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HIGHLIGHTS OF THIS ISSUE

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

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(The items in this list were editorially compiled as an aid to FEDERAL REGISTER users. Inclusion or exclusion from this list has no legal significance. Since this list is intended as a reminder, it does not include effective dates that occur within 14 days of publication.)

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

Rules and Regulations

Title 7—Agriculture

CHAPTER II—FOOD AND NUTRITION SERVICE, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—GENERAL REGULATIONS AND POLICIES—FOOD DISTRIBUTION

[Amdt. 22]

PART 250—DONATION OF FOODS FOR USE IN UNITED STATES, ITS TERRITORIES AND POSSESSIONS, AND AREAS UNDER IT JURISDICTION

Operating Expense Funds for Distributing Agencies

The regulations for the Operation of the Food Distribution Program, as amended, are further amended to discontinue use of the formula for making payments to distributing agencies to assists them in meeting operating expenses incurred in administering food distribution programs for needy persons in households. This amendment will permit the Department to apportion funds on the basis of need to each distributing agency operating a food distribution program for needy households in areas where the Food Stamp Program is not in operation. Funds will be apportioned to such distributing agencies in amounts which FNS determines is necessary to effectuate the purposes of § 250.15. In view of this, it is found that notice and public procedure concerning this amendment are impracticable and unnecessary.

Accordingly, § 250.15(c) is amended to read as follows:

§ 250.15 Operating Expense Funds for Distributing Agencies.

* * * * *

(c) *Apportionment of funds.* The Department shall apportion the funds available for the purpose of this section for any fiscal year among distributing agencies which are responsible for food distribution programs to households. The amount of funds apportioned to each distributing agency shall be such amount as FNS determines is necessary to effectuate the purposes of this section. The apportionment of funds under this paragraph shall not be regarded as conveying to any distributing agency a vested right to any fixed amount of funds.

* * * * *

(Catalog of Federal Domestic Assistance Programs No. 10.550, National Archives Reference Services).

This amendment shall become effective on July 1, 1974.

Dated: April 24, 1974.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.74-9797 Filed 4-29-74;8:45 am]

CHAPTER VII—AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE (AGRICULTURAL ADJUSTMENT), DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 1]

PART 730—RICE

DEFINITION OF ENGAGED IN THE PRODUCTION OF RICE

Subpart—Regulations for Determination of Acreage Allotments for 1974 and Subsequent Crops of Rice

Basis and Purpose. The amendment herein is issued under and in accordance with the provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301 et seq.).

The purpose of this amendment is to redefinie the definition "engaged in the production of rice" in order to allow those producers who have producer rice acreage allotments to be defined as a rice producer by virtue of furnishing only a "producer" allotment which has been approved as all or a part of the "farm" allotment determined for a farm. In addition, the producer must have an interest in the production of the acreage of rice being produced on the farm and receive at the time of harvest, a predetermined and fixed portion of such crop or the proceeds thereof.

Since rice farmers are planning rice farming operations for the 1974 crop year, and will need to know the provisions of this amendment, it is important that this amendment be issued and made effective as soon as possible. Accordingly, it is hereby found that compliance with the notice, public procedure, and effective date requirements of 5 U.S.C. 553 is impracticable and contrary to the public interest and this amendment shall become effective as provided herein.

The subpart—Regulations for determination of acreage allotments for 1974 and subsequent crops of rice (39 FR 9186) is amended as follows:

Section 730.62 is amended by revising paragraph (b)(3) to read as follows:

§ 730.62 Definitions.

(b) * * *

(3) "Engaged in the production of rice" means having an interest in the production of an acreage of rice being produced on a farm and receiving, at the time of harvest, a predetermined and fixed portion of such crop or the proceeds thereof by virtue of furnishing land, labor, water, equipment, or "producer" allotment which has been approved as all or a part of the "farm" allotment determined for a farm. Any producer who the county or State committee finds, after allocation of his producer allotment to a farm, is not or was not engaged in the production of rice on the farm as provided in accoradnce with this subparagraph, shall not be deemed to be engaged in the production of rice on the farm when such determination has been made in accordance with § 730.72(e).

(Secs. 301, 353, 375, 52 Stat. 38, as amended; 61, as amended; 66 as amended; (7 U.S.C. 1301, 1353, 1375))

Effective date: April 30, 1974.

Signed at Washington, D.C. on April 23, 1974.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc.74-9845 Filed 4-29-74;8:45 am]

PART 795—PAYMENT LIMITATIONS

Miscellaneous Amendments

On March 1, 1974, a notice of proposed rulemaking regarding miscellaneous changes in regulations for payment limitations was published in 39 FR 7943 to 7946. After consideration of all such relevant matters presented by interested persons, the regulation, as so proposed, is hereby adopted, subject to the following changes.

1. In § 795.5, change the date "January 1" to read "March 1."

2. In § 795.16(a), delete the word "aerial."

Accordingly, with these changes, the proposed text is adopted as set forth below.

Effective date: April 30, 1974.

Signed at Washington, D.C., on April 23, 1974.

GLENN A. WEIR,
Acting Administrator, Agricultural Stabilization and Conservation Service.

AUTHORITY: The provisions of this Part 795 issued under Title I of the Agricultural Act of 1970, as amended by the Agriculture and Consumer Protection Act of 1973, Pub. L. 93-86, 87 Stat. 221, 7 U.S.C. § 1307.

General

§ 795.1 Basis and purpose.

The Agricultural Act of 1970, as amended by the Agriculture and Consumer Protection Act of 1973, provides that the total amount of payments which a person shall be entitled to receive under one or more of the annual programs for wheat, feed grains, and upland cotton for 1974 through 1977 under the Act shall not exceed $20,000. This limitation is hereinafter referred to as "the payment limitation" or "the limitation." The Act provides that the Secretary shall issue regulations defining the term "person" and prescribing such rules as he determines necessary to assure a fair and reasonable application of such limitation.

§ 795.2 Applicability.

(a) The provisions of this part are applicable to all payments made pursuant to the regulations in this chapter for the 1974 through 1977 programs for wheat (Part 728 of this chapter), feed grains (Part 775 of this chapter), and upland cotton (Part 722 of this chapter).

(b) The limitation shall be applied to the total of wheat, feed grain, and upland cotton program payments.

(c) The limitation shall not be applicable to loans or purchases, or any part of any payment which is determined by the Secretary to represent compensation for resource adjustment (payments attributed to set-aside) or public access for recreation.

(d) The limitation shall not be applicable to payments made to States, political subdivisions, or agencies thereof for participation in the programs on lands owned by such States, political subdivisions, or agencies thereof so long as such lands are farmed primarily in the direct furtherance of a public function. The limitation is applicable to persons who rent or lease land owned by States, political subdivisions, or agencies thereof.

Definitions

§ 795.3 Definition of the term "person."

Subject to the provisions of this part, the term "person" shall mean an individual, joint stock company, corporation, association, trust, estate, or other legal entity. In order to be considered a separate person for the purpose of the payment limitation, in addition to the other conditions of this part, the individual or other legal entity must:

(a) Have a separate and distinct interest in the land or the crop involved,

(b) Exercise separate responsibility for such interest, and

(c) Be responsible for the cost of farming related to such interest from a fund or account separate from that of any other individual or entity.

§ 795.4 Definitions of other terms.

In the regulations in this part and in all instructions, forms, and documents in connection therewith, all words and phrases, other than the term "person", shall have the meanings assigned to them in the regulations governing reconstitutions of farms, allotments, and bases, Part 719 of this chapter, as amended.

Determination Whether Multiple Individuals or Other Entities Constitute One or Separate Persons

§ 795.5 Timing for determining status of persons.

Except as otherwise set forth in this part, the status of individuals or entities on March 1 (May 1 for 1974) of the current year shall be the basis on which determinations are made under the regulations for such year.

§ 795.6 Multiple individuals or other entities.

The rules in §§ 795.5 through 795.16 shall be used to determine whether certain multiple individuals or legal entities are to be treated as one person or as separate persons for the purpose of applying the limitation. In cases in which more than one rule would appear to be applicable, the rule which is most restrictive on the number of persons shall apply.

§ 795.7 Entities or joint operations not considered as a person.

A partnership, joint venture, tenants-in-common, or joint tenants shall not be considered as a person but, notwithstanding the provisions of § 795.3, each individual or other legal entity who shares in the proceeds derived from farming by such joint operation shall be considered a separate person, except as otherwise provided in this part, and shall be listed as a producer for payment purposes on program documents. The payment shares listed on the program documents for each individual or other legal entity shall be the same as each individual or other legal entity shares in the proceeds derived from farming by such joint operation. Notwithstanding the foregoing, each individual or other legal entity who shares in the proceeds derived from farming by such joint operation shall not be considered as a separate person unless the individual or other legal entity is actively engaged in the farming operations of the partnership or other joint operation. An individual or other legal entity shall be considered as actively engaged in the farming operation only if its contribution to the joint operation is commensurate with its share in the proceeds derived from farming by such joint operation. Members of the partnership or joint venture must furnish satisfactory evidence that their contributions of land, labor, management, equipment, or capital to the joint operation are commensurate with their claimed shares of the proceeds. A capital contribution may be a direct out-of-pocket input of a specified sum or an amount borrowed by the individual. If the contribution consists substantially of capital, such capital must have been contributed directly to the joint operation by the individual or other legal entity and not acquired as a result of (a) a loan made to the joint operation, (b) a loan which was made to such individual or other legal entity by the joint operation or any of its members or related entities, or (c) a loan made to such individual or other legal entity which was guaranteed by the joint operation or any of its members or related entities.

§ 795.8 Corporations and stockholders.

