental Protection Agency (EPA) has reviewed and commented in writing on Federal agency actions impacting the environment contained in the following appendices during the period of March 1, 1974 and March 15, 1974.

Appendix I contains a listing of draft environmental impact statements reviewed and commented upon in writing during this review period. The list includes the Federal agency responsible for the statement, the number and title of the statement, the classification of the nature of EPA's comments as defined in Appendix II, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix II contains the definitions of the classifications of EPA's comments on the draft environmental impact statements as set forth in Appendix I.

Appendix III contains a listing of final environmental impact statements reviewed and commented upon in writing during this reviewing period. The listing will include the Federal agency responsible for the statement, the number and title of the statement, a summary of the nature of EPA's comments, and the EPA source for copies of the comments as set forth in Appendix V.

Appendix IV contains a listing of proposed Federal agency regulations, legislation proposed by Federal agencies, and any other proposed actions reviewed and commented upon in writing pursuant to section 309(a) of the Clean Air Act, as amended, during the referenced reviewing period. The listing includes the Federal agency responsible for the proposed action, the title of the action, a summary of the nature of EPA's comments, and the source for copies of the comments as set forth in Appendix V.

Appendix V contains a listing of the names and addresses of the sources for copies of EPA comments listed in Appendices I, III, and IV.

Copies of the EPA Manual setting forth the policies and procedures for EPA's review of agency actions may be obtained by writing the Public Inquiries Branch, Office of Public Affairs, Environmental Protection Agency, Washington, D.C. 20460. Copies of the draft and final environmental impact statements referenced herein are available from the originating Federal department or agency or from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151.

Dated: April 3, 1974.

SHELDON MEYERS,
Director,
Office of Federal Activities.

APPENDIX I.—*Draft environmental impact statements for which comments were issued between March 1, 1974, and March 15, 1974*

Identifying No.	Title	General nature of comments	Source for copies of comments
Atomic Energy Commission:			
D-AEC-06120-WA	Exxon Nuclear Co., Mixed Oxide Fabrication Plant, Washington.	ER-2	A
D-AEC-06121-NC	Shearon Harris Nuclear Power Plant, Units 1, 2, 3, 4, North Carolina.	LO-2	A
Department of Agriculture:			
D-AFS-42160-WA	Weyerhaeuser Co., Road Construction Proposals, Washington.	LO-2	K
D-AFS-61205-SC	Sumter National Forest, Oconee County, S.C.	ER-2	E
D-AFS-61217-AZ	Mogollon Rim Land Plan, Coconico, Sitreaves National Forest, Ariz.	LO-1	J
D-AFS-64033-ID	Big Game Habitat Improvements, Clearwater and Spokane Counties, Idaho.	LO-1	K
D-AFS-65065-AK	Thorne Arm Carroll Inlet five-year timber harvest plan, Alaska.	LO-1	K
D-AFS-65073-CA	Klamath National Forest Timber Management Plan, Siskiyou County, Calif.	LO-2	J
D-AFS-82075-00	Douglas Fir, Tussock Moth Pest Management, Oregon, Washington, Idaho.	ER-2	K
D-AFS-82077-00	Cooperative Gypsy Moth Suppression and Regulation program, 1974.	LO-2	A
D-SCS-36364-NJ	Assunpink Creek Watershed Project, New Jersey	LO-2	C
D-SCS-36368-TX	Kickapoo Creek Watershed (Lipan), Texas	LO-2	G
Department of the Interior:			
D-BLM-67005-FL	Phosphate leasing on Osceola National Forest, Florida	EU-2	E
D-NPS-61206-PA	Independence National Historic Park, Area F, Pennsylvania.	ER-2	D
D-NPS-61213-IL	Lincoln Home National Historic Site, Illinois	LO-1	F
RDDOI-25031-00	Mandatory safety standards, surface coal mines and surface work areas.	ER-2	A
Department of Justice:			
D-JUS-81155-TN	Southeast Tennessee Regional Correctional Facility, Marion County, Tennessee.	LO-2	E
Department of Transportation:			
D-FAA-51820-MI	Manistee County, Blacker Airport, Manistee, Mich	LO-1	F
D-FAA-51823-ND	Mott Municipal Airport, N. Dak	LO-1	I
D-FAA-51826-CT	Tweed-New Haven Airport, Conn	LO-1	B
D-FAA-51828-WV	Roane County Airport, Spencer, W. Va	LO-2	D
D-FAA-51833-WA	Proposed New Airport, Ferry County, Wash	LO-2	K
D-FHW-41777-NB	Supplement to draft, 84th Street Tunnels, I-80, Omaha, Nebr.	LO-2	H
D-FHW-42118-NB	N-71, Scotts Bluff-Gering Urban Arterial, Nebr	LO-2	H
D-FHW-42120-MI	Howard Street Extension, Kalamazoo County, Mich	LO-1	F
D-FHW-42125-VA	Route 262, Augusta County, Va	LO-2	D
D-FHW-42126-VI	Cross Island Highway, East Airport Road, Frederiksted, V.I.	LO-2	C
D-FHW-42128-FL	Upgrade S.R. 200, from Yulee to Amelia River Bridge, Fla.	LO-2	E
D-FHW-42129-TN	S.R. 111, Van Buren County (88027-0205-64) Tenn	LO-2	E
D-FHW-42140-SC	Colleton County, By Pass city of Walterboro, S.C.	LO-2	E
D-FHW-42145-AL	Winston, Marion, and Franklin Counties, ALS-5, Ala	LO-2	E
D-FHW-42147-MA	Routes 25, 28, Bourne, Mass	ER-2	B
D-FHW-42148-MA	Route 140, Franklin, Mass	LO-2	B
D-FHW-42168-OR	I-80N, Marquam Bridge, I-205, Primary Route 24, Oreg.	LO-1	K
D-FHW-42193-AK	Sitka to the Pulp Mill Highway (project S-0933(8)), Ak.	LO-1	K
Corps of Engineers:			
D-COE-32490-OO	Ouachita and Black Rivers, Ark. and La	ER-2	G
D-COE-34098-OH	Paint Creek Lake, Scioto River Basin, Ohio	ER-2	F
D-COE-34099-IL	Cahokia Creek Low Dam, East St. Louis and vicinity, Ill.	LO-2	F
D-COE-34103-MS	Okatibbee Dam and Lake, Miss	ER-2	E
D-COE-35109-MI	Confined Disposal Facility at Point Mouillee, Mich	LO-2	F
D-COE-35110-OH	Cleveland Harbor Maintenance Dredging, Ohio	EU-1	F
D-COE-36334-IL	William L. Springer Lake, Sangamon River, Macon County, Ill.	EU-1	F
D-COE-36362-KS	Sycamore Dam and Lake, Coffeyville, Kans	LO-2	H
D-COE-39085-NB	Wood River, Snagging and Clearing Project, Nebraska	ER-1	H
D-COE-90077-MA	Weymouth-Fore Rock Removal, Mass	LO-1	B
Delaware River Basin Commission:			
D-DRB-03046-PA	Fuel oil pipeline, Marcus Hook to Martins Creek, Pa	LO-2	D
General Services Administration:			
D-GSA-80015-CA	Proposed Federal Youth Center, San Diego, Calif	LO-1	J

APPENDIX II

DEFINITION OF CODES FOR THE GENERAL NATURE OF EPA COMMENTS

Environmental Impact of the Action

LO—Lack of Objection. EPA has no objections to the proposed action as described in the draft impact statement; or suggests only minor changes in the proposed action.

ER—Environmental Reservations. EPA has reservations concerning the environmental effects of certain aspects of the proposed action. EPA believes that further study of suggested alternatives or modifications is required and has asked the originating Federal agency to reassess these impacts.

EU—Environmentally Unsatisfactory. EPA believes that the proposed action is unsatisfactory because of its potentially harmful effect on the environment. Furthermore, the Agency believes that the potential safeguards which might be utilized may not adequately protect the environment from hazards arising from this action. The Agency recommends that alternatives to the action be analyzed further (including the possibility of no action at all).

Adequacy of the Impact Statement

Category 1—Adequate. The draft impact statement adequately sets forth the environmental impact of the proposed project or action as well as alternatives reasonably available to the project or action.

Category 2—Insufficient information. EPA believes that the draft impact statement does not contain sufficient information to assess fully the environmental impact of the proposed project or action. However, from the

information submitted, the Agency is able to make a preliminary determination of the impact on the environment. EPA has requested that the originator provide the information that was not included in the draft statement.

Category 3—Inadequate. EPA believes that the draft impact statement does not adequately assess the environmental impact of the proposed project or action, or that the statement inadequately analyzes reasonable available alternatives. The Agency has requested more information and analysis concerning the potential environmental hazards and has asked that substantial revision be made to the impact statement.

APPENDIX III.—*Final environmental impact statements for which comments were issued between March 1, 1974 and March 15, 1974*

Identifying No.	Title	General nature of comments	Source for copies of comments
Corps of Engineers:			
F-COE-36355-KY...	Flood protection for West Hickman area, Fulton County, Ky.	EPA generally agreed with the project as proposed. However, EPA recommended that provisions be made to pump out sump area, including lake, during low flow periods, or eliminate plans to provide a permanent lake.	E
Department of Transportation:			
F-FAA-51832-HI....	New passenger terminal, General Lyman Field, Hilo, Hawaii.	EPA had no objections to the project as proposed	J
F-FHW-42144-FL...	FL-82 near Fort Myers in Lee County to U.S.-27 at Andytown in Broward County, Fla.	EPA recommended that alternate system No. 2 be adopted by FHWA.	E
Department of Interior:			
F-IBR-39011-AZ....	Granite Reef Aqueduct, central Arizona project, Arizona.	EPA had no objections to the project as proposed.	J
Department of Defense:			
F-USN-11026-FL...	Trident Wharf and Turning Basin, Naval Ordnance test unit, Port Canaveral, Fla.	EPA had no objections to the project as proposed.	A

APPENDIX IV.—*Regulations, legislation and other Federal agency actions for which comments were issued between March 1, 1974 and March 15, 1974*

Identifying No.	Title	General nature of comments	Source for copies of comments
Department of Agriculture:			
R-DOA-86046-00....	Animal and plant health inspection service—Notices—environmental statements—proposed guidelines for preparation.	In EPA's view, the proposed regulations are generally adequate; however, EPA suggested modification of several sections in an effort to strengthen them from an environmental viewpoint.	A

APPENDIX V

SOURCE FOR COPIES OF EPA COMMENTS

A. Director, Office of Public Affairs, Environmental Protection Agency, 401 M Street, S.W., Washington, D.C. 20460.

B. Director of Public Affairs, Region I, Room 2303, John F. Kennedy Federal Building, Boston, Massachusetts 02203.

C. Director of Public Affairs, Region II, Environmental Protection Agency, Room 847, 26 Federal Plaza, New York, New York 10007.

D. Director of Public Affairs, Region III, Environmental Protection Agency, Curtis Building, 6th and Walnut Streets, Philadelphia, Pennsylvania 19106.

E. Director of Public Affairs, Region IV, Environmental Protection Agency, Suite 300, 1421 Peachtree Street, NE., Atlanta, Georgia 30309.

F. Director of Public Affairs, Region V, Environmental Protection Agency, 1 N. Wacker Drive, Chicago, Illinois 60606.

G. Director of Public Affairs, Region VI, Environmental Protection Agency, 1600 Patterson Street, Dallas, Texas 75201.

H. Director of Public Affairs, Region VII, Environmental Protection Agency, 1735 Baltimore Street, Kansas City, Missouri 64108.

I. Director of Public Affairs, Region VIII, Environmental Protection Agency, Lincoln Tower, Room 916, 1860 Lincoln Street, Denver, Colorado 80203.

J. Director of Public Affairs, Region IX, Environmental Protection Agency, 100 California Street, San Francisco, California 94111.

K. Director of Public Affairs, Region X, Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington 98101.

[FR Doc.74-8013 Filed 4-9-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19989; FCC 74-296]

AMERICAN TELEPHONE AND TELEGRAPH CO.

WATS Tariff: Investigation and Hearing

In the matter of American Telephone and Telegraph Co. (Long Lines Department) Transmittal No. 11935; and revisions of the Wide Area Telecommunications Service (WATS) tariff F.C.C. No. 259.

1. On January 15, 1974, revised tariff schedules were filed by the American Telephone and Telegraph Company—Long Lines Department (AT&T) under transmittal No. 11935 to become generally effective March 16, 1974. At the request of the Commission AT&T postponed the general effective date to April 1, 1974.[1] These revised tariff schedules apply to the interstate WATS service provided throughout the United States. Petitions for Suspension (and investigation) were timely filed by Computoll Corp. (Computoll), The Committee of Corporate Telephone Users (The Committee), Aerospace Industries Association (AIA), Computerized Automotive Reporting Service Inc. (Computerized Automotive), McGraw-Hill, Inc. (McGraw-Hill), National Data Corp. (National Data), Ad Hoc Telecommunications Committee (Ad Hoc), and MCI Telecommunications Corp., Microwave Communications Inc., MCI New York West, Inc., and Interdata Communications, Inc. (MCI). The National Retail Merchants Association (NRMA) filed a statement in support of Petitions for Suspension, while the Common Carrier Bureau's Trial Staff in Docket No. 19129 (Trial Staff) filed a petition requesting that any investigation of the proposed WATS Tariff Revisions be included in that proceeding.[2] AT&T has filed a reply opposing the Petitions for Suspension.

2. At the present time WATS is offered on both a Full Time and Measured Time basis. Under Full Time service the customer is provided an access line which he may use 24 hours a day, 7 days a week, for which he pays a flat monthly rate irrespective of the time of use or number or duration of calls made. In Measured Time service the access line is also continuously available but the basic monthly rate covers 10 hours of use per month with additional charges applying for each additional hour or portion thereof of use during the month. In both Full Time and Measured services, the customer has a choice of six progressively larger service areas. The largest includes the entire continental United States, excluding Alaska and the customer's home state. In both monthly and additional period. Charges vary generally with the size of the geographical areas serviced. All outward WATS calls are dialed by the customer, i.e., outward WATS does not include person-to-person, collect, conference, credit card calls or calls charged to a third number. Inward WATS calls are dialed by the caller and are, in effect, paid for by the inward WATS subscriber.

3. The revised tariffs now before us make substantial and significant changes in the internal rate structure of both outward and inward WATS service. More specifically, the proposed changes may be described as follows:

(1) In the Measured Time service the initial period and additional period rates in the low mileage rate steps are increased and the initial period and additional period rates in the medium and high mileage rate steps are reduced.

(2) The Full Time service is changed to Full Business Day service with a flat rate for 240 hours a month service and additional period rates for usage in excess of 240 hours per month. The additional period rates for usage above 240 hours are set at a level of

[1] Certain changes are effective six months later as hereinafter specified.

[2] Numerous letters protesting the increased WATS rates have also been received by the Commission.

two-thirds of the equivalent hourly rate for the initial period.

(3) In the Full Business Day service the initial period rates in the low and medium mileage rate steps are increased and the initial period rates in the high mileage rate steps are reduced.

(4) In both the Full Business Day and Measured Time services additional charges are imposed for large volumes of completed calls when the average length of each call is less than one minute.

(5) Two physical terminations will be required for Inward WATS.[3] The first Inward service in each group arranged for either Measured Time or Full Business Day to a service area will require two physical terminations. The usage on the dual terminations will be rated as one service.

(6) The number of geographical Service Areas is reduced from 6 to 5 by combining existing Service Areas 5 and 6.

(7) The following non-recurring charges are increased:

Description of charge	Present	Revised
Installation of service	$10.00	[1] $50.00
Move:		
Same premises	10.00	[1] 25.00
Different premises	10.00	[1] 50.00
Suspension of service	15.00	50.00
Maintenance of service	10.00	25.00
Adjustment of signal power	10.00	25.00

[1] The effective date of these changes is to be delayed 6 months to allow customers an opporunity to analyze the effects of the new service structure and rate levels and modify their communications requirements as they deem appropriate.

(8) A "Conversion Charge" of $25.00 is established to apply to requested changes in class of service, service area, or telephone number assignment subsequent to the initial service installation.[3]

(9) The monthly rates for WATS extension stations are increased as follows:

	Present	Revised
First station in an exchange	$12.50	$15.00
Each additional station in an exchange	7.50	10.00

(10) The allowance for service interruptions is revised by reducing the period for an allowance for Measured Time service to two hours or more, the same as for Full Business Day service. The proposed regulation will provide for an allowance equal to a full day's rate (1/30 of the monthly initial period rate) for an interruption of eight hours or more per day.

(11) Various changes and clarifications are made in the text of the tariff including definition of the following terms:

"Customer"	"Premises"
"Exchange Area"	"Rate Center"
"Interexchange Channel"	"Service Group"
"Move"	"Service Terminal"

4. AT&T states that the estimated effect of these revisions will be to increase the charges for about 40 percent of the existing WATS customers and reduce the charges for about 60 percent of such customers. However, the carrier alleges that there will be no significant change in total WATS revenues or earnings. In this regard, AT&T states that the changes in the Measured Time monthly rates will result in reductions of about $10 million in net annual revenues; that the changes in Full Time monthly rates will produce a net annual revenue increase of about $5 million; and that increases in non-recurring charges and other changes referred to above will produce an increase of about $5 million a year. The carrier submitted detailed cost and other data to support the tariff changes as required by § 61.38 of the Commission's rules.

5. AT&T's reasons for making these revisions in the WATS tariffs may be summarized as follows:

WATS was introduced by AT&T as a service offering in 1961 to meet customer needs for substantial amounts of communications to diverse geographic points. Since the service was designed to utilize the public switched network in a manner which would result in economies as compared to Message Telecommunications Service ("MTS"), WATS rates were set to reflect those economies. During the period since 1961, WATS has experienced substantial growth and yet no significant structure change in the WATS offering has been made since 1967. Thus, it was considered timely by AT&T to now review generally the WATS rate structure, and to reevaluate WATS revenue/cost relationships as well as the relationship of WATS rates to MTS rates. As a result of this analysis, AT&T determined that adjustments should be made to improve the WATS structure.

In addition, AT&T's market analyses show that due to emerging customer applications for the service, such as heavy usage of WATS access lines and large volumes of calls with short average conversation time, these adjustments should be made now so that WATS customers will be able to take full accounts of the rate changes in their planning.

One purpose of these rate revisions is to establish a schedule which better reflects the costs associated with providing service to various segments of the WATS market. For those customers who receive an increase in charges, those increases simply reflect the costs associated with providing them service.

6. A number of objections to these revisions are advanced by Petitioners. They contend, inter alia, that it is unjust and unreasonable for AT&T to align WATS Measured Time rates with MTS rates or to align Full Business Day rates to the revised Measured Time rates; that the establishment of a Full Business Day classification providing for 240 hours of use for an initial period discriminates against heavy users of WATS, since little additional cost is incurred in providing such additional service; that it is discriminatory to impose additional charges for a large volume of completed calls in that this penalizes those subscribers making short duration calls and more efficient use of their facilities; and that this will result in an increase of peak traffic loads on the network, encourage inefficient utilization of communications facilities, and hinder the further development of computer technology. Computoll makes specific allegations to the effect that the proposed tariff revisions prohibit use of customer-provided terminal equipment, in alleged violation of our "Carterfone" decision.

7. Although the changes proposed by AT&T in these WATS tariff revisions appear to be a step in the right direction away from flat-rate pricing toward usage sensitive pricing, we are of the opinion that substantial questions of lawfulness have been raised by petitioners that warrant investigation and hearing. Furthermore, a number of unresolved questions concerning the lawfulness of the WATS service offering have been pending and unresolved in connection with other dockets and it is our judgment that all of these questions should be consolidated and considered in the investigation and hearing which we are ordering herein. A brief review of the status of these unresolved questions will be helpful at this point.

8. On January 12, 1961, we instituted an investigation into the lawfulness of AT&T's initial filing of its WATS service offering in Docket No. 13914 (26 FR 378). Following a hearing, the Chief, Common Carrier Bureau issued his Recommended Decision, 37 F.C.C. 688 (1964), and on March 3, 1965, we adopted that Recommended Decision, 38 F.C.C. 475. By this action we concluded that the overall level of the WATS rates at that time appeared to be productive of sufficient revenue to recover the costs incurred in furnishing the service and that the rates appeared to be fully compensatory. Although we terminated the proceedings in Docket 13914, several questions were left unresolved however, concerning the WATS service. These were: (1) The effect of the WATS offering on peak-hour traffic and whether stimulation resulting from either the full-time or measured-time service would cause additional usage with resultant increases in cost; (2) whether in light of the actual usage of WATS the measured-time users would be bearing a disproportionate share of the costs incurred in furnishing the WATS service and whether the revenue requirements applicable to the total service would be met; and (3) whether there was a need for a full-time class of WATS and whether all service should not be priced on a measured-time basis, with the appropriate full-time rate being established as the maximum charge regardless of usage. In addition, inasmuch as AT&T relied upon the economies made possible by direct distance dialing as justification for the WATS offering, a basic question was raised as to whether the rates applicable to station-to-station calls in the Message Toll Telephone Service (MTS) fairly and adequately reflected those economies or whether the relatively small group of WATS users was being given an undue preference in this respect. On January 12, 1973 AT&T filed increases in the WATS rates pursuant to authority granted by us in Docket 19129 and by Memorandum Opinion and Order, released March 13, 1973, we placed the lawfulness of such revised WATS schedules in hearing in Docket No. 19129 (40 FCC 2d 18 (1973)). We also made it clear in our Memorandum Opinion and Order released August 10, 1973 (42 FCC 2d 302), that it was our intent that the WATS issues in Docket No. 19129 subsumed all of the questions referred to above that

[3] The effective date of these changes are to be delayed six months to allow customers an opportunity to analyze the effects of the new service structure and rate levels and modify their communications requirements as they deem appropriate.

were left unresolved in terminated Docket No. 13914. Finally, in dismissing a formal complaint filed by the Associated Students of the University of Arizona (ASUA), we directed the Trial Staff in Docket No. 19129 to give consideration to the reasonableness of the restrictive language in the WATS tariff concerning the use of service by WATS customers (43 F.C.C. 2d 197).

9. With regard to the WATS issues now pending in Docket 19129, Petitioners and AT&T contend that if an investigation and hearing is deemed warranted as to the WATS revised tariff schedules now before us it should be a separate proceeding from Docket No. 19129. The basic reason advanced for the separate proceeding is that of timeliness. Since consideration of the general WATS issues will be deferred until the latter stages of Docket No. 19129, it is contended that inclusion of these WATS tariff revisions in that proceeding may delay resolution of this matter for years. The Trial Staff in Docket No. 19129 stated that it does not object to the establishment of a separate proceeding or to the transfer to that proceeding of the WATS issues currently in Docket No. 19129. We agree that the more orderly manner of proceeding in this matter is the establishment of a separate proceeding which will include the WATS issues currently in Docket No. 19129. This of course, will include consideration of the issues raised by the aforementioned complaint by the Arizona Students Association. Finally we believe that the prospective issues raised in the pending Computoll complaint should also be considered in this proceeding, i.e., that portion of the complaint that challenges the validity for the present and future of the provision in the WATS tariff as to interconnection. Action on Computoll's request for damages for alleged past unlawfulness of the WATS tariffs will be deferred pending decision herein on the lawfulness of the revised WATS tariffs.