(a) A corporation (including a limited partnership) shall be considered as one person, and an individual stockholder of the corporation may be considered as a separate person to the extent that such stockholder is engaged in the production of the crop as a separate producer and otherwise meets the requirements of § 795.3, except that a corporation in which more than 50 percent of the stock is owned by an individual (including the stock owned by the individual's spouse, minor children, and trusts for the benefit of such minor children), or by a legal entity, shall not be considered as a separate person from such individual or legal entity.

(b) Where the same two or more individuals or other legal entities own more than 50 percent of the stock in each of two or more corporations, all such corporations shall be considered as one person.

(c) The percentage share of the value of the stock owned by an individual or other legal entity shall be determined as of January 1 (May 1 for 1974) of the

crop year, except that where a stockholder voluntarily acquires stock after January 1 (May 1 for 1974) and before the harvest of the crop, the amount of any stock so acquired shall be included in determining the percentage share of the value of the stock owned by the stockholder. Where there is only one class of stock, a stockholder's percentage share of the value of the outstanding stock shall be equal to the percentage of the outstanding stock owned by the stockholder. If the corporation has more than one class of stock, the percentage share of the value of the stock owned by a stockholder shall be determined by the Deputy Administrator on the basis of market quotations, and if market quotations are lacking or too scarce to be recognized, the percentage share of the value of the stock shall be determined by the Deputy Administrator on the basis of all relevant factors affecting the fair market value, including the rights and privileges of the various stock issues.

§ 795.9 Estate or trust.

(a) An estate or irrevocable trust shall be considered as one person except that, where two or more estates or irrevocable trusts have common beneficiaries or heirs (including spouses and minor children) with more than a 50-percent interest, all such estates or irrevocable trusts shall be considered as one person.

(b) An individual heir of an estate or beneficiary of a trust may be considered as a separate person to the extent that such heir or beneficiary is engaged in the production of crops as a separate producer and otherwise meets the requirements of § 795.3, except that an estate or irrevocable trust which has a sole heir or beneficiary shall not be considered as a separate person from such heir or beneficiary.

(c) Where an irrevocable trust or an estate is a producer on a farm and one or more of the beneficiaries or heirs of such trust or estate are minor children, the minor children's pro rata share of the program payments to the trust or estate shall be attributed to the parent of the minor children except as otherwise provided in § 795.12.

(d) A revocable trust shall not be considered as a separate person from the grantor.

§ 795.10 Club, society, fraternal or religious organization.

Each individual club, society, fraternal or religious organization may be considered as a separate person to the extent that each such club, society, fraternal or religious organization is engaged in the production of crops as a separate producer and otherwise meets the requirements of § 795.3.

§ 795.11 Husband and wife.

A husband and wife shall be considered as one person.

§ 795.12 Minor children.

(a) A minor child and his parents or guardian (or other person responsible for him) shall be considered as one person, except that the minor child may be considered as a separate person if such minor child is a producer on a farm in which the parents or guardian or other person responsible for him (including any entity in which the parents or guardian or other person responsible for him has a substantial interest, *i.e.*, more than a 20-percent interest) takes no part in the operation of the farm (including any activities as a custom farmer) and owns no interest in the farm or allotment or in any portion of the production on the farm, and if such minor child:

(1) Is represented by a court-appointed guardian who is required by law to make a separate accounting for the minor and ownership of the farm is vested in the minor, or

(2) Has established and maintains a different household from his parents or guardian and personally carries out the actual farming operations on the farm for which there is a separate accounting, or

(3) Has a farming operation resulting from his being the beneficiary of an irrevocable trust and ownership of the property is vested in the trust or the minor.

(b) A person shall be considered a minor until he reaches 18 years of age. Court proceedings conferring majority on a person under 18 years of age will not change such person's status as a minor for purposes of applying the regulations.

§ 795.13 Other cases.

Where the county committee is unable to determine whether certain individuals or legal entities involved in the production of a commodity are to be treated as one person or separate persons, all the facts regarding the arrangement under which the commodity is produced shall be submitted to the State committee for decision. Where the State committee is unable to determine whether such individuals or legal entities are to be treated as one person or separate persons, all the facts regarding the arrangement under which the farming operation is conducted shall be submitted to the Deputy Administrator for decision.

Farming Operations

§ 795.14 Changes in farming operations.

(a) Subject to the provisions of this part, a person may exercise his or her right heretofore existing under law, to divide, sell, transfer, rent, or lease his property if such division, sale, transfer, rental arrangement, or lease is legally binding as between the parties thereto. However, any document representing a division, sale, transfer, rental arrangement, or lease which is fictitious or not legally binding as between the parties thereto shall be considered to be for the purpose of evading the payment limitation and shall be disregarded for the purpose of applying the payment limitation. Any change in farming operations that would otherwise serve to increase the number of persons for application of the payment limitation must be bona fide and substantive.

(b) A substantive change includes, for example, a substantial increase or decrease in the size of the farm by purchase, sale, or lease; a substantial increase or decrease in the size of allotment by purchase, sale, or lease; a change from a cash lease to a share lease or vice versa; and dissolution of an entity such as a corporation or partnership.

(c) Examples of the types of changes that would not be considered as substantive are the following:

Example 1. A corporation is owned equally by four shareholders. The corporation owns land, buildings, and equipment and in the prior year carried out substantial farming operations. Three of the shareholders propose forming a partnership which they would own equally. The partnership would cash lease land and equipment from the corporation with the objective of having the three partners considered as separate persons for purposes of applying the payment limitation under the provisions of § 795.7 of the regulations.

The formation of such a partnership and the leasing of land from a corporation in which they hold a major interest would not constitute a substantive and bona fide change in operations. Therefore, the corporation and the partners would be limited to a single payment limitation.

Example 2. Three individuals each have individual farming operations which, if continued unchanged, would permit them to have a total of three payment limitations.

The three individuals propose forming a corporation which they would own equally. The corporation would then cash lease a portion of the farmland owned and previously operated by the individuals with the objective of having the corporation considered as a separate person for purposes of applying the payment limitation under the provisions of § 795.8 of the regulations. The formation of such a corporation and the leasing of land from the stockholders would not constitute a substantive and bona fide change in operations. Therefore, the corporation and the three individuals would be limited to three payment limitations.

§ 795.15 Determination whether agreement is a share lease or a cash lease.

(a) *Cash lease.* In any case where a cash rental agreement contains provisions that call for an increase or decrease in the cash rent on the basis of the amount of the crop produced or the proceeds derived from the crop, such agreement shall be regarded as a share rental agreement for the purposes of this part if treating it as a cash rental agreement would result in a smaller reduction in program payments under this part.

(b) *Share lease.* In any case of a share rental agreement which contains provisions for a guaranteed minimum rental or a limitation on the amount of rent to be paid to the landlord by the tenant, such agreement shall be regarded as a cash rental agreement for the purposes of this part if treating it as a share rental agreement would result in a smaller reduction in program payments under the regulations in this part.

§ 795.16 Custom farming.

(a) Custom farming is the performance of services on a farm such as land preparation, seeding, cultivating, apply-

ing pesticides, and harvesting for hire with remuneration on a unit of work basis, except that, for the purpose of applying the provisions of this section, the harvesting of crops and the application of agricultural chemicals by firms regularly engaged in such businesses shall not be regarded as custom farming. A person performing custom farming shall be considered as being separate from the person for whom the custom farming is performed only if: (1) The compensation for the custom farming service is paid at a unit of work rate customary in the area and is in no way dependent upon the amount of the crop produced, and (2) the person performing the custom farming (and any other entity in which such person has more than a 20-percent interest) has no interest, directly or indirectly, (i) in the crop on the farm by taking any risk in the production of the crop, sharing in the proceeds of the crop, granting or guaranteeing the financing of the crop, (ii) in the allotment on the farm, or (iii) in the farm as landowner, landlord, mortgage holder, trustee lienholder, guarantor, agent, manager, tenant, sharecropper, or any other similar capacity.

(b) A person having more than a 20-percent interest in any legal entity performing custom farming shall be considered as being separate from the person for whom the custom farming is performed only if: (1) The compensation for the custom farming service is paid at a unit of work rate customary in the area and is in no way dependent upon the amount of the crop produced, and (2) the person having such interest in the legal entity performing the custom farming has no interest, directly or indirectly, (i) in the crop on the farm by taking any risk in the production of the crop, sharing in the proceeds of the corp, granting or guaranteeing the financing of the crop, (ii) in the allotment on the farm, or (iii) in the farm as landowner, landlord, mortgage holder, trustee, lienholder, guarantor, agent, manager, tenant, sharecropper, or in any other similar capacity.

Scheme or Device

§ 795.17 Scheme or device.

All or any part of the payments otherwise due a person under the upland cotton, wheat, and feed grain programs on all farms in which he has an interest may be withheld or required to be refunded if he adopts or participates in adopting any scheme or device designed to evade or which has the effect of evading the rules of this part. Such acts shall include, but are not limited to, concealing from the county committee any information having a bearing on the application of the rules in this part or submitting false information to the county committee (for example, if side agreements are entered into which differ from information furnished to the county committee concerning the manner in which program payments are actually shared or the actual facts of a sale or other transfer of property) or creating fictitious entities for the purpose of concealing the interest of a person in a farming operation.

Adjustment in Set-Aside Requirement

§ 795.18 Request for downward adjustment in set-aside requirement.

A producer whose payments under the upland cotton, wheat, or feed grain program may be reduced because of the limitation may request a downward adjustment in his set-aside requirement for the farm. The request shall be in writing and shall be filed with the county committee by a date prescribed by the Deputy Administrator. If such a producer is sharing in payments in two or more counties, it shall be the producer's responsibility to furnish information concerning his participation in the other counties to the county committee for the county in which the application for downward adjustment is filed.

§ 795.19 Computation of reduction in set-aside requirement.

In accordance with instructions issued by the Deputy Administrator, the reduction in the set-aside requirement shall be computed by determining the percentage by which the producer's estimated payments are reduced because of the application of the payment limitation and multiplying the number of acres in the producer's portion of the set-aside requirement for the farm or farms participating in the program by this percentage. If the producer is participating in the program on two or more farms, he may elect to have the reduction divided among the farms in such proportion as he may designate.

Miscellaneous

§ 795.20 Joint and several liability.

Where two or more individuals or legal entities, who are treated as one person hereunder, receive payments which in the aggregate exceed the limitation, such individuals or legal entities shall be liable, jointly and severally, for any liability arising therefrom. The provisions of this part requiring the refund of payments shall be applicable in addition to any liability under criminal and civil frauds statutes.

§ 795.21 Appeals.

Any person may obtain reconsideration and review of determinations made under this part in accordance with the appeal regulations, Part 780 of this chapter, as amended.

§ 795.22 Interpretations.

The interpretations previously issued pursuant to the payment limitation regulations and published at 36 FR 16569 and 37 FR 3049 shall be applicable in construing the provisions of this part.

Signed at Washington, D.C., on February 22, 1974.

EARL L. BUTZ,
Secretary of Agriculture.

[FR Doc.74-9846 Filed 4-29-74;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER F—SECURITY SERVICING AND LIQUIDATION

[FHA Instruction 465.2]

PART 1872—REAL ESTATE SECURITY

Management and Sale of Acquired Real Estate

Subpart C of Part 1872, Title 7, Code of Federal Regulations (38 FR 19204) is amended to provide that the rate of interest offered to investors in certain classes of certificates of beneficial ownership will be used as a basis for determining the interest rate to be charged when government acquired association property is sold. Since the change is minor in nature and no substantive change in the regulation is effected, notice and public procedure thereon are unnecessary. As amended, § 1872.65(c)(3) reads as follows:

§ 1872.65 Method of sale of property that was security for a loan made under the Consolidated Farm and Rural Development Act.

* * * * *

(c) *Surplus property.* * * *

(3) If OGC advised that it is legally permissible, association property will be offered for public sale for cash or cash on terms of not less than 10 percent cash downpayment with the remaining balance payable over not more than 15 years. The amount of each of the first 14 annual installments will not be less than the amount that would be required to be repaid annually if the outstanding balance was amortized over the maximum repayment period of the type of loan involved. The remaining balance will be due and payable at the end of the 15th year. The interest rate will be the current rate offered to investors in certificates of beneficial ownership for a maturity period of 5 to 9 years plus .125 percent as of the date the property is offered for sale. If more liberal rates and terms are considered necessary because of the location or condition of the property or condition in the area, or for other pertinent reasons, the State Director may request authorization from the National Office to offer the property for public sale on more liberal rates and terms. However, the repayment period will not exceed the maximum repayment period of the type of loan involved or the useful life of the property, whichever is less. Complete documented justification for his request will be submitted to the National Office.

* * * * *

(7 U.S.C. 1989; 42 U.S.C. 1480; 40 U.S.C. 442; 42 U.S.C. 2942; 5 U.S.C. 301; 40 U.S.C. Appendix 203); delegation of authority by the Sec. of Agri., 38 FR 14944, 14948, 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70; delegations of authority by Dir., OEO, 29 FR 14764, 33 FR 9850.)

Effective date: This amendment is effective on April 30, 1974.

Dated: March 6, 1974.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-9852 Filed 4-29-74;8:45 am]

Title 9—Animals and Animal Products

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

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

PART 73—SCABIES IN CATTLE

Areas Quarantined or Released

These amendments quarantine a portion of Curry County in New Mexico because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the area quarantined.

The amendments release a portion of Chaves and a portion of Quay Counties in New Mexico from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, will not apply to the excluded areas, but the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 will apply to the excluded areas.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, paragraph (c) relating to the State of New Mexico is amended to read:

§ 73.1a Notice of quarantine.

* * * * *

(c) Notice is hereby given that cattle in certain portions of the State of New Mexico are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following area in such State is hereby quarantined because of said disease:

That portion of Curry County bounded by a line beginning at the junction of State Highway 523 and State Highway 108; thence, following State Highway 108 in a southerly direction for approximately one mile to Section Line Road; thence, following Section Line Road in a westerly direction for approximately one mile, then in a northerly direction for approximately one mile to State Highway 523; thence, following State Highway 523 for approximately one mile to its junction with State Highway 108.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; (21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f); 37 FR 28464, 28477; 38 FR 19141)

Effective date. The foregoing amendments shall become effective April 25, 1974.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of cattle scabies, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as the amendments relieve restrictions, they are no longer deemed necessary to prevent the spread of cattle scabies and they should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 25th day of April 1974.

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

[FR Doc.74-9851 Filed 4-29-74;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 74-312]

PART 545—OPERATIONS

Amendment Authorizing State Housing Corporation Investment

The Federal Home Loan Bank Board, by Resolution No. 74-53, dated January 30, 1974, proposed an amendment to Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545), which would add a new § 545.6-25 for the purpose of authorizing and encouraging investment by Federal associations in state housing corporations pursuant to section 5 of Pub. L. 93-100. By a companion Resolution (Resolution No. 74-54; January 30, 1974), the Board proposed a collateral amendment to Part 563 of the rules and regulations for Insurance of Accounts (12 CFR Part 563) and proposed to issue a Statement of Policy regarding such investment at Part 571 of the rules and regulations for Insurance of Accounts (12 CFR Part 571). Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on February 12, 1974 (38 FR 5325-26) with an invitation for interested persons to submit written comments by February 28, 1974. On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it desirable to adopt said new § 545.6-25 as proposed.

Section 5(b) of Pub. L. 93-100 (87 Stat. 342; August 16, 1973) amended section 5(c) of the Home Owners' Loan Act of 1933 to permit investment in state housing corporations by Federal savings and loan associations. Paragraph (a) of § 545.6-25 sets out the eligibility requirements for Federal associations wishing to make such investments. It restates the statutory net worth eligibility requirement of 5 percent of withdrawable accounts and the statutory provisions which restrict investments, loans and loan commitments to state housing corporations incorporated in the State where the Federal association's home office is located and to investments which State-chartered savings and loan associations are authorized to make.

Paragraph (a) of § 545.6-25 further contains a proviso setting forth the extent of permissible investment by Federal associations in state housing corporations under the authority of the new section. It restates the statutory limitation of one-fourth of one percent of assets for aggregate outstanding direct investment in equity securities, and sets a limitation of 5 percent of net worth for aggregate outstanding investment in loans and loan commitments made under the authority of proposed new § 545.6-25. Loans and loan commitments to a state housing corporation made under lending authority other than § 545.6-25 would not be included within such 5 percent limitation.

Pursuant to the provisions of the statute, paragraph (b) of § 545.6-25 exempts loans and investments in state housing corporations made under § 545.6-25 from the real estate loan percentage limitations of § 545.6-7 (12 CFR 545.6-7).

Accordingly, the Federal Home Loan Bank Board hereby amends Part 545 by adding a new section, § 545.6-25, immediately following § 545.6-24 thereof, to read as set forth below, effective April 30, 1974.

§ 545.6-25 Investment in state housing corporations.

(a) A Federal association whose general reserves, surplus, and undivided profits aggregate a sum in excess of 5 per centum of its withdrawable accounts may invest in, lend to, or commit itself to lend to any state housing corporation incorporated in the State in which the home office of such association is located, in the same manner and to the same extent as the statutes of such State authorize a savings and loan association organized under the laws of such State to make such loans and investments: *Provided,* That the aggregate outstanding direct investment in equity securities made by such association under this section shall not exceed one-fourth, of one per centum of its assets as of the time of such investment, and the aggregate outstanding investment in loans

and loan commitments made by such association under this section shall not exceed 5 per centum of its net worth as of the time of such investment.

(b) Investments, loans and loan commitments made under this section shall not be subject to the provisions of § 545.6–7.

(Sec. 5, 48 Stat. 132, as amended; (12 U.S.C. 1464). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

Dated: April 17, 1974.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.74–9766 Filed 4–29–74; 8:45 am]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 74–313]

PART 563—OPERATIONS

PART 571—STATEMENTS OF POLICY

State Housing Corporation Investment

The Federal Home Loan Bank Board, by Resolution No. 74–54, dated January 30, 1974, proposed amendments to Parts 563 and 571 of the rules and regulations for Insurance of Accounts (12 CFR Parts 563 and 571) by adding a new § 563.9–5, for the purpose of regulating and encouraging investment by insured institutions in state housing corporations pursuant to section 5 of Pub. L. 93–100 (87 Stat. 342; August 16, 1973) and by adding a new Statement of Policy on investment in state housing corporations at § 571.8. By a companion Resolution (Resolution No. 74–53; January 30, 1974), the Board proposed a collateral amendment to Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) to add a new § 545.6–25. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on February 12, 1974 (38 FR 5324–25) with an invitation for interested persons to submit written comments by February 28, 1974. On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board considers it desirable to adopt the amendments with the changes discussed herein.

Section 5(d)(1) of Pub. L. 93–100 provides, in part, that the "Federal Savings and Loan Insurance Corporation with respect to insured institutions * * * shall by appropriate rule, regulation, order or otherwise regulate investment in State housing corporations". Pursuant to this provision, the Board, as the operating head of the Federal Savings and Loan Insurance Corporation, proposes to issue a regulation and policy statement to regulate such investment.