10. Petitioners request that the revised WATS tariff schedules be suspended for the full statutory period of three months and AT&T has opposed that request. As we have stated, we are aware that by this filing AT&T has attempted to address some of the unresolved questions previously raised with respect to the WATS service, and that the revised tariffs will result in rate reductions for many WATS users. However, substantial increases in charges will also result for many WATS users and significant questions remain unresolved at this time as to the lawfulness of the WATS tariffs and rate structure. Under these circumstances, we believe that we should exercise our discretion and suspend the tariff revisions for the maximum statutory period of three months and enter an accounting order providing for possible refunds.

11. CARS, NRMA, and MCI request that any investigation and hearing in this matter employ procedures similar to those adopted by us in the "Hi-Lo" Docket No. 19919 (Memorandum Opinion and Order released January 25, 1974 (FCC 74-81)). AT&T contends that none of the considerations which prompted the Commission to depart from a trial type hearing are present in the instant case. We believe, however, that the revised WATS tariffs raise questions and issues that lend themselves to the type of procedures we adopted in Docket No. 19919. We believe that the employment of such procedures in this case will best conduce to the proper dispatch of business and the ends of justice and promote the objectives of the Act for expeditious resolution of the issues herein, 47 U.S.C. 154(j) and 204. Thus we will order that such procedures be utilized in the instant proceeding.

12. Accordingly, *It is ordered*, That, pursuant to the provisions of sections (i), 4(j), 201, 202, 203, 204, 205, and 403 of the Communications Act of 1934, as amended, an investigation and hearing is instituted into the lawfulness of the revised tariff schedules filed by AT&T submitted with Transmittal No. 11935 including any cancellations, amendments or re-issues thereof.

13. *It is further ordered*, That the issues concerning the lawfulness of the WATS tariff schedules submitted with Transmittal No. 11657 and set for hearing in Docket No. 19129, pursuant to our Memorandum Opinion and Order released March 13, 1973, 40 FCC 2d 18, are hereby removed from Docket No. 19129 and consolidated into this proceeding.

14. *It is further ordered*, That, pursuant to the provisions of section 204, the revised tariff schedules filed by AT&T submitted with Transmittal No. 11935 are hereby suspended until July 1, 1974,[4] and that AT&T, as to the operation of such tariff schedules shall, in the case of all increased charges and until further order of the Commission, keep accurate account of all amounts received by reason of such increase, specifying by whom and in whose behalf such amounts were paid, and upon completion of the hearing and decision therein, the Commission may by further order, require the refund thereof, with interest, pursuant to section 204 of the Act, and the carrier shall file such reports on the amounts accounted for as the Chief, Common Carrier Bureau shall require.

15. *It is further ordered*, That, without in any way limiting the scope of the investigation, it shall include consideration of the following:

(1) Whether the charges, classifications, practices, and regulations published in the aforesaid tariffs are or will be unjust and unreasonable within the meaning of section 201(b) of the Act;

(2) Whether such charges, classifications, practices, and regulations will, or could be applied to, subject any person or class of persons to unjust or unreasonable discrimination or give any undue or unreasonable preference or prejudice to any person, class or persons, or locality, within the meaning of section 202(a) of the Act;

(3) Whether the revised tariff schedules conform to the requirements of section 203 of the Act and Part 61 (47 CFR Part 61) of our rules implementing that section;

(4) If any of such charges, classifications, practices, or regulations are found to be unlawful, whether the Commission, pursuant to section 205 of the Act, should prescribe charges, classifications, practices and regulations for the service governed by the tariffs, and if so, what should be prescribed.

16. *It is further ordered*, That, the following procedures will apply in this proceeding:

a. The record for decision will consist of all matters submitted for the record by respondents, interested persons and the Common Carrier Bureau trial staff. Interrogatories and information requests and responses thereto shall be part of the record. Such submittals together with supporting documentation and workpapers will be available for public inspection as they are received.

b. All matters submitted for the record, including answers to interrogatories and responses to information requests, must be identified as to sponsoring party, numbered consecutively and identified with the name of a person by whom or under whose supervision the submittal was prepared.

c. The source of all data must be clearly and specifically noted. Supporting documents which are not readily available and working papers must be presented with the submittals to which they apply. Statistical studies will be submitted and supported in the form prescribed in § 1.363 of the Commission's rules.

d. Original and five copies of all matters submitted for the record as well as of supporting documentation and workpapers must be filed with the Commission. Part I of our rules governs as to the number of copies for other submissions, such as briefs, pleadings and proposed findings. Matters submitted for the record shall be served on all interested persons filing a notice of intent to participate.

e. Interrogatories and requests for information must be filed with the Commission and served on the participants to this proceeding. Objections to interrogatories and information requests should be resolved, if possible, by immediate informal conferences between the persons involved and the Trial Staff. If such persons are unable to resolve their differences, the Administrative Law Judge should be notified, and on notification should convene an immediate oral conference of the persons involved. After oral presentations by such persons and the Trial Staff the Judge shall forthwith issue a ruling. Appeals from such rulings shall be governed by 47 CFR 1.301 except that the Judge shall set an expedited procedure.

f. Requests for oral proceedings must be filed with the Commission and must be specific as to the issues requiring further evidence, the persons to be cross-examined and the reason why such oral proceedings are required to avoid prejudice. Oral proceedings, if any, will be held before the Administrative Law Judge who will certify the record of such proceedings to the Commission.

17. *It is further ordered*, That the following schedule will be adhered to:

a. Within 20 days of the release of this order AT&T may supplement the materials submitted pursuant to § 61.38 of our rules. Any such supplementation, together with the material originally filed will form the evidence upon which it intends to rely. At the same time AT&T should place materials already filed into proper form as described in paragraph 16 at "b" above.

b. Interested persons may file with the Commission written interrogatories for AT&T

[4] The tariff revisions being suspended are those scheduled to become effective April 1, 1974.

witnesses and requests for information within 15 days following the filing of any supplement to AT&T's direct case. Answers to such interrogatories and requests for information shall be filed within 20 days of the filing thereof.

c. If necessary, further interrogatories and requests for information may be filed within 10 days of filing of answers to the first interrogatories and requests for information. Answers to such second interrogatories and requests for information should be filed within 10 days of the filing thereof.

d. Interested persons may file material in response to AT&T within ten days following the filing of answers to interrogatories and requests for information which they have submitted in accordance with sub-paragraph (c) above, except that this period will not be tolled pending resolution of conflicts with regard to answers which are not forthcoming but contested.

e. Any participant may serve interrogatories on other participants filing material in response to AT&T within 15 days of the filing of such responses. Answers to such interrogatories shall be filed within 20 days of the filing thereof.

f. If necessary, further interrogatories on other participants may be filed within 10 days of the filing of such answers to the first interrogatories. Answers to such second interrogatories shall be filed within 10 days of the filing thereof.

g. AT&T may file material in reply to that submitted by other participants within ten days following the filing of answers to all interrogatories and requests for information which they have submitted in accordance with sub-paragraph (f) above, except that this period will not be tolled pending resolution of conflicts with regard to answers which are not forthcoming but contested.

h. Proposed findings of fact and conclusions of law may be filed by any participant within 30 days of the filing of the last filed responses to interrogatories and requests for information.

i. Replies to the Proposed Findings of Fact and Conclusions of Law may be filed by any participant within 15 days of the filing of such findings and conclusions.

18. *It is further ordered,* That the Petitions are granted to the extent noted herein and otherwise denied.

19. *It is further ordered,* That AT&T and all carriers listed in AT&T's Tariff F.C.C. Nos. 259 and 264 as concurring carriers are hereby made respondents herein, and that all other interested persons wishing to participate may do so by filing a Notice of Intent to Participate within 10 days of the release of this order.

20. *It is further ordered,* That a Trial Staff of the Common Carrier Bureau will participate in this proceeding and shall be separated from the Commission and the Administrative Law Judge.

Adopted: March 28, 1974.

Released: April 5, 1974.

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

[FR Doc.74-8221 Filed 4-9-74;8:45 am]

[FCC 74-302]

CITY OF COLUMBIA, MISSOURI

Petition for Declaratory Ruling

1. On November 5, 1973, the City of Columbia, Missouri, petitioned the Commission to issue a declaratory ruling regarding carriage of the following Missouri television broadcast stations by future cable television systems operating in that city: KTVI (ABC), KMOX-TV (CBS), KPLR-TV (Ind.), and KSD-TV (NBC) St. Louis, and KCPT (Educ.) Kansas City.[1] In an earlier but related proceeding, Channel Seventeen, Inc., licensee of Station KCBJ, Columbia, Missouri, filed petitions for special relief opposing carriage of the above signals (SR-37249 and SR-37250). A reply to one of these petitions was filed by International Telemeter of Columbia, Inc., and on June 7, 1972, the Curators of the University of Missouri, licensee of Broadcast Station KOMU-TV, Columbia, Missouri, filed "Comments," opposing carriage of the above signals.

2. This case raises a novel question concerning the effect of § 76.65 of the rules[2] on potential franchisees. In 1969, the operators of two proposed cable television systems (International Telemeter of Columbia, Inc., and CATV of Columbia, Inc.) gave proper notice of their intentions to import the above-listed television signals into the Columbia, Missouri, smaller television market pursuant to former § 74.1105 of the Commission's rules.[3] Since no objections to the proposed services were filed within thirty days, both systems were authorized to begin operating at any time thereafter.[4] Even though both systems were authorized to carry television broadcast signals by the summer of 1969, however, neither system became operational.

3. On February 2, 1972, the Commission adopted the Cable Television Report and Order, FCC 72-108, 36 FCC 2d 143. Though § 76.59 would not permit new cable television systems in Columbia to carry all the signals previously authorized under § 74.1105, § 76.65 of the rules states that:

> The provisions of §§ 76.57, 76.59, 76.61, and 76.63 shall not be deemed to require the deletion of any television broadcast or translator signals which a cable television system was authorized to carry or was lawfully carrying prior to March 31, 1972 * * *

Footnote 58 in the Cable Television Report and Order, supra, explained that § 76.65 was intended to include signals which had been "authorized by operation of the provisions of former § 74.1105 of the rules and not inconsistent with former § 74.1107."

4. Station KCBJ-TV notes that it was not given notice of the proposed cable systems and argues that allowing a cable system to operate in a smaller market will harm new local UHF stations, such as it, by fragmenting their audiences and reducing their attractiveness to local advertisers. Both KCBJ-TV and KOMU-TV contend that a valid franchise is a pre-requisite to proper notification pursuant to former § 74.1105.

5. We reject these arguments. Station KCBJ-TV did not receive its construction permit until July, 1971, and § 74.1105, therefore, did not require that it be notified in 1969. As for its contention of financial harm, even Station KCBJ-TV notes that "no specific data is available to represent actual financial harm." We therefore find that it has failed to document this argument. Finally, the 1966 regulations did not require a cable television system to obtain a franchise prior to giving notice under former § 74.1105, and there is no reason to add such a requirement now. International Telemeter has expressed its intention to proceed in building a system as soon as it receives a franchise; if it does, the signals listed previously will be considered grandfathered, and International Telemeter will be allowed to carry them. Under § 76.65, International Telemeter may carry all signals which were authorized pursuant to former § 74.1105.

6. In the event that a system is constructed in Columbia by any other party, it also will be permitted to carry these signals. Indeed, in § 76.65 we expressly provided that:

> If a cable television system in a community is authorized to carry signals, either by virtue of specific Commission authorization or otherwise, any other cable television system already operating or subsequently commencing operations in the same community may carry the same signals.

Since the two prior potential operators had the appropriate "authorization," a cable system "subsequently commencing operations in the same community" would succeed to their rights.

In view of the foregoing, the Commission finds that grant of the petitions for

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[1] Prior to December, 1971, this was Television Broadcast Station KCSD.

[2] Section 76.65 provides that:

> The provisions of §§ 76.57, 76.59, 76.61 and 76.63 shall not be deemed to require the deletion of any television broadcast or translator signals which a cable television system was authorized to carry or was lawfully carrying prior to March 31, 1972: provided, however, that if carriage of a signal has been limited by Commission order to discrete areas of a community, any expansion of service will be subject to the appropriate provisions of this subpart. If a cable television system in a community is authorized to carry signals, either by virtue of specific Commission authorization or otherwise, any other cable television system already operating or subsequently commencing operations in the same community may carry the same signals. (Any such new system shall, before instituting service, obtain a certificate of compliance, pursuant to § 76.11.).

[3] § 74.1105 provided in pertinent part:

> "[n]o CATV system shall commence such operations until thirty (30) days after notice has been given. Such notice shall be given by existing systems which propose to add new distance signals at least thirty (30) days prior to commencing service and by systems which propose to extend lines into another community within sixty (60) days after obtaining a franchise or entering into a lease or other arrangement to use facilities or where no new local authorization or contractual arrangement is necessary, at least thirty (30) days prior to commencing service."

[4] Three years later, however, in March and June of 1972, objections were filed on behalf of Stations KCBJ-TV and KOMU-TV, both Columbia, Missouri. Although Station KOMU-TV had been given notice in 1969, pursuant to Section 74.1105, Station KCBJ-TV had not, since it did not receive a construction permit until July, 1971. See David P. Mooney D.B.A. Vicksburg Video, Inc., FCC 69-466, 17 FCC 2d 523, 524.

special relief would not be consistent with the public interest. Accordingly, *It is ordered*, That the request for declaratory ruling filed by the City of Columbia, Missouri, is granted to the extent indicated above.

It is further ordered, That the "Petition for Special Relief" (SR–37250) filed by Channel Seventeen, Inc., requesting that the Commission order CATV of Columbia, Inc. to stay operation of its proposed cable television system at Columbia, Missouri is denied.

It is further ordered, That the "Petition for Special Relief" (SR–37249) filed by Channel Seventeen, Inc. requesting that the Commission order International Telemeter of Columbia, Inc. to stay operation of its proposed cable television system at Columbia, Missouri is denied.

It is further ordered, That the "Reply to Petition for Special Relief" filed by International Telemeter of Columbia, Inc. in opposition to the above Petition for Special Relief is granted.

Adopted: March 28, 1974.

Released: April 5, 1974.

Commissioner Reid concurring in the result.

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

[FR Doc.74–8223 Filed 4–9–74;8:45 am]

FEDERAL ENERGY OFFICE

REFINERY YIELD CONTROL PROGRAM

Kerosene Base Jet Fuel; Notice of Adjustment Factor

The Federal Energy Office, pursuant to the provisions of § 211.71 of the Mandatory Petroleum Allocation Regulations (10 CFR 211.71), hereby provides notice that the adjustment factor established February 19, 1974 to be applied to the production of kerosene base jet fuel is modified as set forth below for the period May 1, 1974 through July 31, 1974. The adjustment factor as defined in § 211.71-(c)(1) is the percentage by which the refiner's base period yield of a product must be multiplied to obtain the adjusted percentage yield of that product.

The second calendar quarter of 1972 (April 1 through June 30, 1972) is established as the base period for determining a refiner's base percentage yield. The adjustment factor to be applied to the base percentage yield is 106 percent. This adjustment factor shall be effective for the period May 1, 1974, through July 31, 1974. Therefore, the adjusted percentage yield of kerosene base jet fuel for the period May 1, 1974 through July 31, 1974 is a percentage figure equal to 106 percent of a refiner's percentage yield of that product during the period April through June, 1972.

Refiners shall continue to produce kerosene base jet fuel to the same specifications which were applicable to their second quarter 1972 output of this product unless different specifications are mutually agreed upon by a refiner and its purchaser or purchasers of kerosene base jet fuel. This notice is expected to result in a total domestic production of from 750,000 to 800,000 barrels per day of kerosene base jet fuel.

Issued in Washington, D.C., April 8, 1974.

WILLIAM N. WALKER,
General Counsel,
Federal Energy Office.

[FR Doc.74–8376 Filed 4–9–74;8:47 am]

FEDERAL HOME LOAN BANK BOARD

[H. C. #173]

FIRST TEXAS FINANCIAL CORP.

Notice of Receipt of Application for Permission To Acquire Control of Cleburne Savings and Loan Association

APRIL 5, 1974.

Notice is hereby given that the Federal Savings and Loan Insurance Corporation has received an application from the First Texas Financial Corporation, Dallas, Texas, a multiple savings and loan holding company, for approval of acquisition of control of the Cleburne Savings and Loan Association, Cleburne, Texas, under the provisions of section 408(e) of the National Housing Act, as amended (12 U.S.C. 1730a(e)), and Section 584.4 of the Regulations for Savings and Loan Holding Companies, said acquisition to be effected by the purchase for cash of shares of said association by First Texas Financial Corporation. Comments on the proposed acquisition should be submitted to the Director, Holding Companies Section, Office of Examinations and Supervision, Federal Home Loan Bank Board, Washington, D.C. 20552 on or before May 10, 1974.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary,
Federal Home Loan Bank Board.

[FR Doc.74–8219 Filed 4–9–74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. R–405–A; Opinion No. 687–A]

RELIABILITY OF ELECTRIC AND GAS SERVICE

Opinion and Order Denying Rehearing

APRIL 3, 1974.

1. TransOcean Oil, Inc. (TransOcean) and Pennzoil Company and Pennzoil Producing Company (together Pennzoil) on March 6, 1974, have filed applications for rehearing with respect to Opinion No. 687 and order issued February 4, 1974. In that Opinion we required that Pennzoil, TransOcean and Tenneco file with the Commission a questionnaire relating to the uncommitted gas reserves. Some 80 other respondents had filed such questionnaires in response to a prior order of the Commission. Many of the arguments made by the applicants for rehearing are, in our opinion, sufficiently answered by the initial decision or Opinion No. 687, but further comments will amplify our views.

2. TransOcean does not contend that the Commission is without statutory authority to require production of the reserve data provided it is accorded confidential treatment, but the issue concerns the Commission's right to order public disclosure of valuable proprietary information. In Opinion No. 687 we explained that we could not guarantee the confidentiality of the data as against Congressional demands and stated our opinion that the data should be placed in the public file where it would be available to the natural gas industry and to Federal and State agencies, as well as the general public. We now take notice that at the present time because of the gas shortage and energy crises there is great public interest in the potential energy supplies of the United States, who owns them and what use is being made of them. Without this knowledge the public would be unable to appraise and react intelligently towards the actions of government agencies having a responsibility in the field of energy, including this Commission. In our opinion the public, which is asked to curtail the use of energy and to pay at a higher rate for smaller supplies, has the right and need to know who is or is not responsible for the present situation so that it may understand and judge the measures which this Commission and other government agencies are taking to alleviate the situation. Such knowledge, in our opinion, will be directly contributory to the effectiveness of regulatory steps taken by this Commission within its statutory responsibilities.

3. Both TransOcean and Pennzoil claim that we have no authority to gather the reserve data and make it public and are prohibited from doing so. TransOcean quotes the legislative history of § (b)(9) of the Freedom of Information Act, 5 U.S.C. 552 that "The purpose of clause (9) is to protect from disclosure certain information which is highly valuable to several important industries and which should be kept confidental when it is contained in Government records."[1] We assume that this is indeed the purpose of the exemption provided in the Freedom of Information Act, but the language quoted does not indicate that the statue requires us to keep confidential any information. The statute merely protects from a demand for disclosure geological data and other data that we may find "should be kept confidential."

4. TransOcean cites 18 U.S. 1905 which imposes a penalty on an officer or employee of the United States who discloses information relating to "trade secrets", among other things, "in any manner or to any extent not authorized by law." This statute, of course, applies only to disclosures not authorized by law. See Schapiro & Co. v. S.E.C., 339 F. Supp. 468, 469–470 (D.D.C. 1972). In our opinion we are authorized by the Natural Gas Act, as set forth in Opinion No. 687, to gather the reserve data and to disclose it in the exercise of reasonable discretion. The Natural Gas Act, like the Federal Power Act, was enacted for a number of substantive purposes, including the regulation of interstate sales.

[1] S. Rep. No. 813, 85th Cong., 1st Sess., p. 2.

There are also a number of provisions in the Natural Gas Act (sections 8, 10, 14 and 16) cited in Opinion No. 687, and there are equivalent provisions in the Federal Power Act (part III), that relate to accounting, examination of records and reports to the Commission. In our view these procedures are an extremely important part of the regulatory process, for they supply the Commission with information necessary in exercising its substantive authority over rates under the Federal Power Act and the Natural Gas Act, its authority to issue certificates under the Natural Gas Act and other authority specifically stated in the "core" sections of both Acts. See Texaco Inc. v. F.P.C., 474 F.2d 416, 420 (CADC 1972), cert. granted -- U.S. -- (Oct. 9, 1973). It was said in the Congressional debate before the enactment of the Natural Gas Act, of course, before it was determined that we had jurisdiction over sales of natural gas by producers, that no one should be surprised if the Commission "goes down into the great gas fields of this country and appraises them for the first time, giving to us [the Congress] a physical valuation of this wonderful resource, in building up a proper rate structure." [2] See also Colorado Interstate Co. v. F.P.C., 324 U.S. 581, 602–603 (1945).

5. It is, of course, true that the procedural sections of the Natural Gas Act and the Federal Power Act, particularly section 16, do not add to the substantive authority of the Commission under the core sections, such as those relating to rates or certificates. The procedural sections are necessary to enable us to carry out our substantive regulatory responsibilities, but, in our opinion they have their own reason for existence. This is particularly true of section 8 of the Natural Gas Act and section 301 of the Federal Power Act relating to accounting, for before the enactment of either Act extensive financial abuses had developed in the utility industry,[3] and numerous orders have been issued by the Commission on accounting matters.

6. To permit us to carry out our accounting responsibilities, as well as our rate making and certificating responsibilities, we have been authorized to gather a great variety of facts from the companies subject to our jurisdiction, often in the form of annual reports and other periodic reports. We have placed these reports in the public files where our staff can use them, as well as parties to proceedings and the general public. The reports, in our opinion, serve a regulatory function in themselves by informing the public as to the operations of the regulated industries. Further, if they were not made public, it would be questionable how much they could be used in Commission hearings. In the hearings before enactment of the Federal Power Act it was said by a former General Counsel of the Commission that "as between rates and other features of the bill * * * the public would benefit more if we enacted the other provisions, even if we had to drop the rates." [4]

7. At present, among other reports, we require interstate natural gas pipeline companies to file an annual report (FPC Form 2) disclosing in great detail in accordance with our Uniform System of Accounts its financial status, describing its facilities and showing its sales, purchases, and operations for the year. We also require interstate natural gas pipeline companies to file (FPC Form 15) data on annual natural gas supply and system deliverability including reservoir data and deliverability from each supply source. Further, we require independent producers to file (FPC Form 301–B) detailed statements of their jurisdictional sales and revenues from each field. All of these reports are placed in the files for public inspection and copying at the offices of the Commission.