Paragraph (a) of § 563.9–5 sets out the statutory eligibility requirements for insured institutions wishing to invest in state housing corporations. First, an insured institution must have a net worth in excess of 5 percent of withdrawable accounts. The term "net worth" (as defined in 12 CFR 561.13) is substituted for the words used in the proposal ("general reserves, surplus, and undivided profits") so that federally-insured state-chartered stock associations will be able to include nonwithdrawable capital stock in the computation of assets under this section. Secondly, such an investment is limited to state housing corporations incorporated in the State where the insured institution has its principal office. Lastly, the investment must be authorized under State law.

Paragraph (a) of § 563.9–5 also sets forth limitations for investments made under this section: One-fourth of one percent of assets for aggregate outstanding direct investment in equity securities, and 5 percent of net worth for aggregate outstanding investment in loans and loan commitments. Loans and loan commitments to a state housing corporation made under lending authority other than § 563.9–5 would not be included within such 5 percent limitation. These investment limitations have also been applied by the Board to investment in state housing corporations by Federal savings and loan associations (Resolution No. 74–53).

A clarification of the proposal language has been made with respect to paragraph (b) of § 563.9–5, which is based upon section 5(d)(2) of the statute providing that state housing corporations in which insured institutions invest under the authority of the new statute shall make available such information as the Corporation considers "necessary to insure that investments are properly made". Pursuant to paragraph (b), insured institutions desiring to invest in state housing corporations will have to secure from such organizations prior agreements to make available at any future time such information as the Board might consider to be necessary to carry out its responsibilities under the statute.

The new statement of policy at § 571.8 recites the statutory definition of state housing corporations and states that the statute exempts an investment in such a corporation from the percentage limitations otherwise applicable to Federal savings and loan associations. It then sets out an interpretation of this new lending authority which relates to the civic and community nature of the investment, and encourages such investment within the regulatory framework. Recognizing that state housing corporations may engage in housing projects whose risk as investments appear greater than usual, the statement of policy provides that investments in state housing corporations shall not be negatively reported (for example, being made the subject of special appraisals) on the quality of their investment grade alone, by the Board's Office of Examinations and Supervision. However, should such an investment fall into default, it would be placed in the scheduled-item category as would any other defaulted loan. It should be noted that the supervisory forbearance provided in the statement of policy would only apply to investments in state housing corporations made pursuant to § 563.9–5 by a state-chartered insured institution or pursuant to said § 545.6–25 by a Federal association.

Accordingly, the Federal Home Loan Bank Board hereby amends Parts 563 and 571 by adding thereto new §§ 563.9–5 and 571.8 to read as set forth below, effective April 30, 1974.

§ 563.9–5 Investment in state housing corporations.

(a) An insured institution whose net worth exceeds 5 per centum of its withdrawable accounts may, to the extent that it has legal authority to do so, invest in, lend to, or commit itself to lend to any state housing corporation incorporated in the State in which such insured institution has its principal office: *Provided*, That the aggregate outstanding direct investment in equity securities made by such institution under this section shall not exceed one-fourth of one per centum of its assets as of the time of such investment, and the aggregate outstanding investment in loans and loan commitments made by such institution under this section shall not exceed 5 per centum of its net worth as of the time of such investment.

(b) Each state housing corporation in which an insured institution invests under the authority of this section shall agree, before accepting any such investment (including any loan or loan commitment), to make available at any time to the Corporation such information as the Corporation may consider to be necessary to insure that investments are properly made under this section.

§ 571.8 Investment in state housing corporations.

Sections 545.6–25 and 563.9–5 of this chapter authorize investment by Federal associations, and regulate the investment by State-chartered federally-insured institutions, in state housing corporations pursuant to section 5 of Pub. L. 93–100. A "state housing corporation" is defined in section 5(e)(3) of that law as "a corporation established by a State for the limited purpose of providing housing and incidental services, particularly for families of low or moderate income". Section 5(b) of the statute exempts an investment in such a corporation from the percentage limitations otherwise applicable to Federal association investments. The Federal Home Loan Bank Board believes that this preferential treatment indicates that the new investment authority is meant to be limited to investment in corporations which engage in housing and housing services projects whose objectives and purposes are primarily of a civil or community nature and seem socially desirable to the savings and loan association's board of directors, and which bear investment risks which may seem greater than usual. The Board further believes that such investment constitutes a worthy effort and therefore holds that investments made pursuant to §§ 545.6–25 and 563.9–5 will not be subject to adverse comment on the quality of their invest-

ment grade by the Office of Examinations and Supervision, in the absence of the default of such investments.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; (12 U.S.C. 1725, 1726). Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp p. 1071)

By the Federal Home Loan Bank Board.

Dated: April 17, 1974.

[SEAL] GRENVILLE L. MILLARD, Jr.,
Assistant Secretary.

[FR Doc.74-9767 Filed 4-29-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION

[Docket No. 74-NW-6-AD; Amdt. 39-1829]

PART 39—AIRWORTHINESS DIRECTIVES

Boeing Model 707-300, -300B/C and -400 Series Airplanes

Pursuant to the authority delegated to me by the Administrator (31 FR 13697), an airworthiness directive was adopted and amended on April 10, 1974 and made effective immediately as to all known United States operators of all Boeing Model 707-300, -300B/C, and -400 series airplanes which have accumulated a certain number of flights. Cracks have been detected in the upper wing skin splice plate and upper rib cap at wing station 360. One crack was approximately sixty-seven inches in length. These cracks impair the integrity of the wing and could lead to structural failure. Since this condition is likely to develop in other airplanes of these models, the Airworthiness Directive was issued to require inspection and repair, as necessary, of the upper wing surface at the wing station 360 splice.

Since it was found that immediate corrective action was required, notice and public procedure thereon was impracticable and contrary to the public interest and good cause existed for making the Airworthiness Directive effective immediately. These conditions still exist and the Airworthiness Directive is hereby published in the FEDERAL REGISTER as an amendment to § 39.13 of Part 39 of the Federal Aviation Regulations.

BOEING: Applicable to all Boeing 707-300 Series and 400 series airplanes with 13,000 or more flights: All 707-300B series airplanes with 11,000 or more flights; and all 707-300C series airplanes with 8,000 or more flights, certificated in all categories.

Compliance required as indicated. To detect cracks in the upper wing splice plate and upper rib cap at wing station 360, accomplish the following:

(A) Unless X-Ray inspected within the last 300 flights, before further flight, visually check the upper wing surface at wing station 360 splice for evidence of fuel leaks in accordance with Boeing Alert Service Bulletin No. 3157 dated April 10, 1974, or later FAA approved revisions. This check may be performed by a certificated mechanic or by a flight crew member.

(B) If there is any evidence of fuel leaks, before further flight X-Ray inspect the upper surface splice plate and rib cap at wing station 360 in accordance with Boeing Alert Service Bulletin No. 3157 dated April 10, 1974, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA Northwest Region.

(C) If cracks are found, repair, as necessary, prior to further flight in accordance with instructions approved by the Chief, Engineering and Manufacturing Branch, FAA, Northwest Region.

(D) Unless X-Ray inspected within the last 300 flights, X-Ray inspect the upper wing surface splice plate and rib cap at wing station 360 within the next 50 flights from the effective date of this AD in accordance with instructions in Boeing Alert Service Bulletin No. 3157 dated April 10, 1974, or later FAA approved revisions, or in a manner approved by the Chief, Engineering and Manufacturing Branch, FAA, Northwest Region. If cracks are found repair as necessary prior to further flight in accordance with paragraph (C) above.

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

This amendment becomes effective April 30, 1974, for all persons except those to whom it was made effective immediately by telegram dated April 10, 1974.

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

Issued in Seattle, Washington on April 18, 1974.

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

NOTE: The incorporation by reference provisions in this document was approved by the Director of the Federal Register.

[FR Doc.74-9756 Filed 4-29-74;8:45 am]

[Docket No. 74-EA-22; Amdt. 39-1830]

PART 39—AIRWORTHINESS DIRECTIVES

Piper Aircraft

The Federal Aviation Administration is amending § 39.13 of Part 39 of the Federal Aviation Regulations so as to issue an airworthiness directive applicable to Piper PA-23-250 type airplanes.

There have been reports of cracked outboard flap hinges which in some instances have resulted in asymmetric flap conditions. Since this is a deficiency which can exist or develop in airplanes of the same type design, an airworthiness directive is being issued which will require a repetitive inspection of the subject hinge.

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator, 14 CFR 11.89 [31 FR 13697] § 39.13 of Part 39 of the Federal Aviation Regulations is amended by adding the following new Airworthiness Directive:

PIPER: Applies to model PA-23-250, Aircraft Serial Numbers 27-3050, 27-3154 to 27-7405330, certificated in all categories.

Unless already accomplished within the last 75 hours in service, to prevent possible asymmetric flap conditions attributed to cracks developing in the outboard flap hinge, the following must be performed within the next 25 hours in service after the effective date of this airworthiness directive, and every 100 hours thereafter:

1. Using the hydraulic hand pump, lower the flaps to full-down position.

2. Clean outboard hinges, part numbers 17103-04 (left) and 17103-05 (right). Using a 10-power magnifying glass, inspect these parts (outboard flap hinges) for cracks. An equivalent inspection method approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, may be used.

3. If cracks are found, replace, before further flight, any cracked part with unused hinges, part number 17103-04 (left) and/or 17103-05 (right) or equivalent parts approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region.

Upon incorporation of flap assemblies P/N 17104-68 and 17104-69, or equivalent parts approved by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region, compliance with this AD is not required.