8. To carry out our responsibilities under the rate, certificate, accounting and other provisions of the Natural Gas Act we have ordered that the reserve data be placed in the public files just as we have ordered the same action taken with other reports filed with the Commission. Section 16, while it does not enlarge our substantive authority, states that we shall have power to perform any and all acts necessary or appropriate to carry out the provisions of the Act. Section 8(b) recognizes that we may order the disclosure of data even where a member of the Commission, officer or employee may not do so acting alone.

9. Both TransOcean and Pennzoil contend that the Commission's action constitutes a taking of property without just compensation and is therefore a violation of the Fifth Amendment of of the United States' Constitution. In Opinion No. 687, and above, we noted that regulation requires the gathering and public use of large amounts of data from the regulated companies. In our opinion the requirement that the producers file their reserve data, which will be made public, providing we have acted within the ambit of administrative discretion, does not constitute a "taking" but a necessary adjunct to regulation.

The Commission further finds:

The assignments of error and grounds for rehearing set forth in the applications for rehearing filed by Pennzoil and TransOcean present no facts or legal principles that would warrant any change in or modification of the Commission's Opinion No. 687 and order as supplemented by the above discussion.

The Commission orders:

The applications for rehearing filed by Pennzoil and TransOcean are denied.

By the Commission. Commissioner Moody, dissenting, filed a separate statement appended hereto. Commissioner Brooke concurring in the dissent.[5]

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-8147 Filed 4-9-74;8:45 am]

[Docket Nos. RI73-258, etc.]

RATE CHANGE

Order Providing for Hearing on and Suspension of Proposed Changes and Allowing Changes To Become Effective; Correction

MARCH 29, 1974.

In the Order Providing For Hearing On And Suspension Of Proposed Changes In Rates, And Allowing Rate Changes To Become Effective Subject To Refund, issued March 21, 1974 and published in the FEDERAL REGISTER March 28, 1974, 39 FR 11468, Appendix A, page 11468 Change "Docket No. RI74–176, Sun Oil Company" to "Docket No. RI74–175, Sun Oil Company".

Appendix A, Page 11468 Change "Docket No. RI74–177, Sun Oil Company" to "Docket No. RI74–176, Atlantic Richfield Company".

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-8168 Filed 4-9-74;8:45 am]

[Docket No. CI63-1101, et al.]

CERTIFICATES OF CONVENIENCE AND NECESSITY

Applications for Certificates, Abandonment of Service and Petitions To Amend Certificates [1]

APRIL 2, 1974.

Take notice that each of the Applicants listed herein has filed an application or petition pursuant to section 7 of the Natural Gas Act for authorization to sell natural gas in interstate commerce or to abandon service as described herein, all as more fully described in the respective applications and amendments which are on file with the Commission and open to public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before April 22, 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 a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules.

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[2] Congressional Record, July 1, 1973, p. 6726. See also Hearing, on H.R. 11662, 74th Cong., 2nd Sess., April 1936.

[3] Davis, The Influence of the Federal Trade Commission Investigation on Federal Regulation of Interstate and Gas Utilities, 14 George Washington L.Rev. 21 (1945), p. 21.

[4] Hearings before the Senate Committee on Interstate Commerce on S. 1725, 74th Cong., 1st Sess. (1935), p. 259.

[5] Dissenting statement and concurrence filed as part of original document.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

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 all applications in which no petition to intervene is filed within the time required herein if the Commission on its own review of the matter believes that a grant of the certificates or the authorization for the proposed abandonment is required by the public convenience and necessity. Where a petition for leave to intervene is timely filed, or where 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 to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

Docket No. and date filed	Applicant	Purchaser and location	Price per Mcf	Pressure base
CI63-1101 ..... D 3-15-74	Amoco Production Co., Security Life Bldg., Denver, Colo. 80202.	El Paso Natural Gas Co., Blanco Mesa Verde Field, San Juan and Rio Arriba Counties, N. Mex.	(1)	.....
CI65-833 ..... D 3-14-74	Mobil Oil Corp., 3 Greenway Plaza East, Suite 800, Houston, Tex. 77046.	Transcontinental Gas Pipe Line Corp., Eugene Island Block 128 Field, offshore Louisiana.	(2)	.....
CI74-109 ..... E 3-12-74 [3]	Eufaula Enterprises, Inc. (successor to Perry, Adams & Lewis, Inc.), 4121 W. 83d St., Suite 128, Prairie Village, Kans. 66208.	Cities Service Gas Co., acreage in Kay County, Okla.	[4] 45.0	14.65
CI74-504 ..... (CI70-624) 3-11-74	Terra Resources, Inc. (successor to Anadarko Production Co.), 5416 South Yale Ave., Tulsa, Okla. 74135.	Texas Eastern Transmission Corp., Skull Creek Field, Colorado County, Tex.	[4] 25.0	14.65
CI74-508 ..... (CI66-176) 3-7-74	Joe A. Huitt (successor to Skelly Oil Co.), 2805 East Skelly Dr., Suite 806, Tulsa, Okla. 74105.	Arkansas Louisiana Gas Co., Arkoma Basin, Haskell and Latimer Counties, Okla.	[5] 17.255	14.65
CI74-511 ..... (CI73-331) 3-11-74	AMAX Petroleum Corp. (successor to Atlas Corp.), 900 Town and Country Lane, Houston, Tex. 77024.	United Gas Pipe Line Co., Oaks Field, Claiborne Parish, La.	35.0	15.025
CI74-512 ..... A 3-18-74	Diamond Shamrock Corp., P.O. Box 631, Amarillo, Tex. 79173.	Natural Gas Pipeline Co. of America, Block 176-S Field, Galveston Area, offshore Texas.	[4] 35.5	14.65
CI74-514 ..... (CI63-1432) B 3-18-74	Skelly Oil Co., P.O. Box 1650, Tulsa, Okla. 74102.	Arkansas Louisiana Gas Co., North Carter Field, Beckham County, Okla.	Depleted	.....
CI74-516 ..... (CI70-75) B 3-15-74	Clinton Oil Co., 217 North Water St., Wichita, Kans. 67202.	United Gas Pipe Line Co., Blanconia Field, Bee County, Tex.	Depleted	.....

[1] Acreage assigned to purchaser and Brookhaven Oil Co.
[2] Acreage assigned to Placid Oil Co.
[3] Applicant proposes to continue sales of gas from acreage acquired from Perry, Adams & Lewis, Inc., who is presently authorized in Docket No. CI74-109 to make a 2-year limited term sale of gas with pre-granted abandonment.
[4] Subject to upward and downward Btu adjustment.
[5] Subject to downward Btu adjustment.

Filing code: A—Initial service.
B—Abandonment.
C—Amendment to add acreage.
D—Amendment to delete acreage.
E—Succession.
F—Partial succession.

[FR Doc.74-7937 Filed 4-9-74;8:45 am]

[Docket No. RI74-197]

DORCHESTER GAS PRODUCING CO.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

APRIL 3, 1974.

Respondent has filed a proposed change in rate and charge for the jurisdictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto [18 CFR, Chapter I], and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket No.
									Rate in effect	Proposed increased rate	
RI74-197...	Dorchester Gas Producing Co.	7	[2] 5 6	Northern Natural Gas Co. (West Panhandle Field, Gray County, Tex., RR District No. 10).	$111,179	3-4-74 3-4-74	4-4-74 ----------	(1) 4-5-74	----------	----------	

*The pressure base is 14.65 lb/in²a.
[1] Accepted as of the date set forth in the "Effective Date Unless Suspended" column.
[2] Amendment dated Dec. 20, 1973.

The proposed increased rate filed by Dorchester reflects an increase in the price Dorchester has agreed to pay its small producer suppliers involved here under a new contractual agreement reached after the expiration of the original contract. There is no price differential between the purchase price paid by Dorchester to its small producer suppliers and Dorchester's resale rate to Northern. But, under the principles established in Order No. 428 there is a question as to the reasonableness of the 45 cents per Mcf rate which Dorchester has contracted to pay its small producer suppliers. Accordingly, Dorchester's proposed rate is suspended for one day from the expiration of the 30 day statutory notice period.

[FR Doc.74-8149 Filed 4-9-74;8:45 am]

[Docket No. RP72-110]

ALGONQUIN GAS TRANSMISSION CO.

Rate Change

APRIL 3, 1974.

Take notice that Algonquin Gas Transmission Co. (Algonquin Gas), in March 15, 1974, tendered for filing Eighth Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1.

This sheet is being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in section 22 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1. The rate change is being filed to reflect an increase in purchased gas costs to be paid by Algonquin Gas to its supplier, Texas Eastern Transmission Corp. (Texas Eastern), effective May 1, 1974, as a result of a PGA rate increase filed by Texas Eastern on March 13, 1974, in Docket No. RP72-98.

The proposed effective date of the revised tariff sheet is May 1, 1974, the effective date of Texas Eastern's rate increase.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8, 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 April 19, 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.74-8176 Filed 4-9-74;8:45 am]

[Docket No. E-8689]

ARIZONA PUBLIC SERVICE CO.

Filing of Initial Rate Schedule

APRIL 4, 1974.

Take notice that on March 25, 1974, Arizona Public Service Co. (Arizona) tendered for filing a Wholesale Power Supply Agreement with the Arizona Electric Power Cooperative to furnish power and energy commencing June 1, 1973.

Arizona requests that the notice requirement of § 35.11 of the Commission's regulations be waived for this filing and that the rate schedule be permitted to become effective as of June 1, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 19, 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.74-8160 Filed 4-9-74;8:45 am]

[Docket No. RP71-122]

ARKANSAS LOUISIANA GAS CO.

Filing of Motion and Petition

APRIL 4, 1974.

Take notice that on March 22, 1974, Arkansas Electric Cooperative Corp. (Cooperative), filed a motion in the instant docket requesting authorization under curtailment plan to transfer volumes of gas customer is entitled to at two power plants to third plant. The motion requests the Commision to permit Cooperative to transfer certain volumes of gas it has been receiving from Arkansas Louisiana Gas Co. (Arkla), at its Augusta and Ozark, Arkansas electric power plants to its plant at Camden, Arkansas. Cooperative states that such action is necessary because its Camden plant, which was designed to use natural gas as its fuel, has been shut down since February 20, 1974, the date when Arkla's current curtailment plan became effective. Because the Camden plant has no historical use period on which to base the volumes to which it is entitled in a time of curtailment, Cooperative wishes to take Arkla gas from the Augusta and Ozark plants, which have an historical use volume and which can operate on alternate fuel, and to transfer the gas for use at the Camden plant.

Cooperative further states that such an arrangement would not result in additional gas requirements for Cooperative.

On March 28, 1974, Cooperative filed a petition for individualized treatment, pursuant to ordering paragraph (C) of Opinion No. 643, in which they request the Commission to authorize an allocation of gas for their Camden plant under the Arkla curtailment plan which would enable that facility to receive a percentage of its requirements when it was necessary for curtailment to occur.

Any person, not already a party to this proceeding, 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, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure. All such petitions on protests should be filed on or before April 24, 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.74-8145 Filed 4-9-74;8:45 am]

[Docket No. E-8187]

BOSTON EDISON CO.

Further Extension of Prehearing Conference and Hearing

APRIL 3, 1974.

On March 29, 1974, Boston Edison Co. filed a motion for an extension of the date for the prehearing conference and the hearing set by notice issued on March 8, 1974, as amended by an errata notice issued March 14, 1974. The motion states that the Staff, the Town of Norwood, and New England Power Company all consent to the request.

Upon consideration, notice is hereby given that the prehearing conference in the above matter is postponed to April 30, 1974, at 10 a.m. (e.d.t.). The hearing will commence upon the conclusion of the prehearing conference.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-8154 Filed 4-9-74;8:45 am]

[Docket No. E-8683]

CAROLINA POWER & LIGHT CO.

Filing of Supplement

APRIL 3, 1974.

Take notice that Carolina Power & Light Co. (Carolina) on March 25, 1974 tendered for filing Original Sheet No. 12 to its contract FPC No. 47, dated February 25, 1960. The said Sheet provides for a new point of delivery in Carolina's Elk Mountain-Marshall 69 kv line to be known as Cedar Hill. Carolina states it will provide an initial demand of 2500 kw at this point of delivery. Carolina further states that the said Sheet also provides for customer receiving service at 115 kv when the Elk Mountain-Marshall line is converted from 69 kv to 115 kv. Carolina proposes an effective date of May 1, 1974 for said Sheet.

Any person desiring to be heard or 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 April 17, 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.74-8153 Filed 4-9-74;8:45 am]

[Docket No. E-8680]

CENTRAL HUDSON GAS AND ELECTRIC CORP.

Change in Rate Schedule

APRIL 4, 1974.

Take notice that on March 25, 1974 Central Hudson Gas and Electric Corp. (Hudson) tendered for filing a change in rate schedule with Consolidated Edison Company of New York.

Hudson proposes an effective date of January 1, 1974 for said change.

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 April 19, 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.74-8158 Filed 4-9-74;8:45 am]

[Docket No. RP71-106]

CITIES SERVICE GAS CO.

Filing of Report

APRIL 4, 1974.

Take notice that on March 14, 1974, Cities Service Gas Co. (Cities) tendered for filing a semi-annual report of the memorandum account relating to the recovery of the jursdictional portion of the judgment awarded to Western Natural Gas Co. Cities states that his filing is being made in accordance with ordering paragraph (B)(1) of the Commission's February 22, 1973 order in the above referenced docket. According to Cities, copies of this report are being served on each of its jurisdictional customers, each affected State Commission and each party in this docket.

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 April 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-8142 Filed 4-9-74;8:45 am]

[Docket No. RP74-77]

COLORADO INTERSTATE GAS CO.

Proposed Changes in Rates and Charges

APRIL 3, 1974.

Take notice that Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (CIG), on March 29, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Second Revised Volume No. 1. CIG asserts that the proposed changes would increase revenues from jurisdictional sales and service by $5.3 million over those rates presently being collected subject to refund in Docket No. RP73-93 and by $10.3 million over the proposed settlement rates in that proceeding, in each case inclusive of appropriate PGA adjustments and the March 1, 1974, rate increase attributable to the transfer of CIG's producing properties to a subsidiary (Docket No. RP74-68). The proposed increase is based on the twelve-month period ending December 31, 1973, as adjusted.

CIG states that the jurisdictional rates filed herewith are designed to enable CIG to recover increases in its jurisdictional cost of service attributable primarily to additional facilities, additional research and development expenditures, additional advances for gas supplies, increased return requirements, and an increase in depreciation rates.

Copies of this filing were served upon the Company's jurisdictional customers and interested public bodies.

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 April 19, 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.74-8175 Filed 4-9-74;8:45 am]

[Docket No. E-7681]

COMMONWEALTH EDISON CO. AND CENTRAL ILLINOIS LIGHT CO.

Petition for Accounting Treatment

APRIL 4, 1974.

Take notice that on February 25, 1974, Central Illinois Light Co. (CILCO) filed a petition in these proceedings for special accounting treatment.

CILCO's petition is filed pursuant to section 301(a) of the Federal Power Act, (16 U.S.C. 825(a)), and Part 101 of the Commission's regulations, 18 CFR Part 101. This notice is issued pursuant to § 2.1(a)(1)(v)(A) of the Commission's rules of practice and procedure, 18 CFR 2.1(a)(1)(v)(A).

On November 18, 1971, Commonwealth Edison Co. (Edison) and CILCO initiated this docket with the filing of their joint application for the sale by Edison and purchase by CILCO of the Lincoln, Homer and Bemet, Illinois electric service

properties (Lincoln properties).[1] Upon receipt of regulatory approval of that transaction, CILCO's February 25, 1974 petition proposes to amortize to Account 406, *Amortization of electric plant acquisition adjustments* (includable in operating expenses and rates), that portion ($11,147,049.00) of the contract sale price ($22,000,000.00) which exceeds the net depreciated original cost ($10,643,793.00) of the Lincoln properties.

Any person desiring to be heard or to make any protest with reference to this petition should on or before April 19, 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). Persons wishing to become parties to a proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's rules. 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. CILCO's February 25, 1974 petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-8141 Filed 4-9-74;8:45 am]

[Docket Nos. E-8692, E-8694, E-8695, E-8696, E-8697, E-8698]

CONNECTICUT LIGHT AND POWER CO., ET AL.

Proposed Termination of Rate Schedule

APRIL 3, 1974.

Take notice that on March 25, 1974, Connecticut Light and Power Co., Hartford Electric Light Co., and Western Massachusetts Electric Co. (Companies), tendered for filing six notices of termination of rate schedules.

Companies assert that these contracts have terminated in accordance with their terms. The contracts are as follows: Transmission Agreement, dated April 1, 1973, between Companies and Vermont Electric Power Company, Inc.; Transmission Agreement, dated August 20, 1973, between Companies and Consolidated Edison Company of New York, Inc.; Transmission Agreement, dated November 28, 1972, between Companies and Consolidated Edison Company of New York, Inc.; Purchase Agreement with respect to Cos Cob Gas Turbine Units, dated May 1, 1971, between Connecticut Light and Power Co. and Long Island Lighting Co.; Purchase Agreement with respect to Cos Cob, South Meadow, and Silver Lake Gas Turbine Units, dated April 1, 1971, between Companies and Consolidated Edison Company of New York, Inc.; and Memorandum of Agreement dated June 6, 1969, as extended by Agreement dated March 10, 1969, between Companies and Holyoke Water Power Co. and the United Illuminating Co., New England Power Co., Boston Edison Co., New Bedford Gas and Edison Light Co., Cambridge Electric Light Co., Montaup Electric Co., Public Service Company of New Hampshire, Central Maine Power Co., Central Vermont Public Service Co., Green Mountain Power Corp. and Vermont Electric Power Company, Inc.

Companies assert that notices of the proposed termination have been served on all the contracting parties. They further allege that these filings is in accordance with Part 35 of the Commission's regulations. However, these filings did omit a form of notice suitable for publication in the FEDERAL REGISTER as required by § 35.8(a) of these regulations.

Any person desiring to be heard or 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 April 17, 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.74-8164 Filed 4-9-74;8:45 am]

[Docket No. RP72-157]

CONSOLIDATED GAS SUPPLY CORP.

Proposed Changes in FPC Gas Tariff

APRIL 3, 1974.

Take notice that on March 15, 1974, Consolidated Gas Supply Corp. (Consolidated) tendered for filing Twenty-Fourth Revised Sheet No. 8 to its FPC Gas Tariff, First Revised Volume No. 1. Consolidated proposes an effective date of May 1, 1974 for said Sheet.

Consolidated states said Revised Sheet reflects changes under three sections of its PGA clause:

(a) Rate increase reflecting pipeline supplier increases;

(b) Rate increases reflecting producer supplier increases;

(c) Change to its surcharge to reflect the Unrecovered Purchased Gas Cost Account and flow through of supplier refunds.

According to Consolidated, the proposed rate changes include the effect of increases from pipeline suppliers effective May 1, 1974, and increases paid for gas purchased from producer suppliers which will be in effect by May 1, 1974. The effect of the proposed rate change for these supplier increases is an annual increase to jurisdictional revenues of $3.0 million. Consolidated proposes a surcharge credit of $0.17 per Mcf, effective May 1, 1974 through October 31, 1974, to reflect the amounts accumulated in the Unrecovered Purchased Gas Account for the period August 1973, through January 1974, the jurisdictional portion of refunds received by Consolidated from its suppliers during the above-mentioned six month period, and a carry-over balance from the surcharge credit filed March 15, 1973, effective May 1, 1973 through October 31, 1973.

Consolidated states that in the event the Commission does not approve the supplier rates in its calculations, Consolidated will revise its rates to reflect the supplier rates finally approved.

Consolidated states that copies of this filing were served upon its jurisdictional customers and appropriate state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 15, 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.74-8150 Filed 4-9-74;8:45 am]

[Docket No. E-8612]

CONSUMERS POWER CO.

Notice of Application

Docket No. E-8612

APRIL 4, 1974.

Take notice that on January 25, 1974, Consumers Power Co. (Applicant) tendered for filing, pursuant to § 35.11 of the Commission's regulations under the Federal Power Act, Revision 1 to Exhibit A and Revision 2 to Exhibit B of Supplement No. 1 to the Electric Coordination Agreement dated May 1, 1973 with the Detroit Edison Co., designated Consumers Power Company Rate Schedule FPC No. 33. The submitted revisions reflect changes in the underlying data for investment costs, fixed and annual charges, operating criteria and lists of facilities, but fail to change capacity rates. Applicant requests that the proposed revisions take effect November 1, 1973, date of commencement of the current peak load season.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the

[1] See 36 FR 23838. The joint application was modified by amendments filed June 22, 1972.

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 a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-8144 Filed 4-9-74;8:45 am]

[Docket No. E-7740]

INDIANA AND MICHIGAN ELECTRIC CO.

Order Prescribing Briefing Dates

APRIL 3, 1974.

On June 13, 1972, Indiana and Michigan Electric Co. (I&M) tendered for filing with the Commission a wholesale rate increase applicable to 23 municipal and cooperative customers. Of those customers, Richmond Power and Light (RP&L) Anderson, Indiana (Anderson) and a group of cooperatives (Cooperatives) [1], filed motions to reject I&M's filing as it pertained to them, claiming their contracts with I&M prohibited unilateral changes in rates by I&M, referring to the Supreme Courts decisions in Mobile-Sierra.[2]

By order issued August 11, 1972, the Commission accepted I&M's proposed rate increase for filing, suspended its effectiveness for five months, and established hearing procedures thereon. The Commission also denied the motions to reject, holding that the parties' agreements with I&M did not constitute fixed-rate contracts within the definition of Mobile-Sierra. On October 6, 1972, the Commission denied the motions for rehearing of the three parties.

RP&L, Anderson, and the Cooperatives each petitioned the Court of Appeals for the District of Columbia Circuit for review of the Commission's orders denying the motions to reject I&M's filing and the order denying rehearing. On May 25, 1973, the Court of Appeals ruled on the RP&L and Anderson appeals.[3] The Court remanded those cases to the Commission with directions to reject I&M's filing of increased rates as to Anderson and RP&L. The Court held that I&M's contracts with RP&L and Anderson were indeed fixed-rate within the terms of Mobile-Sierra.

After the Supreme Court declined to review the Richmond decision,[4] we filed with the Court of Appeals a motion requesting the Court to remand the record of the Cooperatives appeal to this Commission so that we might reconsider Cooperatives' contracts and allegations in light of the Richmond decision, prior to the Court of Appeals rendering decision on the merits in that appeal. On March 6, 1974, the Court of Appeals granted this motion.

In order that we may fully consider all relevant points of law and fact in arriving at our decision on reconsideration, we shall establish dates for the service of briefs by all interested parties in this docket. Those briefs should include, but not necessarily be limited to, the applicability of the Richmond decision to the facts involved in Cooperatives contractual relationship with I&M.

On March 14, 1974 the Cooperatives filed a motion requesting an expedited briefing schedule and decision. In support of their request Cooperatives state that any further delay will unduly damage them, as this case has now been pending since June, 1972. On March 22, 1974 I&M filed a response to the Cooperatives motion in which it states, inter alia, that it is unable to agree to any schedule until it is apprised of the issues the Commission desires discussed in the briefs. We agree, however, that timely action is required and accordingly, will establish May 1, 1974 as the date upon which briefs in this proceeding are to be filed with this Commission.

The Commission finds:

Good cause exists to expedite these proceedings and establish briefing dates as discussed above.

The Commission orders:

(A) Cooperatives motion for expedited proceedings is granted and all interested parties in this docket are directed to file their briefs with the Commission on the issues discussed herein on or before May 1, 1974.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-8151 Filed 4-9-74;8:45 am]

[Docket No. CI74-513]

JOSEPH I. O'NEILL, JR., ET AL.

Notice of Application

APRIL 3, 1974.

Take notice that on March 6, 1974, Joseph I. O'Neill, Jr. (Operator), et al. (applicant), 410 West Ohio, Midland, Texas 79701, filed in Docket No. CI74-513 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 Northern Natural Gas Co. (Northern) from Applicant's Mattie Royester lease, Page Ranch (Canyon) Field and its Annie May Murphy lease Wells No. 1 & 2, Cody Bell (Canyon) Field, Schleicher County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that he commenced the sale of natural gas on January 8, 1974, within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for three years from the end of the emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 3,000 Mcf of gas per day to Northern at an initial rate of 45.0 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward Btu adjustment and annual price escalations of one cent per Mcf. Initial upward Btu adjustment is 7.25 cents per Mcf.

Any person desiring to be heard or to make any protest with reference to said application on or before April 26, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-8169 Filed 4-9-74;8:45 am]

[Docket No. RP73-23]

LAWRENCEBURG GAS TRANSMISSION CORP.

Filing of Tariff Sheets

APRIL 3, 1974.

Take notice that on March 22, 1974, Lawrenceburg Gas Transmission Corp.

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[2] *United Gas Pipeline Co.*, v. *Mobile Gas Service Corp.*, 350 U.S. 332 (1956); *F.P.C.* v. *Sierra-Pacific Power Co.*, 350 U.S. 348 (1956).

[1] Indiana Statewide Rural Electric Cooperative, Inc., Fruit Belt Electric Cooperative, Jay County Rural Electric Membership Corp., Noble County Rural Electric Membership Corp., Paulding-Putnam Electric Cooperative, Inc., United Rural Electric Membership Corp., Wayne County Rural Electric Membership Corp., and Whitley County Rural Electric Membership Corp.

[3] *Richmond Power and Light* v. *F.P.C.*, 481 F.2d 490 (1973). (*Richmond*)

[4] Cert. denied December 3, 1973.

(Lawrenceburg) tendered for filing two gas tariff sheets to its Federal Power Commission Gas Tariff, Original Volume No. 1. The two sheets are designated Fifth Revised Sheet No. 3–A (superseding Fourth Revised Sheet No. 3–A) and Fifth Revised Sheet No. 18–B (superseding Fourth Revised Sheet No. 18–B).

Lawrenceburg states that the sheets are being filed to reflect changes in the cost of gas purchased from Texas Gas Transmission Corp. (Texas Gas) pursuant to the provisions of the Purchase Gas Adjustment Clause in FPC Gas Tariff, Original Volume No. 1. According to Lawrenceburg, the changes in cost of purchased gas are attributable to increases filed by two of Texas Gas' pipeline suppliers, United Gas Pipe Line Company and Texas Eastern Transmission Corp. Lawrenceburg states that this filing assumes that Lawrenceburg's February 26, 1974 purchased gas adjustment filing will be given timely approval by the Commission, and Lawrenceburg requests that this filing be given an effective date of May 1, 1974 to conform to the requested effective date of the Texas Gas filing. In addition, Lawrenceburg requests waiver of the notice requirements of § 154.51 of the Commission's regulations under the Natural Gas Act.

Any person desiring to be heard or to protest said notice should file a petition to intervene or protest with the Federal Power Commission, 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 April 16, 1974. Protests will be considered by the Commission 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 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.74–8167 Filed 4–9–74;8:45 am]

[Docket No. CI74–492]

LONE STAR PRODUCING CO.

Notice of Application

APRIL 3, 1974.

Take notice that on March 11, 1974, Lone Star Producing Co. (Applicant), 301 South Harwood Street, Dallas, Texas 75201, filed in Docket No. CI74–492 an application pursuant to section 7(c) of the Natural Gas Act and § 2.75 of the Commission's general policy and interpretations (18 CFR 2.75) for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Arkansas Louisiana Gas Co. (Arkla) from the Wilburton Field, Latimer County, Oklahoma, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes under the optional pricing procedure to sell natural gas to Arkla at an initial price of 43.0 cents per Mcf at 14.65 p.s.i.a., subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, pursuant to a contract dated November 27, 1973. The contract provides for a 1.0-cent per Mcf price escalation each year, for reimbursement of 75 percent of new or increased taxes, and certain compression charges ranging from 0.75 cent to 1.5 cents per Mcf. Applicant estimates deliveries of gas from the acreage covered by the application will average 116,800 Mcf per year.

Applicant alleges that it is presently concluding an intrastate sale in the same county to another purchaser at an initial base price of 55 cents per Mcf. Applicant states that Ferguson Oil Company, the operator, is presently selling gas from the same well, from which sales are proposed in the instant application, at the rate applied for herein (43 cents per Mcf) under a small producer certificate.

Applicant suggests that from a comparative price standpoint, the abovementioned prices and many recent contracts make its proposed sale at 43 cents a bargain under present market conditions. The application states further that the price of intrastate gas has increased rapidly which has pulled much of the current gas supply out of the interstate market. Applicant asserts that the intrastate market in the State of Oklahoma has been drawing higher prices than that being applied for by the instant application.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 23, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–8177 Filed 4–9–74;8:45 am]

[Docket No. E–8439]

METROPOLITON EDISON CO.

Petition for Investigation

APRIL 3, 1974.

Take notice that on March 6, 1974, Metropoliton Edison Co. (Met-Ed) filed with the Commission a petition for an investigation, pursuant to section 206 of the Federal Power Act, of the rates and charges for service rendered to the Borough of Middletown, Pennsylvania. Met-Ed states that the present wholesale rate to Middletown is fixed by a contract entered into in 1906 which contains no provision permitting Met-Ed to change the rate or terminate the contract. Met-Ed alleges that the contract rate is unjust, unreasonable, unduly discriminatory, preferential, and unlawful in that it constitutes an undue burden on Met-Ed's other customers. Met-Ed requests that the Commission replace the contract rate with Met-Ed's tariff rate, including fuel adjustment clause, which is applicable to other 69 kv wholesale customers.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 15, 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.74–8165 Filed 4–9–74;8:45 am]

[Docket No. E–8674]

NEW ENGLAND POWER SERVICE CO.

Change in Rate Schedule

APRIL 3, 1974.

Take notice that on March 12, 1974, New England Power Service Co. (New England) tendered for filing executed Service Agreements between New England and its following customers:

The Narragansett Electric Co.
Massachusetts Electric Co.
Granite State Electric Co.
Town of Littleton, Massachusetts

New England proposes an effective date of February 15, 1974 for said agreements.

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 April 19, 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.74-8171 Filed 4-9-74;8:45 am]

[Docket Nos. E-8389, E-8465]

NEW YORK STATE ELECTRIC & GAS CORP.

Filing of Settlement Agreement

APRIL 3, 1974.

Take notice that on March 6, 1974, New York State Electric and Gas Corporation filed a proposed settlement in this proceeding. Under the proposed Agreement the company agrees to adjust the charges in its Rate Schedules FPC No. 55 Supplement No. 3, and FPC No. 57 to reflect an overall rate of return of 8 percent. The adjustment is to be reflected in the capability charge. The agreement is intended to resolve all issues in the proceeding.

Copies of the agreement are on file with the Commission and are available for public inspection. Any person desiring to comment upon the settlement offer should file such comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, on or before April 15, 1974.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-8166 Filed 4-9-74;8:45 am]

[Docket No. E-8687]

NEW YORK STATE ELECTRIC AND GAS CORP.

Change in Rate Schedule

APRIL 4, 1974.

Take notice that on March 25, 1974 New York State Electric and Gas Corp. (New York) tendered for filing a change in rate schedule with Central Hudson Gas and Electric Corp. New York states that the change is from $74.97 per megawatt per day to $75.04 per megawatt per day.

New York proposes that service under this agreement commence April 28, 1974 and terminate on October 26, 1974.

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 April 19, 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.74-8162 Filed 4-9-74;8:45 am]

[Docket No. E-8686]

NEW YORK STATE ELECTRIC AND GAS CORP.

Change in Rate Schedule

APRIL 4, 1974.

Take notice that on March 25, 1974 New York State Electric and Gas Corp. (New York) tendered for filing a change in rate schedule with Central Hudson Gas and Electric Corp. (Hudson). New York states that the change is from $74.97 per megawatt per day to $75.04 per megawatt per day. Energy is to be delivered by New York to Niagara Mohawk Power Corp. for redelivery to Hudson.

New York proposes that service under this agreement commence April 28, 1974 and terminate on October 26, 1974.

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 April 19, 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.74-8157 Filed 4-9-74;8:45 am]

[Docket No. CP74-237]

NORTHERN NATURAL GAS CO.

Application

APRIL 3, 1974.

Take notice that on March 19, 1974, Northern Natural Gas Co. (Applicant), 2223 Dodge Street, Omaha, Nebraska, filed in Docket No. CP74-237 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon and remove certain compressor facilities from its Andrews Compressor Station located in Andrews County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it presently has a total of 8,100 compressor horsepower installed at its Andrews Station consisting of six 1,350 HP units. Due to the decline of raw gas volumes available for compression at the Andrews Station, Applicant has determined that it has 3,240 horsepower in excess of the 4,860 HP required at this station. Thus, Applicant proposes to abandon and remove two of the 1,350 HP units from its Andrews Station to be retired to stock for relocation and installation elsewhere on its system where required. Applicant states that relocation in lieu of purchasing new compressor facilities would avoid the expenditure of approximately $405,000 that would otherwise be required. The estimated cost of removal is $84,200 which will be financed from cash on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 23, 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 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.74-8163 Filed 4-9-74;8:45 am]

[Docket Nos. RP71–119 et al.]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

Order Granting Motion To Vacate Grant of Temporary Emergency Relief and Denying Motion To Modify Other Grants of Temporary Emergency Relief

APRIL 4, 1974.

On February 15, 1974, General Motors Corp. (General Motors) filed a motion in these proceedings requesting the Commission to vacate its grant of temporary extraordinary relief issued in Docket No. RP74–31–7 to Marblehead Lime Company (Marblehead) and to modify the temporary relief granted in Docket No. RP71–119 to Michigan Seamless Tube Company (Michigan Seamless); in Docket No. RP71–119 to Eugene W. Stallings (Stallings); in Docket No. RP74–31–1 to Southeastern Michigan Gas Co. (Southeastern); in Docket No. RP74–31–3 to E. I. du Pont de Nemours & Company (du Pont); in Docket No. RP74–31–4 to the Missouri Refractories[1]; in Docket No. RP74–31–11 to Mueller Brass Co. (Mueller); in Docket No. RP74–31–13 to Battle Creek Gas Co. (Battle Creek); in Docket No. RP74–31–15 to Anderson Clayton & Company (Anderson Clayton); in Docket No. RP74–31–16 to the City of Monroe, Missouri (Monroe); and in Docket No. RP74–31–17 to Hayes-Albion Corp. (Hayes-Albion).

In its motion to vacate the temporary relief granted to Marblehead, General Motors correctly notes that Marblehead has neither appeared nor filed any testimony in the proceeding convened to hear its petition for extraordinary relief. Our records indicate that a copy of our order of December 13, 1973, setting the petition for hearing, was mailed to Marblehead. Under the circumstances, we will grant the motion to vacate and require Marblehead to pay back any volumes taken under the temporary relief granted.

In its motion for modification, General Motors requests us to modify the temporary relief granted to the above petitioners by attaching the following conditions: (1) The period of the grant be limited to 90 days (subject to limited renewal); (2) no volumes of gas to be taken until petitioners exhausted all supplies of suitable alternate fuel including a draw down of alternate fuel storage facilities; and (3) notice should be given that a payback may be required of the volumes taken under the grant of temporary relief. Answers in opposition to the motion for modification were filed on February 25, 1974, by Michigan Seamless, Missouri Refractories, and Hayes-Albion; on February 27, 1974, by Anderson Clayton; on March 1, 1974, by du Pont and City of Battle Creek; and on March 4, 1974, by Mueller Brass.

[1] Consisting of A. P. Green Refractories Co.; C–E Refractories Co.; Harbison-Walker Refractories Co., A Div. of Dresser Industries, Inc.; Kaiser Aluminum & Chemical Corp.; North American Refractories Co., A Div. of Eltra Corp.; and Wellsville Fire Brick Co.

In support of its request for modification, General Motors set forth transcript references from the formal hearings purporting to show the availability to and capability of certain petitioners to use alternate fuels. However, those formal hearings are still pending before the Presiding Administrative Law Judges and, consequently, are not before us for review. We will therefore deny General Motors' request without prejudice to those issues being raised and considered in the hearings along with all relevant evidence General Motors may wish to address therein.

In its motion, General Motors suggests a general modification of our practice in granting future temporary emergency relief. It suggests that we should be more restrictive in our grants of temporary relief by attaching certain conditions thereto. The Commission is receptive to constructive suggestions regarding our procedure for relief. We shall therefore deal with those substantive suggestions among others, as may be appropriate in a separate policy statement.

The Commisison finds:

Good cause exists to grant the motion to vacate the temporary emergency relief authorized to Marblehead, to require Panhandle Eastern Pipe Line Company (Panhandle) to diminish service to Marblehead over a reasonable period of time in order to recover the volumes of gas delivered to Marblehead under our grant of temporary relief, and to deny the motion for modification of the temporary relief granted to the other above-named petitioners, all as hereinafter ordered.

The Commission orders:

(A) The motion to vacate the temporary emergency relief authorized to Marblehead is hereby granted and that authorization is hereby rescinded.

(B) Panhandle is hereby directed to diminish service to Marblehead over a reasonable period of time (not to exceed six months) until volumes equaled to gas taken by Marblehead under our temporary authorization have been fully recovered by Panhandle.

(C) General Motors' motion to modify the temporary emergency relief granted to the above-named petitioners (other than Marblehead) is hereby denied without prejudice.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–8152 Filed 4–9–74;8:45 am]

[Docket No. E–8693]

PUBLIC SERVICE COMPANY OF OKLAHOMA

Change in Rate Schedule

APRIL 4, 1974.

Take notice that on March 25, 1974 Public Service Company of Oklahoma (PSCO) tendered for filing a change in rate schedule with Southwestern Electric Power Co. (SEPCO). The agreement provides for the sale by PSCO of 100 MW of capacity from its Riverside Station Unit No. 1 to SEPCO.

PSCO proposes an effective date of June 1, 1974 for said change and a termination date of May 31, 1975.

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 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 April 19, 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.74–8159 Filed 4–9–74;8:45 am]

[Docket Nos. CI66–853 and CI70–375]

SIGNAL OIL AND GAS CO.

Notice of Application

APRIL 3, 1974.

Take notice that on March 13, 1974, Signal Oil and Gas Co. (Applicant), P.O. Box 94193, Houston, Texas 77018, filed in Docket Nos. CI66–853 and CI70–375 an application pursuant to section 7 of the Natural Gas Act requesting consolidation of the certificates of public convenience and necessity issued in said dockets, both of which authorize sales of residue gas to Panhandle Eastern Pipeline Co. (Panhandle) at Applicant's Aline Plant in Alfalfa, Major, and Woods Counties, Oklahoma, all as more fully set forth in the application which is on file with the Commission.

By amendment dated March 11, 1974, Applicant and Panhandle agreed to consolidate their two gas sales contracts covering the sale of residue gas from the same gas processing plant to ease operational and accounting problems. The application states that Twin Gas Company, Applicant's predecessor, by contract dated February 28, 1966, as amended, agreed to sell and Panhandle agreed to buy certain quantities of residue gas at the outlet of the Aline Plant. This sale, authorized in Docket No. CI66–853, is made under Applicant's FPC Gas Rate Schedule No. 25 at the rate of 20.7925 cents per Mcf. The application states further that by contract dated August 11, 1969, as amended, Applicant's predecessor, Service Gas Products Company, also agreed to sell and Panhandle agreed to buy additional volumes of residue gas at the outlet of the Aline Plant. This sale, authorized in Docket No. CI70–375, is made under Applicant's FPC Gas Rate Schedule No. 27 at the rate of 20.7925 cents per Mcf.

Applicant proposes to merge the 1966 gas sales contract into the August 11, 1969, contract and states it is concurrently filing supplements to reflect the merger of its FPC Gas Rate Schedule No.

25 into Applicant's FPC Gas Rate Schedule No. 27.

Applicant states that there will be no change in rate due to the proposed merger, while such a merger will result in the delivery to Panhandle of the gas committed under the February 28, 1966, contract for an additional three years.

Any person desiring to be heard or to make any protest with reference to said application should on or before April 23, 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.74-8156 Filed 4-9-74;8:45 am]

[Docket No. E-8570]

SOUTHERN CALIFORNIA EDISON CO.

Tariff Changes

APRIL 4, 1974.

Take notice that Southern California Edison Co. (Edison), on April 1, 1974, tendered for refiling a fuel adjustment clause applicable to resale service under Schedules R-1 and R-2, providing for billing adjustments based on increases or decreases in fossil fuel costs. The proposed effective date for the revised fuel clause is May 1, 1974. Edison states that the proposed adjustment amount per kilowatt-hour sold is based on the recorded fossil fuel costs for the preceding month. Edison also states that if the billing adjustment amount based on the recorded fossil fuel costs for February 1974, were effective without change for the 12-month period ending April 30, 1975, such revised fuel clause would increase revenues from jurisdictional sales and service for that one-year period by an estimated $11,095,549.

According to Edison, the reason for the addition of the fuel clause is the need to provide prompt relief from recent and continuing fossil fuel cost increases.

Accompanying Edison's filing was a petition for: (1) Permission to file the revised fuel cost adjustment clause; (2) waiver of §§ 1.7(b), 35.13(b)(4) and 35.13(b)(5) of the Commission's rules and regulations, to the extent that waiver is required; (3) the acceptance for filing as of April 1, 1974, of the revised fuel cost adjustment clause; (4) the establishment of May 1, 1974, as the effective date of the revised fuel cost adjustment clause; and (5) the establishment of April 15, 1974, as the date by which answers to the petitions and objections to the rate filing must be filed.

Edison states that copies of the supplemental filing were served upon their jurisdictional customers, the California Public Utilities Commission, the Public Service Commission of the State of Nevada, and upon the Arizona Corporation Commission.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before April 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection. Persons presently parties to this proceeding need not file additional petitions to intervene.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-8140 Filed 4-9-74;8:45 am]

[Docket No. RP74-76]

SOUTHERN NATURAL GAS CO.

Proposed Changes in FPC Gas Tariff

APRIL 3, 1974.

Take notice that Southern Natural Gas Co. (Southern) on March 22, 1974 tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1 to become effective April 22, 1974. Southern alleges that such filing is pursuant to Order No. 483 in Docket No. R-462, Research and Development, Accounting and Reporting, revising the Uniform System of Accounts for Natural Gas Companies and the Regulations under the Natural Gas Act and in particular adding § 154.38(d)(5)(b) of the regulations thereunder. No rate change is proposed in this filing.

Southern states that the purpose of this tariff filing is to incorporate into the General Terms and Conditions of Southern's FPC Gas Tariff a Research and Development Expenditure Adjustment clause as section 18 which will provide for the tracking of increased research and development expenditures on a current basis. Such clause will limit the frequency of general rate increase filings and rate changes thereunder will coincide to the extent practicable with other rate change adjustments made under the Purchased Gas Adjustment provision of Southern's FPC Gas Tariff.

Copies of this filing are being served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or 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 April 15, 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.74-8173 Filed 4-9-74;8:45 am]

[Docket No. RP74-39-10]

TEXAS EASTERN TRANSMISSION CORP.

Petition for Emergency Relief

APRIL 4, 1974.

Public Notice is hereby given that on March 19, 1974, the Town of Smyrna, Tennessee (Smyrna) filed a petition for Emergency Relief pursuant to § 1.7(b) of the Commission's rules of practice and procedure. Smyrna requests that the Commission issue an order requiring its sole supplier of natural gas, Texas Eastern Transmission Corp. (TETCO), to increase its Annual Quantity Entitlement (AQE) from 156,828 Mcf to 290,620 Mcf. In addition, Smyrna requests that the Commission grant temporary relief Pendente Lite allowing Smyrna to take volumes up to 290,620 Mcf for the twelve months ending August 31, 1974.

Smyrna's present AQE of 156,828 Mcf was established during settlement conferences between TETCO and its customers held in the Summer of 1972. Smyrna states that it objected at that time to the size of its AQE, claiming that it should be given an AQE of 290,620 Mcf so that it could supply prior committed loads.[1]

In prepared, direct testimony, which is attached to Smyrna's petition, Lewis E. Hoffman states that Smyrna had, prior to the settlement conferences in 1972, committed itself to serve 60,000 Mcf per year to the Dixie Concrete Company, 52,000 Mcf per year to the Lane Cedar Chest Company, and 60,000 Mcf or more to the Tennessee Farmers Co-op. Some of these volumes are apparently included in Smyrna's present AQE. However, Mr. Hoffman states that 133,792 Mcf were not so included. He states that Smyrna's AQE should be increased by 133,792 Mcf to 290,620 Mcf.

Smyrna claims that if relief is not granted, it will exhaust its AQE prior to August 31, 1974, and thereafter will face the choice of curtailing high priority loads or paying a penalty charge of $3.00 per Mcf. Last year Smyrna exhausted its AQE on May 19, 1973. Smyrna has presented figures showing that it consumed more gas in the period September 1, 1973,

[1] This petition involves purchases made only at Measuring Station No. 397 and is unrelated to Smyrna's petition in Docket No. RP74-39-5 which concerns sales made at Measuring Station No. 315.

through February 28, 1974, than it did for the same months of the previous contract year.