Upon request with substantiating data submitted through an FAA maintenance inspector, the compliance time specified in this AD may be increased by the Chief, Engineering and Manufacturing Branch, FAA, Eastern Region. Service Bulletin 408 pertains to the same subject.

This amendment is effective May 7, 1974.

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

Issued in Jamaica, N.Y., on April 22, 1974.

MARTIN J. WHITE,
Acting Director,
Eastern Region.

[FR Doc.74-9757 Filed 4-29-74;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2508]

PART 13—PROHIBITED TRADE PRACTICES

Cadence Industries Corp. and Curtis Books, Inc.

Subpart—Advertising Falsely or Misleadingly: § 13.10 *Advertising falsely or misleadingly;* § 13.135 *Nature of product or service;* § 13.205 *Scientific or other relevant facts.* § 13.225 *Services;* § 13.260 *Terms and conditions.* Subpart—Delaying or withholding correc-

tions, adjustments or action owed. § 13.675 *Delaying or withholding corrections, adjustments or action owed.* Subpart—Misrepresenting oneself and goods—Goods: § 13.1725 *Refunds;* § 13.1760 *Terms and conditions.* Subpart—Neglecting unfairly or deceptively to make material disclosure. § 13.1905 *Terms and conditions.* Subpart—Offering unfair improper and deceptive inducements to purchase or deal. § 13.1925 *Coupon, certificate, check, credit voucher, etc.* § 13.2040 *Returns and reimbursements:* § 13.2080 *Terms and conditions.* Subpart—Shipping for payment demand, goods in excess of or without order: § 13.2195 *Shipping, for payment demand, goods in excess of or without order.*

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45)) [Cease and desist order, Cadence Industries, Corp., et al. New York City, Docket C-2508, March 25, 1974]

In the Matter of Cadence Industries Corporation, and Curtis Books, Inc., Corporations

Consent order requiring a New York City, seller and distributor of encyclopedia and other educational materials and its wholly-owned subsidiary in Philadelphia, Penna., among other things to cease using misrepresentations to sell their publications or other merchandise offered in continuity programs; and to make specific factual disclosures in connection with their subscription solicitations. The order also requires the companies to establish and implement procedures relating to advance notification, rejection and return of merchandise, adjustments, and cancellation of subscriptions.

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

It is ordered, That respondents Cadence Industries Corporation, a corporation, and Curtis Books, Inc., a corporation, their successors and assigns, and their officers, and respondents' agents, representatives, employees, independent contractors, directly or through any corporation, subsidiary, division, franchisee or other device, in connection with the advertising, offering for sale, sale or distribution of any encyclopedia, reference or educational material or any other publication or other item of merchandise through the use of any program, or method of sale or distribution through the mail, that provides or purports to provide for the delivery of any of said publications or other items of merchandise to any person at regularly scheduled intervals on an approval basis, and in connection with the inducement or collection of payments for such publications or other items of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, orally or in writing that:

(a) Any person has the option to receive each publication or other item of merchandise, separately and individually, and to accept or reject same, unless such person is allowed in all instances to purchase or reject each such publication or other item of merchandise separately and individually.

(b) Any person will not receive any further publication or other item of merchandise after respondents receive a clear and unambiguous notification of his cancellation of any such program, method of sale or distribution unless such are the facts; or misrepresenting, in any manner, any consequence resulting from any person's cancellation of his participation in any such program, method of sale or distribution.

(c) Any person incurs no risk or obligation by joining or participating in any such program, method of sale or distribution, unless such is the fact; or misrepresenting, in any manner, any condition, right, duty or obligation imposed on said person.

2. Disseminating or causing the dissemination of, any advertisement, which is accompanied by a return coupon, an order form, or any other method by which the recipient can subscribe to such program, method of sale or distribution, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which fails to disclose in a clear, unqualified and conspicuous manner:

(a) A description of the conditions and terms of any such program, method of sale or distribution, and the duties and obligations of any subscriber thereto.

(b) A description of each publication or other item of merchandise, the billing charge to be made therefor, the anticipated total number of publications or other items of merchandise included in any such program, method of sale or distribution, the number of publications or other items of merchandise included in each shipment of such items, and the number of and the intervals between each such shipment.

(c) A description of the procedures, and the time limitations for refusing to accept delivery, and for rejecting after examination and for returning any publication or other item of merchandise, and a description of the procedures for the application of allowances or credits against billing charges for any unwanted publication or other item of merchandise that has been rejected or returned; and

(d) That in order for any communication, including any cancellations, to be processed by respondents prior to the next shipment of any publication or other item of merchandise, such communication must be received by respondents no later than the date stated on the invoice as the date on which respondents will initiate processing of such shipment; and that this procedure is necessitated by delays in mail delivery and in computer processing.

3. Failing to disclose, clearly and conspicuously, on any return coupon, order form or any other document used for responding to any such program, method of sale or distribution, the following information: (a) The anticipated total number of publications or other items of merchandise included in any such program, method of sale or distribution; (b) the number of publications or other items of merchandise included in each shipment of such items; and (c) the number of and the intervals between each such shipment.

4. Failing to disclose, clearly and conspicuously, in conjunction with delivery of any publication or other item of merchandise sent to any subscriber, the anticipated date on which respondents will initiate processing of the next shipment of any such item.

5. Failing to establish and implement a procedure whereby respondents will provide each subscriber with the notification set forth in Paragraph 4, supra, at least 15 days prior to the anticipated processing date and any subsequent shipment.

6. Failing to credit, for the full invoiced amount thereof, the return of any publication or other item of merchandise sent to a subscriber, and to guarantee to the postal service or the subscriber postage adequate to return such publication or other item of merchandise to the respondents, when:

(a) the publication or other item of merchandise is sent to a subscriber after the respondents have received a notice of cancellation prior to the date disclosed in conjunction with the immediately preceding shipment as required by Paragraph 4, supra; or

(b) the notice of cancellation is received by the respondents after the date disclosed pursuant to Paragraph 4, supra, but has been mailed by the subscriber and postmarked at least three days prior to the date disclosed as aforesaid.

7. Sending any publication or other item of merchandise to any subscriber, or mailing any bill or invoice therefor, after respondents have received notification of cancellation from said subscriber prior to the date upon which respondents may initiate the processing for shipment of said publication or other item of merchandise pursuant to Paragraph 6, supra.

8. Failing to do the following, after receipt of a claim for adjustment in connection with any bill or invoice or any defense raised by any alleged debtor:

(a) Make any such adjustment within fourteen (14) days of receipt of such claim; or

(b) Acknowledge the receipt of the claim or defense within fourteen (14) days of receipt by respondents and suspend all collection procedures with such alleged debtor until twenty-five (25) days after complying with the procedure set forth in (c) below.

(c) Make the requested adjustment and acknowledge the validity of the claim or defense raised within sixty (60) days, or within said period, inform the alleged debtor in writing of respondents' version of the facts alleged in the claim or defense.

It is further ordered, That the respondent corporations shall forthwith

distribute a copy of this order to each of their operating divisions.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondents such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporations which may affect compliance obligations arising out of the order.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

Issued: March 25, 1974.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.74-9805 Filed 4-29-74;8:45 am]

[Docket No. C-2504]

PART 13—PROHIBITED TRADE PRACTICES

Charles Reynolds Hair Center, et al.

Subpart—Advertising falsely or misleadingly: § 13.10 *Advestising falsely or misleadingly;* § 13.135 *Nature of product or service;* § 13.170 *Qualities or properties of product or service;* § 13.190 *Results;* § 13.195 *Safety;* § 13.195–60 Product. Subpart—Misrepresenting oneself and goods—Goods: § 13.1647 *Guarantees;* § 13.1685 *Nature;* § 13.1710 *Qualities or properties;* § 13.1730 *Results.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1885 *Qualities or properties;* § 13.1890 *Safety;* § 13.1892 *Sales contract, right-to-cancel provision;* § 13.-1895 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45)) [Cease and desist order, Charles Reynolds Hair Center, et al., Cambridge, Mass., Docket C-2504, Mar. 20, 1974]

Consent order requiring a Cambridge, Mass. promoter of a hair replacement "System," among other things to cease misrepresenting that after application of its hair replacement "System," the hair looks and can be cared for like natural hair, and can be cared for by the individual without professional or skilled assistance or additional costs. The order further requires clear and conspicuous disclosures involving surgical procedure, discomfort and pain, risk of infection, skin disease and scarring, continuing special care which may involve additional costs; prior consultation with a physician; and right of recission of contracts.

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

It is ordered, that respondents Charles Reynolds, Inc., a corporation, trading as Charles Reynolds Hair Center or under any other trade name or names, its successors and assigns, and Raymond M. Paron, individually and as an officer of said corporation (hereinafter sometimes referred to as "respondents"), and respondents' officers, agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale, sale or distribution of any hair replacement product or process involving surgical implants (hereinafter sometimes referred to as the "System"), in commerce, as "commerce" is defined in the Federal Trade Commission Act, or by the United States mails within the meaning of section 12 (a) (1) of the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That after the System has been applied, the hair applied has the following characteristics of natural hair;

a. The same appearance in all applications as natural hair, upon normal observation, and upon extreme close-up examination;

b. It may be cared for like natural hair where such care involves possible pulling on the hair;

c. The wearer may engage in physical activity and movement with the same disregard for his hair as he would if he had natural hair.

2. That after the System has been applied, the wearer can care for it himself, and will not have to seek professional or skilled assistance in maintaining the System, and that the customer will not incur maintenance costs over and above the cost of applying the System.