A shortened notice period in this proceeding may be in the public interest. Any person desiring to be heard or to make protest with reference to said petition should on or before April 17, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The petition is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-8174 Filed 4-9-74;8:45 am]

[Docket No. RP72-98]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

APRIL 4, 1974.

Take notice that Texas Eastern Transmission Corp. on March 28, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1, the following sheets:

Seventh Revised Sheet No. 13
Seventh Revised Sheet No. 13A
Seventh Revised Sheet No. 13B
Seventh Revised Sheet No. 13C
Seventh Revised Sheet No. 13D

These sheets are issued pursuant to the purchased gas cost adjustment provision contained in section 23 of the General Terms and Conditions of Texas Eastern's FPC Gas Tariff, Third Revised Volume No. 1. This provision was made effective by Federal Power Commission order dated November 26, 1973 approving Texas Eastern's Stipulation and Agreement dated July 25, 1973 in Docket No. RP72-98. The proposed change in Texas Eastern's rates reflects a cost of gas adjustment to track rate increases filed by two of Texas Eastern's pipeline suppliers, Texas Gas Transmission Corporation and Southern Natural Gas Company.

The proposed effective date of the above tariff sheets is May 1, 1974.

Copies of the filing were served upon the company's jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filin gshould 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, 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 April 22, 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.74-8143; Filed 4-9-74;8:45 am]

[Docket No. RP71-29, et al]

UNITED GAS PIPELINE CO. ET AL.

Order Denying Interim Extraordinary Relief, Consolidating Proceedings and Granting Interventions

APRIL 3, 1974.

On January 21, 1974, Norco Gas & Fuel Company, Inc., (Norco), a city gate customer of United Gas Pipe Line Co. (United), filed a petition for extraordinary relief to substitute the year 1971 as the base period for its customer Bunge Corporation (Bunge) located at Destrehan, Louisiana instead of 1972, which Norco claims is non-representative. Norco requests relief for the Bunge plant from the base volumes established for the period April 1, 1972, through March 31, 1973 in the remanded curtailment proceeding in Docket Nos. RP71-29 and RP71-120. The Bunge plant processes soybean oil and meal for exportation to several countries and is the only one of 28 major grain elevators owned by Bunge that is able to so process soybeans. Norco states that it had requested relief from United on the same basis as in the instant petition but was denied.

The basis for Norco's complaint against the base period approved by the Commission in Opinion No. 647-A, issued May 30, 1973, in Docket Nos. RP71-29 and RP71-120 (mimeo. page 6), relates to the unusual 1972 operations of the Bunge plant. The petition states that an explosion in the elevator caused a shutdown of that portion of the plant for six months and occasioned a reduction in the plant's average daily consumption of natural gas to 500 Mcf from the 1,000 Mcf alleged to be the minimum quantity necessary for continued operation. Norco states only that the current base volumes for the Bunge plant are "below its minimum standard for continued operation." The petition is unclear as to the exact quantity that United has allocated to Norco for the Bunge plant and does not specify the assigned priority of gas usage whether under the 5 priority or currently applicable 3 category curtailment program of United. Further Norco fails to explicate the 6 month period of reduced operation experienced by Bunge. This is critical inasmuch that United's base period does not include the entire calendar year 1972 but does include the first 3 months of 1973. In this regard, Norco refers to the seasonal harvesting of soybeans (between September and December) and would thus seem to be indicating seasonal operation of the plant, since it states that soybeans can only be stored for a short period of time. Norco does not, however, offer data on the monthly "throughput" at the Bunge plant or claim seasonal usage in the petition.

We additionally note that the petition does not specify the nature of immediate relief sought, or even if immediate relief (i.e., temporary relief pending hearing) is sought beyond the request for reappraisal of the base year. Under these circumstances and without a clear indication of imminent need for relief, we believe that the petition for immediate relief pendente lite must be denied. Denial of the petition, of course, is without prejudice to its resubmittal upon which terms we believe the factual aspects of Norco's request which are wanting and a clearer statement of the relief sought could best be determined. Further, it should be understood that our action herein is predicated upon our inability to act judiciously without minimal information relevant to the individual request and is not intended to preclude the grant of extraordinary relief if appropriate. Upon resubmission, if any, Norco's attention is invited to the Order on Clarification, issued November 30, 1973, in Docket Nos. RP71-29 and RP71-120, wherein the revelant circumstances to a determination of whether or not extraordinary relief is justified are discussed.

As to the request for modification of the base year with respect to Bunge's Destrehan operation, this is a matter more appropriately addressed in the context of the remanded curtailment proceeding, which is scheduled to resume on April 23, 1974. Therefore, we consolidate this matter with the proceeding in Docket Nos. RP71-29 and RP71-120, for resolution therein.

Pursuant to the notice of the instant petition Algonquin Gas Transmission Co. (Algonquin) and General Motors Corp. (General Motors) have petitioned for leave to intervene in opposition to said petition.

The Commission finds:

(1) It is necessary and proper in the public interest to deny without prejudice the petition for interim extraordinary relief filed by Norco in Docket No. RP74-37-9.

(2) That part of the petition relating to modification of the base year is an appropriate matter for resolution in the remanded curtailment proceeding in Docket Nos. RP71-29 and RP71-120.

(3) Participation of the above-named petitioners for intervention may be in the public interest.

The Commission orders:

(A) That the petition for interim extraordinary relief filed by Norco in Docket No. RP74-37-9 is denied without prejudice.

(B) That part of the petition relating to modification of the base year is consolidated with the remanded curtailment proceeding in Docket Nos. RP71-29 and RP71-120.

(C) The above-named petitioners are hereby permitted to become interveners in these proceedings subject to the rules and regulations of the Commission; *Provided, however*, That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene; and, *Provided, further*, That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in these proceedings.

By the Commission.

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

[FR Doc.74-8148 Filed 4-9-74;8:45 am]

[Docket Nos. CP74-82 and CP74-83; CP74-158]

UTAH GAS SERVICE CO. AND NORTHWEST PIPELINE CORP.

Notice of Requests

APRIL 3, 1974.

Take notice that on March 14, 1974, Utah Gas Service Co. (Utah Gas), Suite 1210, Denver Center Building, 1776 Lincoln Street, Denver, Colorado 80203, filed in Docket Nos. CP74-82 and CP74-83, and Northwest Pipeline Corp. (Northwest), P.O. Box 1526, Salt Lake City, Utah 84110, filed in Docket No. CP74-158, letters requesting limited term certificates in lieu of the conventional certificates of public convenience and necessity originally requested in said dockets authorizing the exchange and sale for resale of natural gas between Utah Gas and Northwestern, all as more fully set forth in the letters which are on file with the Commission and open to public inspection.

Utah Gas has two related applications in Docket Nos. CP74-82 and CP74-83 pending before the Commission in which Utah Gas is requesting pursuant to section 7(c) of the Natural Gas Act certificate authorization to sell natural gas to and exchange natural gas with Northwest. Northwest has pending before the Commission a related application[1] in Docket No. CP74-158, also pursuant to section 7(c) of the Natural Gas Act, for authorization to exchange gas with Utah Gas and to install and operate facilities required to implement the subject exchange and sale arrangements with Utah Gas.

Utah Gas requests that its applications in Docket Nos. CP74-82 and CP74-83 be processed as applications for limited term certificates within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70) in order to provide assurance to the suppliers of Utah Gas that their present non-jurisdictional status will not be affected by the issuance of certificates in these proceedings. In this regard, Utah Gas requests that except for the instant sale and exchange and that of its suppliers all of its heretofore non-jurisdictional facilities and operations remain exempt from Commission jurisdiction. Utah Gas states that these suppliers have alternative intrastate markets within Utah for their gas and are not willing, under existing circumstances, to apply for certificates of public convenience and necessity under the Natural Gas Act.

Northwest states that it is experiencing a critical gas supply shortage on its system[2] and is anxious to acquire the subject exchange and sale gas volumes for its interstate system. Inasmuch as Northwest has been advised by Utah Gas that it will be unable to make such supplies available to Northwest, either on an exchange or sale basis, unless it does so under the limited term procedure, Northwest requests that the Commission consider its application in Docket No. CP74-158 as one under § 2.70 of the Commission's general policy and interpretations.

Utah Gas states that it commenced the sale of natural gas within the contemplation of § 157.22 of the regulations under the Natural Gas Act (18 CFR 157.22) and proposes to continue said sale through December 31, 1974, from the end of the 180-day emergency sale period which commenced February 21, 1974, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Utah Gas proposes to sell approximately 4,494 Mcf of surplus average day supplies in excess of exchange volumes from production in the Altamount Area of Duchesne County, Utah, to Northwest at 45.0 cents per Mcf, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot.

Any person desiring to be heard or to make any protest with reference to said requests should on or before April 26, 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. Persons who have heretofore filed protests or petitions to intervene need not file again.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-8170 Filed 4-9-74;8:45 am]

[1] This application was originally filed by El Paso Natural Gas Co. (El Paso); however, as of January 31, 1974, Applicant acquired ownership of El Paso's Northwest Division System, where the proposed exchange is to be located. By Commission order of September 21, 1973, in Docket No. CP73-331, et al. (50 FPC____), rehearing denied November 23, 1973 (50 FPC ____), Applicant was authorized to acquire from El Paso and operate its Northwest Division System, pursuant to a divestiture decree issued by the United States District Court for the District of Colorado, United States of America v. El Paso Natural Gas Company and Pacific Northwest Pipeline Corporation, Civil Action No. C 2626.

[2] Northwest states that its major supplier, Westcoast Transmission Company Limited, has curtailed Northwest at a rate of approximately 130,000,000 Mcf per day from November 1973 through February 1974 at the Sumas, Washington, import point, which has resulted in a curtailment of firm sales by Northwest to its jurisdictional customers by approximately 3,420,070 Mcf and 3,383,320 Mcf during January and February 1974, respectively.

[Docket No. E-8681]

VIRGINIA ELECTRIC AND POWER CO.

Proposed Change in Service Agreement

APRIL 4, 1974.

Take notice that on March 25, 1974 the Virginia Electric and Power Co. (Virginia) tendered for filing a proposed change in service agreement with the Town of Belhaven, North Carolina. The agreement calls for the change of transformer serving Belhaven from 3.5 MVA to 7.5 MVA capacity for anticipated future loads.

Virginia proposes an effective date of May 1974 for said change.

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 April 19, 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.74-8161 Filed 4-9-74;8:45 am]

[Docket No. E-8274]

VIRGINIA ELECTRIC AND POWER CO.

Notice Denying Motion for Extension of Time

APRIL 3, 1974.

On March 18, 1974, Virginia Electric and Power Co. (Vepco) filed a motion for an extension of the procedural dates established by the order issued February 1, 1974, in the above-designated matter.

Notice is hereby given that the motion filed by Vepco is denied.

By direction of the Commission.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-8155 Filed 4-9-74;8:45 am]

[Docket Nos. CI74–521; RI74–52, etc.]

WILLIAM C. RUSSELL AND R & G DRILLING COMPANY, INC.

Application and Consolidation of Proceedings

APRIL 3, 1974.

Take notice that on March 11, 1974, William C. Russell (Applicant), 1775 Broadway, New York, New York 10019, filed in Docket No. CI74–521 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the continuation of the sale for resale and delivery of natural gas in interstate commerce to El Paso Natural Gas Co. (El Paso) from the Mesa Verde-Chacra Field, San Juan County, New Mexico, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to continue to sell approximately 15,000 Mcf of natural gas per month to El Paso at a rate of 48.0 cents per Mcf at 15.025 p.s.i.a., subject to upward Btu adjustments. Applicant indicates that the total proposed rate, with Btu adjustment, totals 54.0 cents per Mcf. Applicant states that the subject acreage was acquired from R & G Drilling Company, Inc. (R & G Drilling), and sales therefrom are subject to the proceeding pending in Docket No. RI74–52, et al. On January 22, 1974, the Commission set for formal hearing beginning April 16, 1974, a proceeding on the unilateral rate changes of Applicant and R & G Drilling, up to 48.0 cents per Mcf, in Dockets Nos. RI72–52 and RI72–53, respectively.

Inasmuch as the instant application may involve common questions of law or fact with the proposed rate changes in the proceeding in Docket No. RI74–52, et al., it is hereby consolidated with said proceeding for hearing.

It appears reasonable and consistent with the public interest in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said application should on or before April 15, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules. Persons who have heretofore filed protests and petitions to intervene in the consolidated proceeding in Docket No. RI74–52, et al., need not do so again.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–8172 Filed 4–9–74;8:45 am]

FEDERAL RESERVE SYSTEM

PITTSBURGH NATIONAL CORP.

Order Denying Acquisition of Buhler Mortgage Company, Inc.

Pittsburgh National Corporation, Pittsburgh, Pennsylvania, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's regulation Y, to acquire indirectly through its wholly owned subsidiary, The Kissell Company, Springfield, Ohio ("Kissell"), all of the voting shares of Buhler Mortgage Company, Inc., Sacramento, California ("Buhler"), a company that engages in the activities of originating, selling and servicing mortgage loans for its own account or the account of others.[1] Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a) (1) and (3)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (38 FR 32851). The time for filing comments and views has expired, and none has been timely received.

Applicant's only banking subsidiary, Pittsburgh National Bank ("PNB"), operates 88 offices in western Pennsylvania, and controls deposits of approximately $1.7 billion,[2] representing 4.6 per cent of the total commercial bank deposits in the State. Applicant engages in mortgage banking activities through PNB and two other direct subsidiaries, Pittsburgh National Mortgage Corporation ("PNMC") with an office in Pittsburgh, Pennsylvania, and Kissell.[3]

Kissell, the nation's tenth largest mortgage banking company based on its mortgage servicing portfolio of about $1.2 billion (as of June 30, 1973), engages in the origination and servicing of all types of mortgage loans through 27 offices in 13 States. Kissell entered California in 1965 with a de novo office in San Diego, and since that time has become a significant factor in the mortgage banking business in that State. Kissell now operates seven offices in California, including offices in San Francisco and Sacramento. During 1972, Kissell serviced $174 million of loans which had been originated in California, and originated $63 million in California mortgages. California mortgages represented one-fourth of Kissell's total mortgage originations for 1972. Approximately 60 per cent of Kissell's California mortgage originations were loans on 1–4 family residences. Kissell's San Francisco office originated approximately $3 million in mortgage loans in the six-county San Francisco mortgage banking market[4] in 1972, 90 per cent of which were 1–4 family residential mortgage loans. Kissell opened a Sacramento branch office in September 1972, and in its first four months of operations, $3 million in residential construction loans were originated in that market,[5] which loans were subsequently converted into 1–4 family residential mortgage loans.

Buhler, with a mortgage servicing portfolio of $98 million (as of June 30, 1973), ranks 192nd among the nation's mortgage banking firms, and engages in the origination of both 1–4 family residential mortgage loans and commercial loans, primarily FHA project construction loans. In 1972,[6] Buhler originated approximately $15 million in 1–4 family residential mortgage loans in the Sacramento market, and $11.5 million in the San Francisco market.[7] For the same period, Buhler originated about $39 million in multi-family and commercial loans, primarily in the Sacramento and San Francisco areas. The Board is of the view that the proposed acquisition would eliminate some direct competition between Buhler and Kissell and would also eliminate a viable independent mortgage banking competitor in the Sacramento area.

Applicant has the resources and capability to expand its mortgage operations into those types of activities in which Buhler now engages. Kissell presently engages in project lending, though not out of any of its California offices. It appears that Kissell clearly has the resources and capability to expand its mortgage banking operations in California to include project lending and thereby directly compete with Buhler on a larger scale than at present. Additionally, Kissell currently has the resources, capability and interest to appreciably expand its originations of 1–4 family residential mortgage loans in the Sacramento market. The Board notes that Kissell's Sacramento office is the Kissell office in California which to date has been the least active in 1–4 family mortgage originations. Increased involvement by this office in such lending activity, however, could be achieved with a minimum of effort and expense. Kissell already has an established office, personnel and contacts in the market and a demonstrated capability for further expansion. In addition,

[1] Buhler is also presently engaged in the activity of real estate brokerage; however, Applicant has stated that this activity will be discontinued upon consummation of the acquisition.

[2] All banking data are as of June 30, 1973.

[3] Applicant acquired Kissell in 1969; accordingly, under the provisions of section 4(a)(2) of the Act, Kissell may not be retained by Applicant beyond December 31, 1980, without Board approval. Applicant intends to file with the Board, at a later date, an application for retention of Kissell under § 4(c)(8) of the Act. The Board's determination on the instant proposal does not imply present or future approval of such a retention application, which will be considered by the Board on the basis of the statutory factors set forth in the Act.

[4] Approximated by Alameda, Contra Costa, Marin, San Francisco, San Mateo, and Santa Clara Counties.

[5] The Sacramento mortgage banking market is approximated by Placer, Sacramento, and Yolo Counties.

[6] Buhler data for 1972 includes data from November 1, 1971 through October 31, 1972.

[7] Buhler operated a branch office in San Francisco between November 1971, and May 1972.

Buhler can be expected to give less emphasis to project lending and to increase its activities in other forms of mortgage lending as a result of the FHA 236 project lending funds cutback.

At present, Kissell is the tenth largest mortgage banking firm in the country, and it seems likely that Kissell will continue to compete aggressively to preserve its position as one of the nation's leading mortgage banking organizations. It is the Board's judgment that both Kissell and Buhler are likely to expand their mortgage lending activities in the Sacramento market. The Board concludes, therefore, that consummation of the proposed transaction is likely to eliminate the prospect of increased potential competition in that market.

It is true that affiliation with Applicant would provide Buhler with access to additional sources of funds, and would enable Buhler to realize some operating economies. However, while increased availability of funds and gains in efficiency are desirable improvements, it would appear that similar benefits could result from the acquisition of Buhler by a bank holding company or mortgage banking organization that does not presently operate in Buhler's market. Moreover, by expanding activities at its Sacramento office to include 1–4 family originations, Kissell could provide the area with these same benefits. Accordingly, the Board concludes that the public benefits which would be derived from the proposed acquisition do not outweigh the adverse effects on competition.

Based upon the foregoing and other considerations reflected in the record,[8] the Board has determined that the public interest factors the Board is required to consider under section 4(c)(8) do not outweigh possible adverse effects and that the request should be denied. Accordingly, the application is hereby denied.

By order of the Board of Governors,[9] effective April 1, 1974.

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

[FR Doc.74–8189 Filed 4–9–74;8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

EARL AND BURL 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.

ICP Docket No. 4449–000, EARL AND BURL COAL COMPANY, Mine No. 1, Mine ID No. 40 00765 0, Devonia, Tennessee.

In accordance with the provisions of section 305(a)(2) (30 U.S.C. 865(a)(2)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Pub. L. 91–173), notice is hereby given that requests for public hearing as to an application for an initial permit may be filed on or before April 25, 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.

APRIL 5, 1974.

[FR Doc.74–8180 Filed 4–9–74;8:45 am]

HERBERT TURNER 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. 4280–000, HERBERT TURNER COAL COMPANY, Mine No. 1, Mine ID No. 15 00584 0, Harlan County, Kentucky.

(2) ICP Docket No. 4400, HERBERT TURNER COAL COMPANY, Mine No. 15, Mine ID No. 44 02216 0, St. Charles, Virginia.

In accordance with the provisions of section 305(a)(2) (30 U.S.C. 865(a)(2)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Pub. L. 91–173), notice is hereby given that requests for public hearing as to an application for an initial permit may be filed within 15 days after publication of this notice. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

APRIL 4, 1974.

[FR Doc.74–8179 Filed 4–9–74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF INFORMATION REPORTS

List 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 April 5, 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 LABOR

Bureau of Labor Statistics, Guam Food Pricing for USDA, Form BLS 2911.06, Monthly, Raynsford, 60 retail grocery stores.

DEPARTMENT OF TRANSPORTATION

Departmental, Daylight Saving Time Questionnaire—Individually Written Letters, Form ____, Single time, EGG/Foster, General public.

REVISIONS

VETERANS ADMINISTRATION

Disabled Veterans Application for Vocational Rehabilitation, Form 22–1900, Occasional, Caywood, Disabled veterans.

EXTENSIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control, Occupational Noise and Hearing Study, Form ECA 117, Occasional, Evinger (x).

Occupational Noise and Hearing Survey (Coal Miners), Form ____, Occasional, Evinger (x).

TENNESSEE VALLEY AUTHORITY

Prevailing Wage Survey for TVA Construction Work—Data From Individual Contractors, Form TVA 3522, Annual, Raynsford, Contractors of Construction work in vicinity.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74–8321 Filed 4–9–74;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

NOTICE OF PARTIALLY CLOSED MEETING

APRIL 5, 1974.

The National Advisory Committee on Oceans and Atmosphere (NACOA) will

[8] Dissenting Statement of Governors Sheehan and Bucher filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington, D.C. 20551, or to the Federal Reserve Bank of Philadelphia.

[9] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Holland and Wallich. Voting against this action: Governors Sheehan and Bucher. Absent and not voting: Chairman Burns.

hold a meeting Friday, April 19, 1974. The first hour from 9 to 10 a.m. will be closed to the public under authorization of the Assistant Secretary of Commerce for Administration in a determination dated 27 March 1974, and cosigned by the Assistant General Counsel for Administration, which finds that these sessions are concerned with matters listed in sections 552(b)(1) of Title 5, United States Code. The balance of the meeting, from 10 a.m. to about 5 p.m., will be open to the public. The meeting will be held in Room 6802 of the U.S. Department of Commerce Building, 15th and Constitution Avenue, NW., Washington, D.C.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science, and other appropriate areas, was established by Congress by Pub. L. 92–125, on August 16, 1971. Its duties are to (1) undertake a continuing review of the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before June 30 of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purposes of the National Oceanic and Atmospheric Administration.

A general agenda contains the following topics:

9 to 10 a.m.—Continuation of the Committee's consideration of law of the sea matters presented to NACOA by the Departments of State and Defense in closed session on February 11 and 12, 1974.

10 to 10:45 a.m.—Presentation by NASA on the SEASAT program.

10:45 a.m. to about 5 p.m.—Discussion of draft material for the Committee's annual report. Among the topics will be local thermal embedding and climate change, federal organization of marine and atmospheric affairs, research and development in support of coastal zone management, and marine law enforcement.

At open sessions, the public will be admitted to the extent of the seating available on a first come, first served basis. Questions from the public will be permitted during specific periods announced by the Chairman. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. The telephone number is 967–3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.74–8196 Filed 4–9–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812–3617; Release No. 8296]

UNITED VARIABLE ANNUITY FUND A AND FIRST VARIABLE LIFE INSURANCE CO.

Application for Exemption

APRIL 4, 1974.

Notice is hereby given that United Variable Annuity Fund A, a separate account ("Separate Account") for the funding of variable annuity contracts, registered under the Investment Company Act of 1940 ("Act") as an open-end, non-diversified investment company, and First Variable Life Insurance Co., P.O. Box 2398, 2040 Worthen Bank Building, Little Rock, Arkansas 72203, ("Company") (hereinafter collectively referred to as "Applicants") have filed an application pursuant to section 6(c) of the Act for an order exempting Applicants from section 22(d) of the Act. All interested persons are referred to the application on file with the Commission for a statement of representations made therein, which are summarized below.

Interests in the Separate Account are redeemable securities within the meaning of the Act. Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter thereof shall sell any redeemable security issued by such company to any person except at a current offering price described in the prospectus.

Applicants have requested an exemption from section 22(d) of the Act to permit, without sales charge, additional investments under variable annuity contracts issued by the Company to investors who purchased such contracts, without sales charges, during the period September 11, 1973 to April 30, 1974, or whose contracts were endorsed to provide for additional investments without sales charge. Commencing May 1, 1974, Applicants will no longer offer or sell such contracts without sales charge to the investing public.

Applicants state that permitting those persons who have invested in Applicants' variable annuity contracts without sales charge to make additional investments without sales charge, on or after May 1, 1974, will provide a benefit to them without in any way having an adverse effect on other members of the investing public. Moreover, Applicants point out that permitting such investors to make additional investments without the payment of any sales charge will give recognition to the Applicants' contractual obligation to such investors and to whatever reliance those investors have placed upon the fact that Applicants will have offered contracts without sales charge. Applicants also note that the imposition of sales charges upon additional investments by such persons would unfairly burden such persons with the cost of a sales force whose services they will not utilize in connection with such additional investments. Therefore, Applicants contend that permitting such investors the right to make additional investments without sales charges is, under all the circumstances, in the best interests of Applicant's present investors and is consistent with the protection of investors and the purposes intended by the policy and provisions of the Act.

Applicants undertake to accept additional investments upon written assurance from investors that such additional investments are being made solely for the account of the named investor and not with any view towards distribution. In addition, Applicants undertake to disclose in registration statements the number and amount of additional investments that have been made without sales charges, pursuant to any exemption, for as long as the Commission or its staff deem it material.

Section 6(c) of the Act provides that the Commission may conditionally or unconditionally exempt any person or transaction from any provisions of the Act if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given, that any interested person may, not later than April 26, 1974 at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted; or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule 0–5 of the rules and regulations promulgated under the Act, an order disposing of the matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered), and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–8257 Filed 4–9–74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[License No. 02/02–0182]

GLOBE CAPITAL CORP.

Notice of Approval of Application for Transfer of Control

Pursuant to the provisions of § 107.701 of the Small Business Administration (SBA) Rules and Regulations (38

FR 30836, November 7, 1973), a notice of filing of an application for transfer of control of Globe Capital Corporation, License No. 02/02-0182, Two Forest Road, Tenafly, New Jersey 07670, was published in the FEDERAL REGISTER on March 13, 1974, (39 FR 9719).

Interested persons were given opportunity to send their comments to SBA on the proposed transfer of control. No comments were received.

Upon consideration of the application and other relevant information, SBA hereby approves the transfer of control of Globe Capital Corporation.

Dated: April 1, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment Division.

[FR Doc.74-8203 Filed 4-9-74;8:45 am]

[License No. 03/03-5116]

NORFOLK INVESTMENT COMPANY, INC.

Notice of Issuance of License To Operate as a Small Business Investment Company

On June 26, 1973, a notice was published in the FEDERAL REGISTER (38 FR 16813) stating that Norfolk Investment Company, Incorporated, located at 515A Royster Building, Granby Street, Norfolk, Virginia 23510, had filed an application with the Small Business Administration, pursuant to 13 CFR 107.701 (1973) for a license to operate as a small business investment company under the provisions of Section 301(d) of the Small Business Investment Act of 1958 (the Act).

The period for comment ended July 11, 1973.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 03/03-5116 to Norfolk Investment Company, Incorporated, pursuant to said Section 301(d) of the Act.

Dated: April 1, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

[FR Doc.74-8204 Filed 4-9-74;8:45 am]

SELECTIVE SERVICE SYSTEM

REGISTRANTS PROCESSING MANUAL

The Registrants Processing Manual is an internal manual of the Selective Service System. The following portion of that Manual is considered to be of sufficient interest to warrant publication in the FEDERAL REGISTER.

Chapter 604—Organization for Registrant Processing (Revised March 20, 1974).

JOHN D. DEWHURST,
Deputy Director.

APRIL 3, 1974.

CHAPTER 604 (REV MAR. 20, 1974)

ORGANIZATION FOR REGISTRANT PROCESSING

Index

Title

Sec.

CHAPTER 604—ORGANIZATION FOR REGISTRANT PROCESSING

SECTION 604.1 COMPOSITION OF LOCAL AND APPEAL BOARDS

1. Each local board, and panel thereof, and each state appeal board, and panel thereof, shall consist of three or more members. The qualifications for membership and appointment procedures for local and appeal board members are set forth in Chapter 520, *Uncompensated Personnel*, Manpower Policies and Procedural Manual.

2. The State Director will notify the chairman of each local board and appeal board within his state, in writing, of the prescribed number of members of the local board and panels thereof or appeal board and panels thereof.

a. A computer report entitled *Local Board Membership Roster*, showing name, Social Security Number, address, month and year of birth, month and year of appointment, county of residence, and telephone number for each member, will be furnished regularly to the State Director in sufficient quantity for distribution of one such report each, pertaining to that local board only, to the local board chairman and executive secretary of each local board within his state.

b. A computer report entitled *Appeal Board Membership Roster*, showing similar information with respect to the members of the appeal board within each state, will likewise be furnished regularly to the State Director for distribution of one such report each to the chairman and the clerk of each appeal board or panel thereof within his state.

4. Another computer report, entitled *Uncompensated Personnel Address Directory*, representing a consolidation of both of the above reports, will be furnished on a regular basis to the State Director only. This report will serve as the State Headquarters uncompensated personnel record and directory and will enable it to accurately respond to inquiries as to the number of boards and members of each, in that state. Manual changes to the information may be made to the above referenced directories to maintain currency of information.

SECTION 604.2 LOCAL BOARD AND APPEAL BOARD AREAS

1. Local Board Areas: The State Director of Selective Service for each state shall divide his state into local board areas. There shall be at least one local board for each county or corresponding political subdivision, except where the Director of Selective Service and the Governor of the state approves the establishment of an intercounty local board.

2. An intercounty local board shall have jurisdiction over no more than five counties and shall have at least one member from each county or corresponding political subdivision within its area of jurisdiction.

3. *Appeal Board Areas.* Each State Director of Selective Service shall establish one appeal board for each Federal Judicial District within his state. The State Director for the State of New York shall establish for each Federal Judicial District or portion thereof in that state located outside of the City of New York an appeal board area which shall comprise the entire district or portion thereof which is outside the City of New York. The State Director for New York City shall establish for each of the Federal Judicial Districts located partly within the City of New York an appeal board which shall comprise the entire portion of such district located within the City of New York.

SECTION 604.3 DESIGNATION OF LOCAL BOARDS

1. The State Director of Selective Service shall identify by number each local board within his state.

2. A computer report entitled *Local Board Directory*, showing local boards by area office, area served by each local board, mailing address and telephone number, for every local board in the state, will be updated periodically and one copy furnished to the State Director and to each local board site (area office). Any change of address or telephone number, or consolidation of a local board shall be reported to the Computer Service Center, 2550 Huntington Avenue, Alexandria, Virginia 22303, Attention: Personnel Liaison, utilizing the Change of Address or Status (SSS Form 901) 30 days in advance, if possible, or as soon as the change is known, if less than 30 days. Manual changes to the information contained in the *Local Board Directory* may be made to maintain currency of information.

SECTION 604.4 JURISDICTION OF LOCAL BOARDS AND APPEAL BOARD

1. *Local boards.* The jurisdiction of each local board shall extend to all persons registered with, or subject to registration with, that local board. It shall have full authority to do and perform all acts within its jurisdiction authorized by the Selective Service law.

2. When more than one local board is established with the same geographical jurisdiction, registrants residing in that area will be assigned among the local board in the manner as prescribed by the State Director of Selective Service.

3. *Appeal boards.* Each appeal board shall have jurisdiction to determine the classification of any registrant whose case is appealed to it from any local board in its area or any local board not in its area when such appeal is transferred to it or is appealed to it because the principal place of employment or residence of the registrant is located in its area.

4. The State Director of Selective Service shall identify the appeal board(s) within his state as follows: When there is one appeal board in a state the board shall be called "Appeal Board for the State of _____" and, if the appeal board consists of panels, each panel shall be given the designation "Appeal Board for the State of _____, Panel No. _____", in numerical order.

SECTION 604.5 ORGANIZATION AND MEETING OF LOCAL BOARDS AND APPEAL BOARDS

1. Each local board or panel thereof and each appeal board or panel thereof shall elect a chairman and a secretary from its membership. Such election shall take place whenever there is a change in membership on the board or panel; however, there shall be no more than a two-year interval between elections.

2. If, through death, resignation, or other cause, the membership of a local board, appeal board, or panel of either, falls below the

prescribed number of members, the board or panel shall continue to function, provided that a quorum of the prescribed membership is present at each official meeting.

3. Each local or appeal board shall keep minutes of its meetings which shall be signed by the chairman or a board member. An entry shall be made in the minutes reflecting the selection of the chairman and secretary and identifying each.

4. To assure that the membership is apprised of current operational guidelines, a portion of each local or appeal board meeting should be devoted to the presentation, by a compensated employee, of operational issuances received subsequent to the preceding meeting for review and discussion. An entry shall be made in the minutes reflecting review of operational issuances by the membership. The executive secretary or other compensated employee should be present throughout the meeting to assist the board in the conduct of the meeting.

5. A majority of the membership of the local or appeal board or panel thereof, when present at any meeting, shall constitute a quorum for the transaction of business. A majority of the members present at any meeting at which a quorum is present shall decide any question or classification.

6. Every member present, unless disqualified, shall vote on every question or classification. In case of a tie vote on any question or classification, the board or panel shall postpone action on the question or classification until the next meeting of the local or appeal board or panel, or until it can be decided by a majority vote. If any member is absent so long as to hamper the work of the local or appeal board or panel, the chairman, a member, or employee of the local board, or clerk or acting clerk of the appeal board shall recommend his removal to the State Director of Selective Service who shall investigate, and is appropriate, take such action as is necessary to remove such member and secure a new member.

7. Wherever the workload on the local or appeal board members continues to be excessive, the State Director may, upon approval from the Director of Selective Service, divide the board into two or more panels. Each panel shall be established with not less than three members and shall have full authority to act on all cases assigned to it. Cases shall be assigned to each panel in a manner determined by the State Director. Separate minutes shall be prepared for each meeting of a panel of a local or appeal board. All other records, reports and forms dealing with or pertaining to registrants shall be identified only by local board number or appeal board designation. Each local board panel shall have an alphabetical designation and be so identified in the minutes of the local board and each appeal board panel shall have a numerical designation and be so identified in the minutes of the appeal board.

8. A local board or panel, and an appeal board or panel, should meet often enough to insure timely current processing of all registrants but generally there should not be more than a three-month interval between meetings of a local board or panel thereof.

SECTION 604.6 DISQUALIFICATION OF LOCAL OR APPEAL BOARD AND MEMBERS

1. No local board or panel thereof, or appeal board or panel thereof, shall act on the case of a registrant who is himself a member of such board or panel, or who is the first cousin or closer relation, either by blood, marriage or adoption, or who is a fellow employee or employer, or stands in the relation of superior or subordinate in connection with any employment, or is a partner or close business associate of a member or employe of the board or panel. Whenever a local or appeal board or panel is prohibited from acting on a case under this provision and there is no other panel of the same board to which the case may be assigned for action, the board chairman shall request the State Director of Selective Service to designate another board to which the registrant shall be transferred for action on his case.

2. A member of a local or appeal board or panel thereof may disqualify himself in any matter in which he would be restricted in making an impartial decision by his family, business or social relationship with the registrant or any member of the registrant's family. Whenever a local or appeal board member disqualifies himself under this provision, and, because of the absence of a quorum composed of the remaining members of the local or appeal board or panel, the local or appeal board or panel cannot act on the case, of a registrant, the chairman shall request transfer of the case as set forth in paragraph 1, above.

SECTION 604.7 SIGNING OFFICIAL PAPERS FOR LOCAL OR APPEAL BOARDS

Official papers issued by a local board or appeal board, or panel of either, may be signed by any member of the board, or by a compensated employee of the Selective Service System whose official duties require him to perform administrative duties at the local board or appeal board, except when otherwise prescribed by the Director of Selective Service.

SECTION 604.8 ADVISORS TO REGISTRANTS

Advisors to registrants may be appointed under the appointment procedures set forth in Chapter 520, Manpower Policies and Procedures Manual, to advise and assist registrants in the preparation of questionnaires and other Selective Service forms and to advise registrants on other matters relating to their rights and liabilities under the Selective Service law. The names and addresses of advisors to registrants within the local board area shall be conspicuously posted in the local board office.

SECTION 604.9 TRANSMISSION OF ORDERS AND OTHER OFFICIAL PAPERS TO REGISTRANTS

1. Personnel of the Selective Service System will transmit orders or other official papers addressed to a registrant by handing them to him personally or by mailing them to him at the address last reported by him in writing to his local board. The mailing or handing of any official paper to a registrant will be recorded on page 2 of the Registrant File Folder (SSS Form 101) or on page 8 of the Classification Questionnaire (SSS Form 100) and the entry initialed by an employee having personal knowledge that the official paper was mailed or handed to the registrant.

2. Unless mail so addressed and mailed is returned by the United States Postal Service, it will be assumed that it was delivered.

SECTION 604.10 INTERPRETERS AT LOCAL OR APPEAL BOARDS

1. When necessary, a local or appeal board is authorized to use interpreters.

2. The following oath shall be administered to an interpreter each time he is used by a local or appeal board:

"You swear (or affirm) that you will truly interpret in the matter now in hearing. So help you God".

SECTION 604.13 ORGANIZATION AND FUNCTION OF NATIONAL SELECTIVE SERVICE APPEAL BOARD

1. Members of the National Selective Service Appeal Board (sometimes referred to as "Presidential Appeal Board" or "National Board") are appointed by the President. The President shall designate one member as chairman. A majority of the members of the National Board shall constitute a quorum for the transaction of business, and a majority of the members present at any meeting at which a quorum is present shall decide any question.

2. The National Board may sit *en banc* or, upon the request of the Director of Selective Service or as determined by the Chairman of the National Board, in panels, each panel to consist of at least three members. The Chairman of the National Board shall designate the members of each panel and shall designate one member of each panel as chairman. A majority of the members of a panel shall constitute a quorum for the transaction of business, and a majority of the members present at any meeting at which a quorum is present shall decide any question or classification. Each panel of the National Board shall have full authority to act on all cases assigned to it. The National Board, or a panel thereof, shall hold meetings in Washington, D.C., and, upon request of the Director of Selective Service or as determined by the Chairman of the National Board, at any other place.

3. The National Board or panel thereof, is authorized and directed to perform all the functions and duties vested in the President by that sentence of Section 10(b)(3) of the Military Selective Service Act, which reads as follows: "The President, upon appeal or upon his own motion, shall have power to determine all claims or questions with respect to inclusion for, or exemption or deferment from training and service under this title, and the determination of the President shall be final". The National Board, when an appeal to the President has been taken, under the provisions of Chapter 627, RPM, shall classify each registrant, giving consideration to the various classifications which a local board might consider, and shall give effect to the provisions of the Military Selective Service Act and the established policies of the Director of Selective Service.

4. The Director of Selective Service shall establish the order, by category, in which appeals by registrants will be considered, but he shall not determine the sequence in which appeals within a given category shall be processed.

[FR Doc.74-8201 Filed 4-9-74;8:45 am]

DEPARTMENT OF LABOR

Bureau of Labor Statistics

BUSINESS RESEARCH ADVISORY COUNCIL'S COMMITTEES ON PRODUCTIVITY AND TECHNOLOGICAL DEVELOPMENTS AND FOREIGN LABOR AND TRADE

Agenda and Notice of Meeting

There will be a joint meeting of the BRAC's Committees on Productivity and Technological Developments and Foreign Labor and Trade on April 23, 1974, at 9:30 a.m. in the Board Conference Room (Room 816) of the National Association of Letter Carriers' Building, 100 Indiana Avenue, NW., Washington, D.C. The agenda for the meeting is as follows:

1. Measurement of productivity in the Federal Government
2. Status of work on international comparisons
   (a) Manufacturing and industry productivity and cost measures
   (b) Compensation structure and trend studies
   (c) Comparison of unemployment levels
3. Additional work on productivity measures for the private sector

(a) Indexes adjusted for shifts
4. Productivity chartbooks

It is suggested that persons planning to attend this meeting as observers contact Kenneth G. Van Auken, Executive Secretary, Business Research Advisory Council on (Area Code 202) 961-2559.

Signed at Washington, D.C. this 3d day of April 1974.

JULIUS SHISKIN,
Commissioner of Labor Statistics.

[FR Doc.74-8200 Filed 4-9-74;8:45 am]

Occupational Safety and Health Administration

[V-74-19]

DAY & ZIMMERMANN, INC.

Application for Variance

Notice of application. Notice is hereby given that Day & Zimmermann, Inc., 1700 Sansom Street, Philadelphia, Pennsylvania 19103 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 1910.178(e)(1) Safety guards.

The address of the place of employment that will be affected by the application is as follows:

Day & Zimmermann, Inc.
Lone Star Division
Lone Star Army Ammunition Plant
Texarkana, Texas 75501

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 1910.178(e)(1) which calls for overhead guards on High Lift Rider trucks.

Part of the applicant's operation concerns the storing and transporting of ammunition and related devices. The applicant contends that certain of its storage magazines (earth-covered igloos) and the van-type semitrailers used to transport ammunition and components, have inadequate clearance to permit the entrance and exit of forklifts equipped with overhead guards.

The applicant contends that by securely strapping the loaded containers to the pallets and by equipping each forklift operated in these areas with load backrests, no part of the palletized load can possibly fall on the operator. Therefore, the applicant contends that it has met the intent of § 1910.178(e)(1) and is providing a place of employment as safe as required by this standard.

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
7th Floor—Texaco Building
1512 Commerce Street
Dallas, Texas 75201

U.S. Department of Labor
Occupational Safety and Health Administration
Aldolphus Tower, Suite 1820
1412 Main Street
Dallas, Texas 75202

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 May 10, 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 May 10, 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 4th day of April, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-8242 Filed 4-9-74;8:45 am]

[V-74-20]

PLASTIC APPLICATORS, INC.

Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of application.* Notice is hereby given that Plastic Applicators, Inc., 9900 Northwest Freeway, P.O. Box 7631, Houston, Texas 77007 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, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.107(j)(2) Drying, curing or fusion apparatus.

The addresses of the places of employment that will be affected by the application are as follows:

Plastic Applicators, Inc.
7020 Old Katy Road
Houston, Texas 77024

Plastic Applicators, Inc.
300 E. Railroad Avenue
Morgan City, Louisiana 70380

Plastic Applicators, Inc.
300 West 61st Street
Odessa, Texas 79760

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 states that part of its business is concerned with providing a plastic corrosion barrier (coating) to the insides of plain carbon steel pipes used in the drilling, production and transport of oil and natural gas. The applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.107(j)(2) which prohibits the alternate use of spray booths for drying purposes when the process causes a material increase in the surface temperature of said booth.

The applicant contends that the intent of 29 CFR 1910.107(j)(2) is to eliminate the possibility of fire or explosion resulting from the ignition of hazardous residues which collect and are retained on the surface of the booths during the coating cycle. The applicant contends that 29 CFR 1910.107(j)(4) recognizes the feasibility and safety of alternate use practices and allows them under certain conditions.

The applicant states that effective physical control of its operation is being provided by the following precautions: (1) The very nature of the process viz., coating of the inside of pipes; (2) using disposable masking materials to collect what little overspray does occur; (3) using two separate venting systems; (4) positioning the heat source separate from and external to the enclosure and using it indirectly via circulating how air; and (5) conforming to NFPA 86A-1969 concerning ovens and furnaces.

The applicant states that the procedure in question has been utilized for approximately twenty years. The applicant further states that during that time its continuous training program, detailed operating instructions and its effective, uncompromising internal audit system have been instrumental in establishing a perfect safety record in connection with this aspect of its operation.

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
7th Floor—Texaco Building
1512 Commerce Street
Dallas, Texas 75201

U.S. Department of Labor
Occupational Safety and Health Administration
2320 LaBranch Street, Room 2118
Houston, Texas 77002

U.S. Department of Labor
Occupational Safety and Health Administration
546 Carondelet Street, Room 202
New Orleans, Louisiana 70130

U.S. Department of Labor
Occupational Safety and Health Administration

Room 421 Federal Building
1205 Texas Avenue
Lubbock, Texas 79401

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 May 10, 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 May 10, 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.

II. *Interim Order.* It appears from the application for a variance and interim order, that an interim order is necessary to prevent undue hardship to the applicant pending a decision on the variance application. Therefore, it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c) that Plastic Applicators, Inc. be, and is hereby, authorized to use the spray coating/baking facilities as specified in its application for a variance from 29 CFR 1910.107(j)(2).

Plastic Applicators, Inc. shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of April 10, 1974, and shall remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C., this 4th day of April, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-8243 Filed 4-9-74;8:45 am]

[V-74-21]

THALLE CONSTRUCTION COMPANY, INC.

Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of Application.* Notice is hereby given that Thalle Construction Company, Inc., 475 Tuckahoe Road, Yonkers, New York 10710 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, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1926.800(e) (viii) Fire prevention and control.

The address of the place of employment that will be affected by the application is as follows:

The vicinity of Saint Ann's Avenue and 132nd Street, Bronx, New York

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 states that it is presently working under a contract with the City of New York to install a combined twin 14 foot 4 inch diameter, 550-foot long outfall sewer tunnel in the vicinity of Saint Ann's Avenue and 132nd Street, Bronx, New York. This tunnel necessitates a shaft depth of 20 feet.

The applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1926.800(e) (viii) which states that approved fire resistant hydraulic fluids must be used in hydraulically actuated underground machinery.

The applicant states that it is not able to use a fire resistant hydraulic fluid because of the foaming that occurs during use. This foaming causes spillage and the dangerously erratic behavior of the machinery in which it is used, thus creating a considerable hazard to those employees in the tunnel.