3. That respondents' products and the System are guaranteed unless the nature, extent and duration of the guarantee, the identity of the guarantor and the manner in which the guarantor will perform thereunder are clearly and conspicuously disclosed; and unless respondents promptly and fully perform all of their obligations and requirements, directly or impliedly represented, under the terms of each such guarantee.

It is further ordered, That respondents, in advertising and in all oral sales presentations, offering for sale, selling or distributing the System, disclose clearly and conspicuously that:

1. The System involves a surgical procedure resulting in the implantation of stainless steel sutures in the scalp, to which hair is affixed.

2. By virtue of the surgical procedure involving implantation of teflon coated stainless steel sutures in the scalp, and by virtue of the teflon coated stainless steel sutures remaining in the scalp, there is a high probability of discomfort and pain, and a risk of infection, skin disease and scarring.

3. The System has been in use for too short a period of time to determine to a reasonable medical certainty the extent or seriousness of the above-described side effects, or whether there are other side effects.

4. Continuing special care of the System is necessary to minimize the probabilities and risks referred to in Subparagraph Two of the Paragraph, and such care may involve additional costs for medications and assistance.

5. The purchaser is advised to consult with his personal physician about the implant process before deciding whether to purchase it.

Respondents shall set forth the above disclosures separately and conspicuously from the balance of each advertisement or presentation used in connection with the advertising, offering for sale, sale or distribution of the System, and shall devote no less than 15 percent of each advertisement or presentation to such disclosures. Provided however, that in advertisements which consist of less than ten column inches in newspapers or periodicals, and in radio or television advertisements with a running time of one minute or less, respondents may substitute the following statement, in lieu of the above requirements:

Warning: This application involves surgery whereby stainless steel sutures are placed in the scalp. Discomfort, pain, and medical problems may occur. Continuing care is necessary. Consult your own physician.

No less than 15 percent of such advertisements shall be devoted to this disclosure, such disclosure shall be set forth clearly and conspicuously from the balance of each of such advertisements, and if such disclosure is in a newspaper or periodical, it shall be in at least eleven point type.

It is further ordered, That respondents provide prospective purchasers with a separate disclosure sheet containing the information required in the immediately preceding Paragraph of this Order, Subparagraphs One through Five, thereof, and that respondents require that such prospective purchasers, subsequent to receipt of such disclosure sheet, consult with a duly licensed physician who is not associated, directly or indirectly, financially or otherwise, with the respondents regarding the nature of the surgery to be done, the probabilities of discomfort and pain, and risks of infection, skin disease and scarring.

It is further ordered, That no contract for application of respondents' System shall become binding on the purchaser prior to midnight of the third day, excluding Sundays and legal holidays, after the day of the purchaser's above-described consultation with a duly licensed physician who is not associated, directly or indirectly, financially or otherwise, with the respondents, or after the day on which said contract for application of the System was executed, whichever day is later, and that:

1. Respondents shall clearly and conspicuously disclose, orally prior to the time of sale, and in writing on any contract, promissory note or other instru-

ment, executed by the purchaser in connection with the sale of the System, that the purchaser may rescind or cancel any obligation incurred, by mailing or delivering a notice of cancellation to the office responsible for the sale prior to midnight of the third day, excluding Sundays and legal holidays, after the day of the purchaser's above-described consultation with a duly licensed physician or after the day on which said contract for application of the System was executed, whichever day is later.

2. Respondents shall provide a separate and clearly understandable form which the purchaser may use as a notice of cancellation.

3. Respondents shall not negotiate any contract, promissory note, or other instrument of indebtedness to a finance company or other third party prior to midnight of the third day, excluding Sundays and legal holidays, after the day of the purchaser's above-described consultation with a duly licensed physician, or after the day on which said contract for application of the System was executed, whichever day is later.

4. Respondents shall obtain from each purchaser a certificate signed by the physician who was consulted as required by this Order, such certificate specifying that the said physician has explained to the purchaser the nature of the survey to be done, and has advised him of the probabilities of discomfort and pain, and risks of infection, skin disease and scarring, and specifying the date and approximate time of the consultation; and respondents shall retain all such certificates for three years.

It is further ordered, That respondents serve a copy of this Order upon each physician participating in application of respondents' System, and obtain written acknowledgement of the receipt thereof. Respondents shall retain such acknowledgements for so long as such persons continue to participate in the application of respondents' System.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent, such as dissolution, assignment, or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries, licensees, or franchisees, or any other change in the corporation which may affect compliance obligations arising out of the Order.

It is further ordered, That in the event that the corporate respondent merges with another corporation or transfers all or a substantial part of its business or assets to any other corporation or to any other person, said respondent shall require such successor or transferee to file promptly with the Commission a written agreement to be bound by the terms of this Order; provided that if said respondent wishes to present to the Commission any reasons why said Order should not apply in its present form to said successor or transferee, it shall submit to the Commission a written statement setting forth said reasons prior to the consummation of said succession or transfer.

It is further ordered, That respondents forthwith distribute a copy of this Order to each of their operating divisions, offices, departments or affiliated corporations.

It is further ordered, That respondents shall forthwith deliver a copy of this Order to cease and desist to all present and future personnel of respondents engaged in the offering for sale, sale or distribution of respondents' System or in any aspect of preparation, creation or placing of advertising, and that respondents secure a signed statement acknowledging the receipt of said Order from each such person.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this Order, file with the Commission a report, in writing, signed by such respondents, setting forth in detail the manner and form of their compliance with this Order.

Issued: March 20, 1974.

By the Commission.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.74-9803 Filed 4-29-74;8:45 am]

[Docket No. C-2506]

PART 13—PROHIBITED TRADE PRACTICES

Furniture Showrooms of Clarksville, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices;* 13.155-70 Percentage savings.

(Sec. 6, 38 Stat. 721; (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended; (15 U.S.C. 45)) [Cease and desist order, Furniture Showrooms of Clarksville, Inc., et al., Clarksville, Tennessee, Docket C-2506, March 21, 1974]

In the matter of Furniture Showrooms of Clarksville, Inc., a corporation, and Robert L. Norris, individually as an officer of said corporation.

Consent order requiring a Clarksville, Tenn. retailer and distributor of furniture and related merchandise, among other things to cease misrepresenting selling prices and mark-ups.

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

It is ordered, That respondents Furniture Showrooms of Clarksville, Inc., a corporation, its successors and assigns and its officers, and Robert L. Norris, individually, and as an officer of Furniture Showrooms of Clarksville, Inc., and respondents' agents, representatives and employees directly or through any corporation, subsidiary, division or any other device, in connection with the advertising, offering for sale, sale or distribution of furniture or other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Representing, orally, visually or in writing, directly or by implication, that any product or service may be purchased for any dollar amount or percentage over wholesale cost unless substantial sales are made at the stated mark-up over respondents' actual wholesale cost, or misrepresenting in any manner respondents' selling prices and mark-ups.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

It is further ordered, That for a period of three (3) years respondents maintain records which disclose the factual basis for any representation of respondents' cost or special prices for any products or services.

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

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

Issued: March 21, 1974.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.74-9806 Filed 4-29-74;8:45 am]

[Docket No. C-2503]

PART 13—PROHIBITED TRADE PRACTICES

Mota-Nu, Inc., et al.

Subpart—Advertising falsely or misleadingly: § 13.175 *Quality of product or service;* § 13.205 *Scientific or other relevant facts.* Subpart—Failing to maintain records; 13.1051-20 Adequate. Subtin records: 13.1051-20 Adequate. Sub-

part—Misrepresenting oneself and goods—Goods: §13.1710 *Qualities or properties;* § 13.1740 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721 (15 U.S.C. 46). Interprets or applies sec. 5, 38 Stat. 719, as amended (15 U.S.C. 45)) [Cease and desist order, Mota-Nu, Inc., et al., Fort Worth, Texas, Docket C-2503, Mar. 20, 1974]

In the Matter of Mota-Nu, Inc., a corporation, and Joe E. Williams, individually and as an officer of said corporation.

Consent ordering requiring a Fort Worth, Texas, manufacturer of gasoline and other oil additivies for internal combustion engines, among other things to cease misrepresenting the performance or effectiveness of its products, and failing to maintain adequate records to substantiate its claims.

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

It is ordered, That respondents Mota-Nu, Inc., a corporation, its successors and assigns, its officer, and Joe F. Williams, individually and as an officer, and respondents' agents, representatives and employees directly or through any corporation, subsidiary, division or other device, in connection with the advertising, offering for sale or distribution of additives for automobile fuel, lubricating or cooling substances, or any other product in commerce as "commerce" is defined in the Federal Trade Commission Act do forthwith cease and desist from:

1. Making, directly or by implication, any statement or representation regarding the performance or effectiveness of such product unless such statement or representation is based upon and supported by prior, fully documented, adequate and well-controlled scientific studies or tests;

2. Failing to maintain copies of all documentation for the studies or tests referred to in subparagraph (1) of this paragraph.

It is further ordered, That the respondent corporation shall forthwith distribute a copy of this order to each of its employees and advertising agencies, now and in the future, involved in the writing or placement of advertising or sales.

It is further ordered, That the individual respondent named herein promptly notify the Commission of the discontinuance of his present business or employment and of his affiliation with a new business or employment. Such notice shall include respondent's current business address and a statement as to the nature of the business or employment in which he is engaged as well as a description of his duties and responsibilities.

It is further ordered, That respondents notify the Commission at least thirty (30) days prior to any proposed change in the corporate respondent such as dissolution, assignment or sale resulting in the emergence of a successor corporation, the creation or dissolution of subsidiaries or any other change in the corporation which may affect compliance obligations arising out of the order.

It is further ordered, That respondents shall, within sixty (60) days after service of the order upon it, file with the Commission a report, in writing, signed by such respondents, setting forth in detail the manner and form of its compliance with the order to cease and desist.