The applicant contends that it is effectively reducing the possibility of a fire by: (1) Locating all hydraulic motors a distance of approximately 100 feet from the shaft at all times; (2) using only steel hydraulic lines from the pump to the shield; (3) locating these lines at least 7 feet above the tunnel floor; and (4) insuring that the pressure in these lines does not exceed 3500 psi.

The applicant further contends that it is providing the following fire suppression apparatus: (1) A 4-inch water line with a 2-inch fire hose in the tunnel and available at all times, (2) an operator controlled water spray mist system consisting of two 1-inch sprinkler lines located in the shield above the hydraulic controls, and (3) two 10-pound ABC fire extinguishers at the bottom of the shaft and also at the heading.

The applicant contends that it is complying with the intent of 29 CFR 1926.-800(e) (viii) by strictly adhering to those conditions stated herein while utilizing a nonfire resistant hydraulic fluid.

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
1515 Broadway (1 Astor Plaza)
New York, New York 10036

U.S. Department of Labor
Occupational Safety and Health Administration
90 Church Street, Room 1405
New York, New York 10007

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 May 10, 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 May 10, 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.

II. *Interim Order.* It appears from the application for a variance and interim order, that an interim order is necessary to prevent undue hardship to the applicant pending a decision on the variance application. Therefore, it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c) that Thalle Construction Company, Inc. be, and is hereby, authorized to use non fire resistant hydraulic fluid at the site and under the conditions set forth in its variance application in lieu of the type required by 29 CFR 1926.800(e) (viii).

Thalle Construction Company, Inc. shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of April 10, 1974, and shall remain in effect until a decision is rendered on the application for variance.

Signed at Washington, D.C. this 4th day of April, 1974.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74-8244 Filed 4-9-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[THIRD REVISION SO NO. 1124]

ALLIED CHEMICAL CORP.

Demurrage and Free Time on Freight Cars

At a session of the Interstate Commerce Commission, Division 3, acting as an appellate division, held at its office in Washington, D.C., on the 25th day of March 1974.

Upon consideration of the petition filed by the Allied Chemical Corporation, filed March 15, 1974, requesting revisions of Third Revised Order No. 1124.

It appearing that Third Revised Service Order No. 1124 was issued by Division 3 in accordance with applicable law and upon its determination that an emergency exists because of an acute shortage of freight cars in all sections of the country; that the decreased demand for hopper cars alleged to have occurred because of a work stoppage at coal mines in West Virginia was of short duration and has

ceased and did not result in any significant reduction in freight car shortages throughout the country; that the use of privately owned freight cars acquired by lease for the storage of commodities by certain shippers is contrary to the national interest since it deprives other shippers of the opportunity to acquire and use such cars for transportation purposes; that the petitioner has had ample opportunity to review its operations to avoid the excessive detention of freight cars; that numerous cars are held idle for excessive periods awaiting loading or unloading; and that the petition states no errors of fact or law warranting the relief sought, and for good cause appearing;

It is ordered, That the petition be, and it is hereby, denied.

By the Commission, Division 3, acting as an appellate division.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-8252 Filed 4-9-74;8:45 am]

[Notice 483]

ASSIGNMENT OF HEARINGS

APRIL 5, 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 April 10, 1974.

MC 138157 Sub 9, Southwest Equipment Rental, Inc., D.b.a. Southwest Motor Freight, now assigned May 6, 1974, MC-F-11973, Terminal Transport Company, Inc.—Purchase—Central States Transportation Company, Inc., now assigned May 7, 1974, MC 138947, C. P. Transpo, Inc., now assigned May 9, 1974, and MC-F-11995, H. P. Welch Co., and Maislin Transport, Ltd.—Purchase (Portion)—The National Transportation Co., now assigned May 13, 1974, at Boston, Mass., will be held in Room 501, 150 Causeway Street.

MC 139090, Rubber City Express, Inc., now assigned May 1, 1974, at Akron, Ohio, will be held in Room A & B, Akron Public Library, 55 South Main Street.

MC-48958 Sub 116, Illinois-California Express, Inc., now assigned May 9, 1974, will be held in Room 1743, Tax Court, Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Chicago, Ill.

MC-107743-23, System Transport, Inc., now assigned May 13, 1974, will be held in Room 1743, Tax Court, Everett McKinley Dirksen Bldg., 219 South Dearborn Street, Chicago, Ill.

No. 35900, Inland Steel Company v. Illinois Central Gulf Railroad Company, Et. al., now assigned May 6, 1974, will be held in Room 705, 610 South Canal Street, Chicago, Ill.

MC-8948 Sub 106, Western Gillette, Inc., now assigned April 29, 1974, at Carson City, Nev., is postponed to June 24, 1974 (8 days), at Las Vegas, Nev., in a hearing room to be later designated.

MC 113666 Sub-84, Freeport Transport, Inc., now assigned May 6, 1974, at Pittsburgh, Pa., will be held in the Courtroom 2, U.S. Post Office & Courthouse, 700 Grant Street.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc. 74-8253 Filed 4-9-74;8:45 am]

[I.C.C. Order No. 123; Under Revised SO No. 994]

BURLINGTON NORTHERN INC.

Rerouting or Diversion of Traffic

In the opinion of R. D. Pfahler, Agent, the Burlington Northern Inc. (BN) is unable to transport traffic over its Wallace, Idaho, branch because of snow drifts and track damage.

It is orderd, That:

(a) The BN being unable to transport traffic over its Wallace, Idaho, branch, because of snow drifts and track damage, that line is hereby authorized to reroute or divert such traffic via any available route to expedite the movement. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) *Concurrence of receiving roads to be obtained.* The railroad desiring to divert or reroute traffic under this order shall receive the concurrence of other railroads to which such traffic is to be diverted or rerouted, before the rerouting or diversion is ordered.

(c) *Notification to shippers.* Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic is deemed to be due to carrier disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the division of the rates of transportation applicable to said traffic. Division shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) *Effective date.* This order shall become effective at 4:00 p.m., March 29, 1974.

(g) *Expiration date.* This order shall expire at 11:59 p.m., April 30, 1974, unless otherwise modified, changed, or suspended.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., March 29, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-8247 Filed 4-9-74;8:45 am]

[Notice 27]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 5, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 109478 (Sub-No. 127) (REPUBLICATION), filed June 26, 1973, and published in the FR issue of August 23, 1973, and republished this issue. Applicant: WORSTER MOTOR LINES, INC., Gay Road, North East, Pa. 16428. Applicant's representative: Joseph F. MacKrell, 23 West Tenth Street, Erie, Pa. 16501. An Order of the Commission, Operating Rights Board, dated March 12, 1974, and served April 1, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes of *fruit and vegetable juices*, in bulk, in tank vehicles, and *fruit and vegetable juice concentrates* from Sodus and Lawton, Mich., to points in New York, New Jersey, and Pennsylvania; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to show the addition of two commodities, fruit and vegetable

juice concentrates. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 127283 (Sub-No. 6) (REPUBLICATION), filed September 21, 1972, and published in the FR issue of October 12, 1972, and republished this issue. Applicant: SILICA SAND TRANSPORT, INC., Routes 47 and 71, P.O. Box 212, Yorkville, Ill. 60560. Applicant's representative: Albert A. Andrin, 29 La Salle Street, Chicago, Ill. 60603. A Report and Order of the Commission, Division 1, Acting as an Appellate Division, dated March 14, 1974, and served April 1, 1974, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *sand* (except resin sand), from points in La Salle County, Ill., to points in the United States (except Alaska and Hawaii) under a continuing contract or contracts with Ottawa Silica Company of Ottawa, Ill., and Wedron Silica Company of Wedron, Ill., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and this Commission's rules and regulations thereunder, that the grant of authority herein, to the extent it duplicates any now held by applicant, shall be construed as conferring a single operating right. The purpose of this republication is to include an additional shipper not named in the original publication in the FEDERAL REGISTER. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 127834 (Sub-No. 88) (REPUBLICATION), filed March 19, 1973, and published in the FEDERAL REGISTER issue of May 3, 1973, and republished this issue. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: M. Bryan Stanley (same address as applicant). An Order of the Commission, Review Board Number 4, dated March 21, 1974, and served April 1, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *iron and steel articles* from Butler and Springdale, Pa., to points in Alabama, Georgia, Mississippi, North Carolina, Tennessee, and Virginia, restricted to traffic originating at the facilities of Keystone Tubular Service Corporation, subject to the condition that to the extent such authority duplicates the existing authority of applicant, or Virginia Hauling Company operated under common control, it shall not be construed as conferring more than a single operating right; that applicant is fit, willing, and able properly to perform the service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to show the origin point of Springdale, Pa., in lieu of Springfield, Pa., as previously published. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 138765 (Sub-No. 2) (REPUBLICATION), filed September 24, 1973, and published in the FR issue of November 15, 1973, and republished this issue. Applicant: YODER'S MILK TRANSPORT, INC., 8 Salisbury Street, Meyersdale, Pa. 15552. Applicant's representative: Harold E. Miller (same address as applicant). An Order of the Commission, Operating Rights Board, dated March 12, 1974, and served April 1, 1974, finds that the operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *dairy products* from Cumberland, Md., to points in Bedford, Blair, Cambria, Fulton, Huntingdon, Franklin, and Somerset Counties, Pa., and Monongalia, Preston, Taylor, Barbour, Randolph, Tucker, Hardy, Mineral, Hampshire, Morgan, Berkeley, and Grant Counties, W. Va., under a continuing contract or contracts with County Belle Cooperative Farmers, of Pittsburgh, Pa., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to show the inclusion of additional destination points. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 42261 (Sub-No. 113) (NOTICE OF FILING OF PETITION TO MODIFY A VEHICLE RESTRICTION), filed March 27, 1974. Petitioner: LANGER TRANSPORT CORP., Route 440 Foot of Danford Avenue, Jersey City, N.J. 07303. Petitioner's representative: V. Baker Smith, 2107 The Fidelity Building, Philadelphia, Pa. 19109. Petitioner holds a motor *common carrier* certificate in No. MC 42261 (Sub-No. 113), issue January 10, 1973, authorizing transportation, over irregular routes, of *food and foodstuffs* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the facilities of Kraftco Corporation at or near Fogelsville, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, Vermont, Virginia, and West Virginia, restricted to traffic originating at the named origin points and destined to the named destination points. By the instant petition, petitioner seeks to modify its vehicle restriction to either (a) in vehicles equipped to protect such products from heat or cold", or (b) "in vehicles equipped with insulation", or (c) deletion of the restriction "in vehicles equipped with mechanical refrigeration". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 96561 (NOTICE OF FILING OF PETITION FOR MODIFICATION, CLARIFICATION AND AMENDMENT OF CERTIFICATE), filed October 26, 1973. Petitioner: WALTON'S MOVING & EXPRESS CO., INC., 131 Liberty Street, Bloomfield, N.J. 07003. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner presently holds a motor *common carrier* certificate in No. MC 96561 issued April 2, 1973, authorizing, as pertinent, transportation, over irregular routes of *general commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), (A) Between Bloomfield, N.J., on the one hand, and, on the other, Reading, Temple, Philadelphia, and Eddystone, Pa.; (B) between points in Essex, Bergen, Union, Middlesex, Passaic, Monmouth, and Ocean Counties, N.J., on the one hand,

and, on the other, New York, N.Y., and points in Westchester, Nassau, and Suffolk Counties, N.Y., and (C) between points in Hudson County, N.J., on the one hand, and, on the other, New York, N.Y., and points in Westchester County, N.Y. By the instant petition, petitioner requests that either (1) an order be entered to amend its certificate by adding the following authority: "*General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment), between points in the New York, N.Y., Commercial Zone, as defined in "Commercial Zones and Terminal Areas," 53 M.C.C. 451, within which local operations may be conducted pursuant to the partial exemption of section 203(b)(8) of the Interstate Commerce Act (the "exempt" zone), and those points in New Jersey within 5 miles of New York, N.Y., and all of any municipality in New Jersey any part of which is within 5 miles of New York, N.Y.;" or (2) the Commission issue an appropriate order that the petitioner be empowered and permitted to designate as its terminal area, all points within which local operations may be conducted in the New York, N.Y., Commercial Zone, defined by the Commission. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 104678 (NOTICE OF FILING OF PETITION TO EXTEND OPERATIONS), filed March 17, 1974. Petitioner: BROWNIE'S SERVICE, INC., 529 Jones Avenue, Oak Hill, W. Va. 25901. Petitioner's representative: J. W. Brown (same address as petitioner). Petitioner holds a motor *common carrier* certificate in No. MC 104678 issued August 15, 1962, authorizing as pertinent, transportation, over irregular routes, of (1) *coal mining machinery and equipment and parts thereof, and materials, supplies and equipment* used in the installation thereof (except commodities, the transportation of which because of size or weight requires the use of special equipment), from Oak Hill, W. Va., to mine sites in Pennsylvania, Kentucky, Virginia, Ohio, Tennessee, Alabama, Indiana, Illinois, and Maryland; and (2) *coal mining machinery and equipment and parts thereof,* and *materials, supplies and equipment* used in the installation thereof (except commodities the transportation of which because of size or weight requires the use of special equipment, when transported for repair, overhauling, tradein or substitution), from mine sites in Pennsylvania, Kentucky, Virginia, Ohio, Tennessee, Alabama, Indiana, Illinois, and Maryland, to Oak Hill, W. Va. By the instant petition, petitioner seeks to add the following operations: in (1) above, "from points in Fayette and Raleigh Counties, W. Va., and the Long-Airdox Company's plants at Wurno, Va., Uniontown, Pa., and Knoxville, Tenn., to points in Pennsylvania, Kentucky, Virginia, Ohio, Tennessee, Alabama, Indiana, Illinois, and Maryland"; and in (2) above, "from points in Pennsylvania, Kentucky, Virginia, Ohio, Tennesse, Alabama, Indiana, Illinois, and Maryland, to points in Raleigh and Fayette Counties, W. Va., and the Long-Airdox Company's plants at Wurno, Va., Uniontown, Pa., and Knoxville, Tenn." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 109821 (Sub-No. 31) (NOTICE OF FILING OF PETITION TO MODIFY A VEHICLE RESTRICTION), filed March 22, 1974. Petitioner: H. W. TAYNTON COMPANY, INC., 40 Main Street, Wellsboro, Pa. 16901. Petitioner's representative: Dewey Whitford (same address as petitioner). Petitioner holds a motor *common carrier* certificate in No. MC 109821 (Sub-No. 31), issued January 17, 1973, authorizing transportation, over irregular routes, of *food and foodstuffs* (except commodities in bulk, in tank vehicles) in vehicles equipped with mechanical refrigeration, from the facilities of Kraft Foods Division of Kraftco Corporation at or near Fogelsville, Pa., to points in New York, restricted to traffic originating at the named origin points and destined to the named destination points. By the instant petition, petitioner seeks to modify its vehicle restriction to either (a) "in vehicles equipped to protect such products from heat or cold" or (b) deletion of the restriction "in vehicles equipped with mechanical refrigeration". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 119928 (Sub-No. 2) (NOTICE OF FILING OF PETITION TO MODIFY AN ORIGIN POINT), filed March 7, 1974. Petitioner: C & E TRUCKING CORPORATION, 1818 W. Sample Street, South Bend, Ind. 46619. Petitioner's representative: James R. Tinny (same address as petitioner). Petitioner holds a motor *common carrier* certificate in No. MC 119928 (Sub-No. 2), issued May 17, 1967, authorizing transportation, over irregular routes, of *edible animal fats, animal oils, and vegetable oils,* including *products and blends thereof,* with or without emulsifiers, preservatives, coloring, or additives, in packages, and *oleomargarine* in packages, from the site of the refinery plant of Swift & Company, at or near Bradley, Ill., to points in Indiana and Michigan. By the instant petition, petitioner seeks to modify its origin point by adding the warehouse facilities utilized by Swift & Company at Kankakee, Ill., as an additional point of origin. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views, or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210(a)(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240.)

MOTOR CARRIERS OF PROPERTY

APPLICATION FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATION(S) UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 110325 (Sub-No. 57) (CORRECTION), filed December 27, 1973, published in the FEDERAL REGISTER issue of April 4, 1974, and republished as corrected this issue. Applicant: TRANSCON LINES, 101 Continental Boulevard, El Segundo, Calif. 90245. Applicant's representative: Wentworth E. Griffin, 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier,* by motor vehicle, over regular and irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, automobiles, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment or handling), (1) Regular Routes: Between points in the Greater Los Angeles Area described as follows:

Beginning at the intersection of Sunset Boulevard and U.S. Highway 101, alternate; thence northeasterly on Sunset Boulevard to State Highway No. 7; northerly along State Highway No. 7 to Ventura Boulevard; westerly along Ventura Boulevard to Topanga Canyon Boulevard; northerly along Topanga Canyon Boulevard to Santa Susana Avenue; northerly along Santa Susana Avenue to San Fernando Mission Boulevard; easterly and northeasterly along San Fernando Mission Boulevard and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest boundary and San Bernardino National Forest boundary to the Riverside County boundary east of Yucaipa; southerly and westerly along the Riverside County boundary to a point directly north of Redlands Boulevard; southerly from said point along an imaginary line and along Redlands Boulevard to Alessandro Avenue in Moreno; westerly along Alessandro Avenue to Perris Boulevard; southerly along Perris Boulevard to the county road paralleling the southerly boundary of March Air Force Base; westerly along said county road to U.S. Highway 395; northerly and easterly along U.S. Highway 395 to State Highway No. 18; southwesterly along State Highway No. 18 to U.S. Highway 91; westerly along U.S. Highway 91

to State Highway No. 55; southerly on State Highway No. 55 to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U.S. Highway 101, alternate; thence northerly along an imaginary line to point of beginning. Between points in the Greater Los Angeles Area and points in the San Diego Territory, hereinafter described over and along U.S. Highway 101 and California Highway 1, serving all intermediate points on said highways and all off-route points located within five miles of said highways including El Toro Marine Base.

Beginning at the northerly junction of U.S. Highways 101E and 101W approximately 4 miles north of La Jolla; thence easterly to Miramar on U.S. Highway 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway; thence southerly to Bostonio on U.S. Highway 80; thence southeasterly to Jamul on State Highway No. 95; thence due south to the International Boundary line; thence west to the Pacific Ocean; thence north along the Pacific Ocean to the point of beginning; and (2) Irregular Routes: *Powdered milk*, from Fresno and Chowchilla, Calif., to Oakland, Calif., and return, with no transportation for compensation, to Fresno and Chowchilla; *General commodities* (except those of unusual value, and except dangerous explosives, livestock, cotton, lumber, household goods as defined in "Practices of Motor Common Carriers of Household Goods," 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), between Los Angeles Harbor and Long Beach, Calif., on the one hand, and, on the other, points in the Los Angeles, Calif., Commercial Zone, as defined by the Commission in 3 M.C.C. 248 (except Compton, Lynwood, Alhambra, San Marino, Pasenda, South Pasenda, Glendale, Burbank, San Fernando, Beverly Hills, Santa Monica, Culver City, Inglewood, Hawthorne, Lennox, and El Segundo, Calif.; *Such articles*, which require special handling or rigging because of their size or weight, between Los Angeles Harbor and Long Beach, Calif., on the one hand, and, on the other, Los Angeles and Vernon, Calif.

NOTE.—The purpose of this republication is to properly indicate that this is a matter directly related to the Section 5 purchase proceeding in MC–F–12091 published in the FEDERAL REGISTER issue of January 23, 1974. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC–F–12176 (ROBERT HEATH—CONTROL—DIRECT SERVICE, INC.), published in the April 3, 1974, issue of the FEDERAL REGISTER. Application filed March 29, 1974, for temporary authority under section 210a(b).

No. MC–F–12180. Authority sought for purchase by TRI-STATE MOTOR TRANSIT CO., P.O. Box 113, Joplin, MO 64801, of a portion of the operating rights of CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, Dallas, TX 75222. Applicants' attorneys: Max G. Morgan, 600 Leininger Bldg., Oklahoma City, OK 73112, and Ralph W. Pulley, Jr., 4555 1st National Bank Bldg., Dallas, TX 75202. Operating rights sought to be transferred: *Canned animal food*, as a *common carrier* over irregular routes, from Vernon, Calif., to points in Akansas, Kentucky, Maryland, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, and Virginia. Vendee is authorized to operate as a *common carrier* in all of the States in the United States (except Hawaii). Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12181. Authority sought for purchase by B & P MOTOR EXPRESS, INC., 720 Gross St., Pitts, PA 15224, of the operating rights of J & K TRUCKING COMPANY, INC., 5801 South Racine, Chicago, IL 60636, and for acquisition by QUALPECO SERVICES, INC., 750 Third Ave., New York, NY, of control of such rights through the purchase. Applicants' attorney: Herbert Burstein, One World Trade Center, New York, NY 10048. Operating rights sought to be transferred. Under a certificate of registration, in Docket No. MC–124041 (Sub-No. 2), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Illinois. Vendee is authorized to operate as a *common carrier* in Wisconsin, Illinois, Ohio, Pennsylvania, Maryland, Virginia, Michigan, West Virginia, Indiana, Kentucky, New York, New Jersey, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

NOTE: MC–1936 (Sub-No. 40), is a matter directly related.

No. MC–F–12182. Authority sought for purchase by BEKINS MOVING & STORAGE CO., P.O. Box 1428 Greenwood Station, Seattle, WA 98103, of the operating rights of PACIFIC MOVERS, 3060 Riverview Drive, Fairbanks, Alaska 99701, and for acquisition by CLAUDE BEKINS, BRUCE J. BEKINS, AND FRED BEKINS, all of Seattle, WA 98103, of control of such rights through the purchase. Applicants' attorney: Russell S. Bernhard, 1625 K St. NW., Washington, DC 20006. Operating rights sought to be transferred: Household goods as defined by the Commission, as a *common carrier* over irregular routes, between points in Alaska within 25 miles of Anchorage, Alaska, including Anchorage. Vendee is authorized to operate as a *common carrier* in Idaho, Oregon, and Washington, and as a broker in all of the States in the United States. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12184. Authority sought for control by NEBRASKA-IOWA XPRESS, INC., 3219 Nebraska Ave., Council Bluffs, IA 51501, of CHAPPELL FREIGHT LINES, INC., 4683 Everett Court, Wheat Ridge, CO 80033, and for acquisition by LAWRENCE D. CROUSE, also of Council Bluffs, IA 51501, of control of CHAPPELL FREIGHT LINES, INC., through the acquisition by NEBRASKA-IOWA XPRESS, INC. Applicants' attorney: William S. Rosen, 630 Osborn Bldg., St. Paul, MN 55102. Operating rights sought to be controlled: General commodities, excepting among others, classes A and B explosives, household goods, and commodities in bulk, as a *common carrier* over irregular routes, between Denver, Colo., and points in Sedgwick County, Colo., on the one hand, and, on the other, Chappell, Nebr. NEBRASKA-IOWA XPRESS, INC., is authorized to operate as a *common carrier* in Iowa and Nebraska. Application has been filed for temporary authority under section 210a(b).

NOTICE

Illinois Central Gulf Railroad Company, whose business address is 233 North Michigan Avenue, Chicago, Illinois 60601, by its attorney, Howard D. Koontz, has filed an application assigned F.D. 27581 under Section 5(2) of the Interstate Commerce Act for authority to continue trackage rights over Southern Railway between Corinth, Mississippi, and Memphis, Tennessee, including a short extension of trackage rights over Southern Railway in Memphis, Tennessee, to a point of connection with track of Illinois Central Gulf Railroad Company near Broadway, a total distance of about 93.4 miles.

Illinois Central Gulf Railroad Company operates in the states of Alabama, Illinois, Indiana, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, South Dakota, Tennessee, and Wisconsin. Southern Railway Company and its subsidiaries operate in the states of Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Ohio, South Carolina, Tennessee, and Virginia.

In the opinion of the applicant, there will be no adverse effect on the quality of the human environment by approval of this application. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation - Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b)(1)–(5), 340 I.C.C. 431, 461.

The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted should be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

NOTICE

Notice is hereby given that an application, assigned Finance Docket No. 27559 has been filed by the Canadian National Railway Company requesting approval and authorization of the lease of all of the properties of the Lewiston and Auburn Railroad Company. Applicant is a Canadian Corporation with a business address at 412 Metropolitan Building, 613 15th Street, Washington, D.C. 20005. The applicant's attorneys are Kenneth Baird and W. John Amerling, Jr., 477 Congress Street, Portland, Maine 04111. The applicant proposes to renew a lease between it and the Lewiston and Auburn Railroad Company dated March 25, 1874, pursuant to which the applicant leased all of the properties of Lewiston and Auburn Railroad Company for a term of 99 years. The proposed lease provides that the applicant shall have the right to operate and maintain all of the properties of Lewiston and Auburn Railroad Company for a term of 10 years with a renewal term for an additional 10 years. The route of the line to be leased extends 5.43 miles from Auburn, Maine, to Lewiston, Maine, where at Danville Junction the line joins the line of the applicant. It is proposed that the applicant will ship freight over this line at generally the same levels such operations have been conducted for the past 100 years.

Since the lease provides for the maintenance of an existing arrangement, it is not anticipated that the continued operation of the line will have any significant impact on the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.-250) in Ex Parte No. 55 (Sub-No. 4), *Implementation - National Environmental Policy Act, 1969*, 340 I.C.C. 431, (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra Part (b)(1)–(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

Canadian National Railway Company.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–8248 Filed 4–9–74;8:45 am]

[SO No. 1178]

PENN CENTRAL TRANSPORTATION CO.

Distribution of Covered Hopper Cars

At a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D.C., on the 3rd day of April, 1974.

Upon consideration of the petition filed by the Penn Central Transportation Company, George P. Baker, Richard C. Bond, and Jervis Langdon, Jr., Trustees, (PC) on March 24, 1974, seeking postponement and modification of Service Order No. 1178.

It appearing that Service Order No. 1178 was issued upon a certification by the United States Department of Agriculture that there is an acute shortage of fertilizer throughout the United States; that one of the major fertilizer producing areas is located in the State of Florida; that there are excessive shortages of covered hopper cars for transporting this fertilizer from Florida origins direct to consumers or to manufacturing plants for further processing; that the growth of adequate supplies of various agricultural crops is dependent upon the immediate availability of adequate supplies of fertilizer for application during the months of April and May; that the order does not require that any of the covered hoppers selected by the PC be removed from fertilizer service; that the order, by requiring that cars sent by the PC to Florida for fertilizer service be used only for transporting shipments of fertilizer routed via the lines of the PC provides the PC with adequate compensation for the use of its cars; that the protestant's petition was not filed until March 24, 1974, six days after the March 18, 1974, effective date specifically provided in section (g) of the order; that the date of April 1, 1974, cited by petitioner is the final date for accomplishment of the delivery of the required quota of cars to the line designated to receive said cars and is not the effective date of the order; and that the petition states no errors of fact or law warranting the relief sought, and for good cause appearing;

It is ordered, That the petition be, and it is hereby, denied.

By the Commission, Division 3.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–8251 Filed 4–9–74;8:45 am]

[No. AB–26 (Sub-No.3)]

SOUTHERN RAILWAY CO.

Abandonment of Service; Correction [1]

In the matter of Southern Railway Company abandonment between Barnwell and Furman, in Barnwell, Allendale, and Hampton Counties, S. Car.

Upon consideration of the record in the above-entitled proceeding and of a staff-prepared threshold assessment survey which is available for public inspection upon request; and

It appearing that no environmental impact statement need be issued in this proceeding, because this proceeding does not represent a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969, 42 U.S.C. 4321, et seq.; and good cause appearing therefor:

It is ordered, That applicant be, and it is hereby, directed to publish the appended notice in newspapers of general circulation in Barnwell, Allendale, and Hampton Counties, S. Car., within 15 days of the date of service of this order, and certify to this Commission that this has been accomplished.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission at Washington, D.C., and by forwarding a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

Dated at Washington, D.C., this 14th day of March, 1974.

By the Commission, Commissioner Tuggle.

[SEAL] ROBERT L. OSWALD,
Secretary.

[1] Prior order inadvertently omitted Barnwell County, S.C., from publication paragraph and title.

[No. AB–26 (Sub-No. 3)]

SOUTHERN RAILWAY COMPANY ABANDONMENT BETWEEN BARNWELL AND FURMAN, BARNWELL, ALLENDALE AND HAMPTON COUNTIES, S. CAR.

Correction [1]

[1] Prior notice inadvertently omitted Barnwill County S.C., from the title.

The Interstate Commerce Commission hereby gives notice that by order dated March 14, 1974, it has determined that the proposed abandonment in the above-entitled proceeding by the Southern Railway Company of a line of railroad between Barnwell and Furman, S. Car., if approved by the Commission, would not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321, et seq., and that preparation of a detailed environmental impact statement will not be required under section 4332(2)(c) of the NEPA.

It was concluded, among other things, that traffic originating at or destined to points along the line is not substantial. Nearby alternative rail access is available and motor carrier service in the area is adequate. Potential economic development efforts will, therefore, not be seriously impaired. The determination was based upon the staff preparation and consideration of an environmental threshold assessment survey, which is available for public upon request to the Interstate Commerce Commission, Office of Proceedings, Washington, D.C. 20423, telephone 202–343–6989.

Interested parties may comment on this matter by the submission of representatives to the Interstate Commerce Commission, Washington, D.C. 20423, on or before April 25, 1974.

[FR Doc.74–8254 Filed 4–9–74;8:45 am]

[Notice 13]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

APRIL 5, 1974.

The following letter-notices of proposals (except as otherwise specifically noted, each applicant states that there

will be no significant effect on the quality of the human environment resulting from approval of its application), to operate over deviation routes for operating convenience only have been filed with the Interstate Commerce Commission under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969 (49 CFR 1042.4(c)(11)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 1042.4 (c)(11)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 1042.4(c)(12)) at any time, but still will not operate to stay commencement of the proposed operations unless filed on or before May 10, 1974.

Successively filed letter-notices of the same carrier under the Commission's Revised Deviation Rules—Motor Carriers of Property, 1969, will be numbered consecutively for convenience in identification and protests, if any, should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC–48958 (Deviation No. 60), ILLINOIS-CALIFORNIA EXPRESS, INC., P.O. Box 9050, Amarillo, Texas 79105, filed March 19, 1974. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over deviation routes as follow: (1) From Peoria, Ill., over Interstate Highway 74 to junction Illinois Highway 121, thence over Illinois Highway 121 to junction Interstate Highway 55, thence over Interstate Highway 55 to Springfield, Ill., thence over U.S. Highway 36 to junction Interstate Highway 35, thence over Interstate Highway 35 to Kansas City, Mo., and (2) From Peoria, Ill., over Interstate Highway 74 to junction Interstate Highway 55, thence over Interstate Highway 55 to Springfield, Ill., thence over U.S. Highway 36 to junction Interstate Highway 35, thence over Interstate Highway 35 to Kansas City, Mo., and return over the same routes, for operating convenience only. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Peoria, Ill., over Illinois Highway 116 to junction U.S. Highway 34, thence over U.S. Highway 34 to Union, Nebr., thence over U.S. Highway 73 to Victory Junction, Kans., thence over U.S. Highway 40 to Kansas City, Mo., and return over the same route.

NOTICE

CORRECTION

The publication in No. MC–84728 (Deviation No. 7) filed February 4, 1974 and noticed in the FEDERAL REGISTER issue of March 21, 1974 is corrected and reassigned Docket Number MC–84728 (Deviation No. 8). The rest of the notice remains as previously published.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–8250 Filed 4–9–74;8:45 am]

[Notice 49]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 4, 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 Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1955. 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 13095 (Sub-No. 9 TA) (CORRECTION), filed March 15, 1974, published in the FR April 1, 1974, and republished as corrected this issue. Applicant: WUNNICKE TRANSFER LINES, INC., 101 S. Buchanan St., Boscobel, Wis. 53805. Applicant's representative: Glen L. Gissing, 8 South Madison St., Evansville, Wis. 53536. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Whey, whey by-products, lactose, feeds, and feed ingredient*, from Boscobel, Wis., and Dundee, Ill., to points in the United States (except Alaska and Hawaii); and (2) *materials, supplies and equipment used or useful in the manufacture and distribution thereof*, from points in the United States (except Alaska and Hawaii), to Boscobel, Wis., and Dundee, Ill., for 180 days. SUPPORTING SHIPPER: Milk Specialties Co., Div. of Cudahy Company, P.O. Box 278, Dundee, Ill. 60118. SEND PROTESTS TO: Barney L. Hardin, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 139 W. Wilson St., Room 202, Madison, Wis 53703.

NOTE.—The purpose of this republication is to correctly set forth the territorial description in Parts 1 and 2 above.

No. MC 19105 (Sub-No. 43 TA), filed March 27, 1974. Applicant: FORBES TRANSFER COMPANY, INC., P.O. Box 3544, Wilson, N.C. 27893. Applicant's representative: Vance T. Forbes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay and shale products, viz.: Pipe, conduit, wall coping, drain tile, flue lining, fittings, and fitting components and fire brick*, from points in Guilford and Chatham Counties, N.C., to points in James City, York, Surry, Isle of Wright, Nansemond, Northampton, and Accomack Counties, Va.; and Hampton, Newport News, Portsmouth, Chesapeake, Norfolk, Virginia Beach, Suffolk, and Williamsburg, Va., for 180 days. SUPPORTING SHIPPER: Pomona Corporation, P.O. Box 7236, Greensboro, N.C. 27407. SEND PROTESTS TO: Archie W. Andrews, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 26896, Raleigh, N.C. 27611.

No. MC 50069 (Sub-No. 485 TA), filed March 25, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Residual fuel oil*, in bulk, in tank vehicles, from Kansas City, Mo., to East St. Louis, Ill. and points within 5 miles thereof, for 180 days. SUPPORTING SHIPPER: U.S. Carbon Products, Inc., 620 Carbon, Marion, Ill. 62959. 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 74321 (Sub-No. 95 TA), filed March 22, 1974. Applicant: B. F. WALKER, INC., P.O. Box 17B, 1555 Tremont Street, Denver, Colo. 80201. Applicant's representative: Richard P. Kissinger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Volcanic rock* (except in bulk), from the plantsite of Twin Mountain Rock Company near Des Moines, N. Mex., to points in Colorado, Nebraska, Kansas, Texas, Oklahoma, Iowa, Missouri, Arkansas, Louisiana, Mississippi, Michigan, Illinois, Indiana, and Tennessee, for 180 days. SUPPORTING SHIPPER: Twin Mountain Rock Company, P.O. Box 1009, Sheridan, Wyo. 82801. SEND PROTESTS TO: District Supervisor Roger L. Buchanan, Bureau of Operations, Interstate Commerce Commission, 2022 Federal Building, Denver, Colo. 80202.

No. MC 107515 (Sub-No. 898 TA), filed March 26, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, 3901 Jonesboro Rd. SE., Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products* (except hides and commodities in bulk), in vehicles equipped with mechanical refrigeration, from Cynthiana and Lawrenceburg, Ky., to points in Georgia, for 180 days. SUPPORTING SHIPPER: Webber Farms, Inc., P.O. Box

327, Cynthiana, Ky. 41031. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 1252 West Peachtree Street, Room 309, Atlanta, Ga. 30309.

No. MC 107515 (Sub-No. 899 TA), filed March 26, 1974. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, 3901 Jonesboro Rd., SE., Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, 1600 First Federal Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural chemicals*, other than in bulk, in vehicles equipped with mechanical refrigeration, from Memphis, Tenn., to points in Colorado, Idaho, Montana, North Dakota, Oregon, South Dakota, and Washington, for 180 days. SUPPORTING SHIPPER: Montsanto Company, 800 North Lindbergh Blvd., St. Louis, Mo. 63166. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 309, Atlanta, Ga. 30309.

No. MC 113843 (Sub-No. 200 TA) (AMENDMENT), filed March 13, 1974, published in the FR April 1, 1974, and republished as amended this issue. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer St., Boston, Mass. 02210. Applicant's representative: Lawrence T. Sheils (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Butter*, in vehicles equipped with refrigeration, from Sebewaing, Mich., to Doylestown, Pa., and New York, N.Y., for 180 days. SUPPORTING SHIPPER: Michigan Producers Dairy, 1336 E. Maumee St., Adrian, Mich. 49221. SEND PROTESTS TO: John B. Thomas, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 150 Causeway St., Boston, Mass. 02114.

NOTE.—The purpose of this republication is to amend the route description from *regular* routes to *irregular* routes which was shown in error in previous publication.

No. MC 116073 (Sub-No. 293 TA), filed March 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: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, and *buildings*, complete or in sections, transported on wheeled undercarriages, from the plantsite of Continental Manufacturing Company in Loveland, Colo., to points in Arizona, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Utah, and Wyoming, for 180 days. SUPPORTING SHIPPER: Continental Manufacturing Company, 999 Van Buren Avenue, Loveland, Colo. 80537. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 124212 (Sub-No. 75 TA), filed March 26, 1974. Applicant: MITCHELL TRANSPORT, INC., 6500 Pearl Road, P.O. Box 30248, Cleveland, Ohio 44130. Applicant's representative: J. A. Kundtz, 1100 National City Bank Building, Cleveland, Ohio 44114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum coke*, from the Getty Refineries at or near Reybold, Del., and from the Mobile Oil Refinery at or near Paulsboro, N.J., to the plant site of Lehigh Portland Cement Company at Union Bridge, Md., for 180 days. SUPPORTING SHIPPER: Lehigh Portland Cement Company, Manager of Distribution, 718 Hamilton Street, Allentown, Pa. 18105. SEND PROTESTS TO: Franklin D. Bail, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 181 Federal Office Building, 1240 East Ninth Street, Cleveland, Ohio 44199.

No. MC 133966 (Sub-No. 32 TA), filed March 27, 1974. Applicant: NORTH EAST EXPRESS, INC., P.O. Box 127, Mountaintop, Pa. 18707. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Toys, games, and outdoor swing sets*, from Wilkes-Barre, Pa., to points in Illinois, Michigan, Indiana, and Maryland, for 150 days. SUPPORTING SHIPPER: Roth American, Inc., 356 North Pennsylvania Avenue, Wilkes-Barre, Pa. 18703. SEND PROTESTS TO: Paul J. Kenworthy, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 309 U.S. Post Office Building, Scranton, Pa. 18503.

No. MC 134145 (Sub-No. 44 TA), filed March 26, 1974. Applicant: NORTH STAR TRANSPORT, INC., Route 1, Thief River Falls, Minn. 56701. Applicant's representative: Robert P. Sack, P.O. Box 6010, West St. Paul, Minn. 55118. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by lawn and garden dealers, from the plantsites, warehouse facilities, and experimental farms of Deere & Company in Dodge County, Wis., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia, for 180 days. SUPPORTING SHIPPER: Deere and Company, Transportation Department, 909 Third Avenue, Moline, Ill. 61265. SEND PROTESTS TO: J. H. Ambs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, P.O. Box 2340, Fargo, N. Dak. 58102.

No. MC 135797 (Sub-No. 24 TA), filed March 26, 1974. Applicant: J. B. HUNT TRANSPORT, INC., 833 Warner Street SW., Atlanta, Ga. 30310. Applicant's representative: Virgil H. Smith, 1587 Phoenix Blvd., Suite 12, Atlanta, Ga. 30349. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Polystyrene forms*, in packages, from the plantsite of Huntsman Container Corporation, at Troy, Ohio, to points in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, Tennessee, South Carolina, Texas, and Virginia, for 180 days. SUPPORTING SHIPPER: Huntsman Container Corporation, 1261 Brukner Drive, Troy, Ohio 45373. SEND PROTESTS TO: William L. Scroggs, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 1252 West Peachtree Street NW., Room 309, Atlanta, Ga. 30309.

No. MC 138420 (Sub-No. 9 TA), filed March 27, 1974. Applicant: CHIZEK ELEVATOR & TRANSPORT, INC., P.O. Box 147, Cleveland, Wis. 53015. Applicant's representative: Wayne W. Wilson, 329 W. Wilson Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and related advertising equipment, premiums, materials and supplies* when shipped therewith, from St. Louis, Mo., to Arlington Heights, Ill.; and (2) *empty used malt beverage containers*, from Arlington Heights, Ill., to St. Louis, Mo., for 180 days. SUPPORTING SHIPPER: C. S. Aulbert Distributing Co., Inc., 1717 West Davis Street, Arlington Heights, Ill. 60005 (Charles S. Aulbert, President). 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 139036 (Sub-No. 1 TA), filed March 26, 1974. Applicant: LEONARD GUSTAFSON, doing business as CHIPMUNK EXPRESS, Box 61, Rapid River, Mich. 49878. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Woodchips*, in bulk, from Champion, Mich., to Green Bay, Wis., for 180 days. SUPPORTING SHIPPER: Kimberly Clark Corporation, Marenisco, Mich. 49947. SEND PROTESTS TO: C. R. Flemming, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 225 Federal Building, Lansing, Mich. 48933.

No. MC 139622 (Sub-No. 1 TA), filed March 27, 1974. Applicant: INTERSTATE MOVING AND STORAGE, INC., 6965 Commerce Avenue, El Paso, Tex. 79915. Applicant's representative: Hugh H. Trotter, Jr. (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* sold by Montgomery Ward and Co. to retail customers (store to door deliveries), between El Paso, Tex., and points in El Paso and Hudspeth Counties, Tex., and Otera, Luna, and Dona Ana Counties, N. Mex., for 180 days.

SUPPORTING SHIPPER: F. V. Pollard, Regional Traffic Manager, Montgomery Ward and Co., Inc., 6200 St. John, Kansas City, Mo. 64123. SEND PROTESTS TO: Haskell E. Ballard, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Box H–4395, Herring Plaza, Amarillo, Tex. 79101.

No. MC 139638 TA, filed March 27, 1974. Applicant: N. L. MONTGOMERY, INC., Route 1, Wirtz, Va. 24184. Applicant's representative: Michaux Raine, III, 113 East Court Street, Rocky Mount, Va. 24151. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, rough and dressed, logs and veneer, and cross-ties*, between Franklin County, Va., and Lexington, High Point, Hickory, Greensboro, Pleasant Garden, Lenoir, Rural Hall, Liberty, Waidsboro, Jonesboro, Robbins, Burlington, Pittsboro, Stoneville, Reidsville, Eden, Mount Airy, Walnut Cove, Thomasville, Price, and West Jefferson, N.C., for 180 days. SUPPORTING SHIPPERS: S. W. Barnes, Inc., P.O. Box 85, Crozet, Va. 22932; John L. Frye Company, Robbins, N.C. 27325; Ferguson Land & Lumber Company, State Street, Rocky Mount, Va. 24151; Franklin Tie and Wood Company, State Street, Rocky Mount, Va. 24151; Peters Sawmill, Ferrum, Va. 24088; Leisure Land & Timber Co., Inc., Henry, Va. 24102; E. N. Beard Hardwood & Lumber, Inc., P.O. Box 20188, Greensboro, N.C. 27400; and Erath Veneer Corporation of Virginia, State Street, Rocky Mount, Va. 24151. SEND PROTESTS TO: Danny R. Beeler, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 215 Campbell Avenue SW., Roanoke, Va. 24011.

PASSENGER APPLICATION

No. MC 96007 (Sub-No. 30 TA), filed March 27, 1974. Applicant: KENNETH HUDSON, INC., doing business as HUDSON BUS LINES, 70 Union Street, Medford, Mass. 02155. Applicant's representative: Mary E. Kelley, 11 Riverside Avenue, Medford, Mass. 02155. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, beginning and ending at Revere, Lynn, Boston, Braintree, Chelsea, Medford, Malden, Everett, Quincy, Cambridge, Somerville, Weymouth, and Arlington, Mass., and extending to track of Yankee Greyhound Racing, Inc., at Seabrook, N.H., for 180 days. SUPPORTING SHIPPERS: There are approximately 79 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: Darrell W. Hammons, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 150 Causeway St., 5th Floor, Boston, Mass. 02114.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–8249 Filed 4–9–74;8:45 am]

LIST OF FEDERAL REGISTER PAGES AND DATES—APRIL:

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during April.

49 CFR

171 12750
172 12750
173 12751
174 12752
178 ..... 11891, 12752
213 12351
570 12867
571 12104
574 12104
1003 11891
1033 .. 11891, 12009, 12010, 12352, 12353
1037 12753
1048 12754
1131 12010

PROPOSED RULES:

172 12261

49 CFR—Continued Page

PROPOSED RULES—Continued

173 ..... 12034, 12261
178 12034
255 12527
571 12871
1048 ..... 12875, 12876
1201 ..... 12038, 12876
1202 ..... 12038, 12876
1203 ..... 12038, 12876
1204 ..... 12038, 12876
1205 ..... 12038, 12876
1206 ..... 12038, 12876
1207 ..... 12038, 12876
1208 ..... 12038, 12876
1209 ..... 12038, 12876
1210 ..... 12038, 12876

50 CFR

33 ..... 12859, 12995
217 11892
218 11892
219 11892
220 11892
221 11892
222 11892

PROPOSED RULES:

17 11903
21 12313
216 12356
260 11922
5419 12104

FEDERAL REGISTER PAGES AND DATES—APRIL

Pages	Date
11855–11964	Apr. 1
11965–12079	2
12081–12235	3
12237–12317	Apr. 4
12319–12720	5
12721–12848	8
12849–12969	Apr. 9
12971–13062	10