By the Commission.

Issued: March 20, 1974.

[SEAL] CHARLES A. TOBIN, *Secretary.*

[FR Doc.74-9804 Filed 4-29-74;8:45 am]

Title 20—Employees' Benefits

CHAPTER II—RAILROAD RETIREMENT BOARD

PART 225—COMPUTATION OF ANNUITY

This document provides a revision of the Board's regulations to allow the use of Interstate Commerce Commission averages to determine an employee's prior service average monthly compensation when actual earnings are not available within the Board.

Pursuant to the general authority contained in section 10 of the act of June 24, 1937 (50 Stat. 314, 45 U.S.C. 228j), § 225.3(e) of Part 225 (20 CFR 225.3(e)) of the regulations under such act is amended by Board Order 74-36, dated April 16, 1974, to read as follows:

§ 225.3 Determination of "monthly compensation."

* * * * *

(e) For the purposes of this chapter there shall be regarded as a month for which compensation records are available only a month of service for which all of the employee's claimed compensation has been verified on or before June 30, 1974, in accordance with the provisions of section 222.5 of this chapter, and every other month of service shall be regarded as a month for which compensation records are missing.

* * * * *

By authority of the Board.

Dated: April 23, 1974.

[SEAL] R. F. BUTLER, *Secretary of the Board.*

[FR Doc.74-9783 Filed 4-29-74;8:45 am]

Title 21—Food and Drugs

CHAPTER II—DRUG ENFORCEMENT ADMINISTRATION, DEPARTMENT OF JUSTICE

PART 1305—ORDER FORMS

Anonymous Testing by Laboratories

On February 28, 1974, the Drug Enforcement Administration published in the FEDERAL REGISTER (39 FR 7800) a proposal to amend 21 CFR 1305.03 to allow a waiver of order form requirements for analytical laboratories which analyze anonymous drug samples.

No objections were received regarding the proposed regulation, but one comment was received from Mr. Kenneth Baumgartner, a private attorney, that he believed that the guidelines (which were included as background information in the proposal) should be published as part of the regulation. However, since the guidelines were included in the proposal, and will be attached to the written waiver granted under the regulation, it is not deemed necessary to publish the guidelines as a part of the final regulation.

Therefore, under the authority vested in the Attorney General by section 308(a) of the Comprehensive Drug Abuse Prevention and Control Act of 1970 [21 U.S.C. 828(a)], delegated to the Administrator of the Drug Enforcement Administration by 28 CFR 0.100, and to the Deputy Administrator by Directive 73-2, 38 FR 34662, December 17, 1973, 21 CFR 1305.03 is amended by adding a new paragraph (f) as follows:

§ 1305.03 Distributions requiring order forms.

An order form (BND Form 222c) is required for each distribution of a controlled substance listed in schedule I or II, except for the following:

* * * * *

(f) The delivery of such substances to a registered analytical laboratory, or its agent approved by DEA, from an anonymous source for the analysis of the drug sample, provided the laboratory has obtained a written waiver of the order form requirement from the Regional Director of the Region in which the laboratory is located, which waiver may be granted upon agreement of the laboratory to conduct its activities in accordance with Administration guidelines.

This regulation shall become effective May 30, 1974.

Dated: April 25, 1974.

ANDREW C. TARTAGLINO, *Acting Deputy Administrator, Drug Enforcement Administration.*

[FR Doc.74-9833 Filed 4-29-74;8:45 am]

Title 24—Housing and Urban Development

SUBTITLE A—OFFICE OF THE SECRETARY, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-74-216]

PART 0—STANDARDS OF CONDUCT

Outside Employment and Other Activity

These amendments to Part O of Subtitle A of Title 24 are made to effect clarification of existing language relating to a moderate scale of investment properties.

Since these amendments relate to Department management and personnel, notice and public procedure and a deferred effective date are unnecessary.

1. Section 0.735-204(a) is amended by adding the clarifying language in pa-

rentheses so that paragraph (a)(6) reads as follows:

§ 0.735–204 Outside employment and other activity.

(a) * * *

(6) Engaging directly or indirectly in the purchase, sale or management of real estate, including the financing of realty transactions; except (i) the employee's residence, immediate past residence, vacation or retirement home, or (ii) realty transactions involving a moderate scale of investment properties (normally, not more than six units in the case of residential properties) which are not likely in the foreseeable future to be involved in a HUD program.

* * * * *

2. Section 0.735–205(a) is amended by adding the clarifying language in parentheses so that paragraph (a)(8) reads as follows:

§ 0.735–205 Financial interests.

(a) * * *

(8) Participate directly or indirectly in any real estate activities for speculative purposes as distinguished from bona fide investment purposes on a moderate scale (normally, not more than six units in the case of residential properties). There is a presumption of speculation when the use of borrowed funds is involved on a continuing basis or in large sums or the income characteristic of an investment is disproportionate or absent.

((18 U.S.C. 201); E.O. 11222 of May 8, 1965, 30 FR 6469; 5 CFR 735.104)

These amendments were approved by the Civil Service Commission on March 14, 1974, and are effective April 30, 1974.

JAMES T. LYNN,
Secretary of Housing and Urban Development.

[FR Doc.74–9807 Filed 4–29–74;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 870—RESTRICTION ON GARNISHMENT

Disposable Earnings Immune From Garnishment

By the Fair Labor Standards Amendments of 1974 (Pub. L. 93–259), section 6(a)(1) of the Fair Labor Standards Act was amended to provide a minimum rate of $2 per hour, commencing May 1, 1974, and $2.10 per hour commencing January 1, 1975. By the Consumer Credit Protection Act (section 303, Pub. L. 90–321, 80 Stat. 837 (15 U.S.C. 1673)), the minimum amount of disposable earnings which is immune from garnishment is increased with each increase in the minimum wage rate set forth in section 6(a)(1) of the Fair Labor Standards Act. Accordingly, it is necessary to amend 29 CFR 870.10 to include in the regulations implementing Title III of the Consumer Credit Protection Act the revised dollar amounts of disposable earnings immune from garnishment.

Inasmuch as these changes are made to conform 29 CFR 870.10 to the Fair Labor Standards Act as amended by the Fair Labor Standards Amendments of 1974, no notice of proposed rule making nor delay in the effective date is required. Accordingly, these regulations shall be effective on May 1, 1974.

Section 870.10 is amended to read as follows:

§ 870.10 Maximum part of aggregate disposable earnings subject to garnishment.

* * * * *

(b) *Weekly pay period—Rules applicable commencing May 1, 1974.* The statutory exemption formula applies directly to the aggregate disposable earnings paid or payable for a pay period of 1 workweek, or a lesser period. Its intent is to protect from garnishment, and save to an individual earner, the specified amount of compensation for his personal services rendered in the workweek, or a lesser period. Thus, so long as the Federal minimum wage prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938 is $2.00 an hour—

(1) If an individual's disposable earnings paid or payable for a pay period of 1 workweek or a lesser period are $60 (30 x $2) or less, his earnings may not be garnished in any amount.

(2) If an individual's disposable earnings paid or payable for a pay period of 1 workweek or a lesser period are more than $60, but less than $80 only the amount above $60 of disposable earnings for such period is subject to garnishment.

(3) If an individual's disposable earnings paid or payable for a pay period of 1 workweek or a lesser period are $80 or more, not more than 25 percent of his disposable earnings for such period is subject to garnishment.

(c) *Pay for a period longer than 1 week—Rules applicable commencing May 1, 1974.* In the case of disposable earnings which compensate for personal services rendered in a pay period longer than 1 workweek, the weekly statutory exemption formula must be transformed to a formula applicable to such earnings providing equivalent restrictions on wage garnishment, as set forth below.

(1) The 25 percent part of the formula would apply to the aggregate disposable earnings for all the workweeks or fractions thereof compensated by the pay for such a pay period.

(2) The "multiple" of the Federal minimum hourly wage equivalent to that applicable to the disposable earnings for 1 week is represented by the following formula: The number of workweeks, or fractions thereof, in the pay period (x) x 30; the figure thus derived, when multiplied by the applicable Federal minimum wage ($2), determines the amount of disposable earnings for such pay period which may in no event be subjected to garnishment. For the purpose of this formula, a calendar month is considered to consists of 4⅓ workweeks. Thus, so long as the Federal minimum hourly wage is $2 an hour, the "multiple" applicable to the disposable earnings for a 2-week pay period assures a non-garnishable amount of $120 (2 x 30 x $2); for a monthly pay period, $260 (4⅓ x 30 x $2); and for a semimonthly pay period, $130 (2⅙ x 30 x $2). The "multiple" for any other pay period longer than 1 week shall be computed in a manner consistent with Section 303(a) of the Act and with this paragraph.

(d) *Weekly pay period—Rules applicable commencing January 1, 1975.* The statutory exemption formula applies directly to the aggregate disposable earnings paid or payable for a pay period of 1 workweek, or a lesser period. Its intent is to protect from garnishment, and save to an individual earner, the specified amount of compensation for his personal services rendered in the workweek, or a lesser period. Thus, so long as the Federal minimum wage prescribed by section 6(a)(1) of the Fair Labor Standards Act of 1938 is $2.10 an hour—

(vi) If an individual's disposable earnings paid or payable for a pay period of 1 workweek or a lesser period are $63 (30 x $2.10) or less, his earnings may not be garnished in any amount.

(2) If an individual's disposable earnings paid or payable for a pay period of 1 workweek or a lesser period are more than $63, but less than $84 only the amount above $63 of disposable earnings for such period is subject to garnishment.

(3) If an individual's disposable earnings paid or payable for a pay period of 1 workweek or a lesser period are $84 or more, not more than 25 percent of his disposable earnings for such period is subject to garnishment.

(e) *Pay for a period longer than 1 week — Rules applicable commencing January 1, 1975.* In the case of disposable earnings which compensate for personal services rendered in a pay period longer than 1 workweek, the weekly statutory exemption formula must be transformed to a formula applicable to such earnings providing equivalent restrictions on wage garnishment, as set forth below.

(1) The 25 percent part of the formula would apply to the aggregate disposable earnings for all the workweek or fractions thereof compensated by the pay for such pay period.

(2) The "multiple" of the Federal minimum hourly wage equivalent to that applicable to the disposable earnings for 1 week is represented by the following formula: the number of workweeks, or fractions thereof, in the pay period (x) x 30; the figure thus derived, when multiplied by the applicable Federal minimum wage ($2.10), determines the amount of disposable earnings for such pay period which may in no event be subjected to garnishment. For the purpose of this formula, a calendar month is considered to consist of 4⅓ workweeks. Thus, so long as the Federal minimum hourly wage is $2.10 an hour, the "multiple" applicable to the disposable earnings for a 2-week pay period assures a non-garnishable amount of $126 (2 x 30 x $2.10); for a monthly pay period, $273 (4⅓ x 30 x $2.10); and for a semimonthly pay

period, $136.50 (2⅙ x 30 x $2.10). The "multiple" for any other pay period longer than 1 week shall be computed in a manner consistent with Section 303(a) of the Act and with this paragraph.

(f) *Date wages paid or payable controlling.* The date that disposable earnings are paid or payable, and not the date the court issues the garnishment order, is controlling in determining the amount of disposable earnings that may be garnished. Thus, a garnishment order, issued in March 1974, providing for withholding from wages over a period of time, based on exemptions computed at the $1.60 minimum rate, would be modified by operation of the change in the law so that wages paid or payable after May 1, 1974, would be subject to garnishment only to the extent described in paragraphs (b) and (c) of this section above which are based on a $2 minimum wage.

(Sec. 303, 82 Stat. 163 (15 U.S.C. 1673); Sec. 2, Pub. L. 93-259, 84 Stat. 55)

Signed at Washington, D.C., on this 24th day of April, 1974.

WARREN D. LANDIS,
Acting Administrator, Wage and Hour Division, United States Department of Labor.

[FR Doc.74-9831 Filed 4-29-74;8:45 am]

Title 35—Panama Canal

CHAPTER I—CANAL ZONE REGULATIONS

PART 133—TOLLS FOR USE OF CANAL

Increase in Panama Canal Tolls

On December 27, 1973, the Panama Canal Company published in the FEDERAL REGISTER (38 FR 35333) a notice of proposed changes in the rates of tolls for use of the Panama Canal prescribed in 35 CFR 133.1. Those rates were to be increased from 90 cents to $1.08 per Panama Canal net vessel ton for most laden vessels, from 72 cents to 86 cents per Panama Canal net ton on vessels in ballast, and from 50 cents to 60 cents per displacement ton for certain warships and other floating craft.

In the notice of December 27, 1973, interested persons were invited to submit written data, views or arguments regarding the proposal at any time prior to the close of business on February 1, 1974. Written comments favorable to an increase in tolls were received from two individuals and an organization representing Panama Canal employees. Comments opposing the proposed increase were received from or on behalf of the Commonwealth of Puerto Rico, the Peruvian Embassy, four shipping companies, and two associations representing shipping companies. At a public hearing held on March 5, 1974, pursuant to notice published in the FEDERAL REGISTER on February 8, 1974 (39 FR 4931), the organization representing Panama Canal employees appeared to recommend a larger toll increase than that proposed and the Commonwealth of Puerto Rico, representatives of one shipping company, and representatives of one association of shipping companies appeared in opposition to the proposed increase.

At the close of the hearing on March 5, the hearing was recessed and interested parties were invited to submit additional written material at any time within three days. No additional written material was received. On April 19, the hearing was reconvened pursuant to notice published in the FEDERAL REGISTER on April 12, 1974 (39 FR 12388), at which time the hearing was adjourned.

Upon consideration of all relevant material, the proposed regulation has been adopted without change.

The basis for the increase in tolls is section 412 of title 2 of the Canal Zone Code (76A Stat. 27). The purpose of the increase is to establish tolls at rates sufficient to cover the costs of operation of the Panama Canal and related facilities and appurtenances as required by the statute.

The amended regulation become effective upon approval by the President of the United States but not earlier than June 26, 1974, the end of the statutory notice period prescribed by section 411 of title 2 of the Canal Zone Code.

The full text of 35 CFR 133.1, as amended, is as follows:

§ 133.1 Rates of toll.

The following rates of toll shall be paid by vessels using the Panama Canal:

(a) On merchant vessels, yachts, army and navy transports, colliers, hospital ships, and supply ships, when carrying passengers or cargo, $1.08 per net vessel ton of 100 cubic feet each of actual earning capacity—that is, the net tonnage determined in accordance with Part 135 of this chapter.

(b) On vessels in ballast without passengers or cargo, $.86 per net vessel ton.

(c) On other floating craft including warships, other than transports, colliers, hospital ships, and supply ships, $.60 per ton of displacement.

By direction of the Board of Directors, Panama Canal Company.

Dated: April 24, 1974.

THOMAS M. CONSTANT,
Secretary.

[FR Doc.74-9799 Filed 4-29-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 50—PUBLIC CONTRACTS, DEPARTMENT OF LABOR

PART 50-202—MINIMUM WAGE DETERMINATIONS

Adjustment to Wage Increases Under Fair Labor Standards Act

On April 15, 1974, a notice was published in the FEDERAL REGISTER (39 FR 13554) proposing to make a final prevailing minimum wage determination under section 1(b) of the Walsh-Healey Public Contracts Act (41 U.S.C. 35(b)) for effect as to all contracts subject to the Public Contracts Act, bids for which are invited, offers for which are solicited, or negotiations otherwise commenced on or after May 1, 1974, that the prevailing minimum wage is $2.00 per hour in all those groups of industries currently operating in each locality in which the materials, articles, or equipment are to be manufactured or furnished under such contracts, except those particular or similar industries for which minimum wage determinations higher than $2.00 per hour will have been made.

The notice of proposed determination took official notice, as provided in section 7(d) of the Administrative Procedure Act, of all of the facts prerequisite to the determination it proposed. Persons adversely affected or aggrieved by the proposal were given an opportunity to demand a hearing, and to make a showing contrary to the facts officially noticed. No request for a hearing was received.

Accordingly, pursuant to Sections 1, 4, and 10 of the Walsh-Healey Public Contracts Act (49 Stat. 2036, 2038, 66 Stat. 308; 41 U.S.C. 35, 38, 43a), 41 CFR Part 50-202 is hereby amended as indicated below, and several sections are deleted.

This determination shall become effective on May 1, 1974, good cause being hereby found for providing no more delay. The public interest requires increase in the rates to conform to the Fair Labor Standards Amendments of 1974, Pub. L. 93-259, 88 Stat. 55, signed April 8, 1974, and effective May 1, 1974. Providing an effective date for the $2.00 minimum wage under the Walsh-Healey Public Contracts Act which will coincide with the effective date of the same minimum wage which Congress has provided for the Fair Labor Standards Amendments of 1974 will simplify the problems of compliance as well as administration and enforcement of the two Acts.

1. Section 50-202.2 is amended to read as follows:

§ 50-202.2 Minimum wage in all industries except to the extent to which a higher minimum wage is provided in Subpart C.

In all industries, except to the extent to which a higher minimum wage is provided in Subpart C, the minimum wage payable to employees described in § 50-201.102 of this chapter shall be not less than $2.00 per hour effective May 1, 1974, $2.10 per hour effective January 1, 1975, and $2.30 per hour effective January 1, 1976.

2. Sections 50-202.7, 50-202.9, 50-202.17, 50-202.18, 50-202.20, 50-202.27, 50-202.30, 50-202.33, and 50-202.34 are hereby deleted.

[49 Stat. 2036, 2038, 66 Stat. 308; (41 U.S.C. 35, 38, 43a)]

Signed at Washington, D.C., on this 26th day of April, 1974.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.74-9975 Filed 4-29-74;8:45 am]

Title 49—Transportation

CHAPTER I—DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—HAZARDOUS MATERIALS REGULATIONS BOARD

[Docket No. HM-105; Amdt. Nos. 172-25, 173-80, 179-12]

TANK CAR UTILIZATION

On August 30, 1972, the Hazardous Materials Regulations Board ("the Board") published a notice of proposed rule making, Docket No. HM-105, Notice No. 72-11 (37 FR 17565), which proposed certain amendments. Interested persons were invited to give their views and several comments were received by the Board.

The purpose of these amendments to the Hazardous Materials Regulations of the Department of Transportation is to update and expand tank car utilization for hazardous materials as prescribed in Part 173. The following is a discussion of the substantive comments received and a statement of any changes made as a result of these comments.

§§ *172.5 and 173.245a.* One commenter questioned the classification for dichlorobutene and suggested that it should be classed as a flammable liquid. Further examination by the Board revealed that confusion could exist as to the product being described. Therefore, the entry in the list of hazardous materials has been clarified by providing for dichlorobutene and dichlorobutene mixtures which are corrosive but do not meet the flammable liquid definition.

Another commenter noted that sodium perchlorate should be listed in § 172.5 since it was shown by name in § 173.154. The Board agrees and has so amended § 172.5.

§ *173.31(c)(10).* The Board received both favorable and unfavorable comments on the proposal regarding the "test life" of safety relief valves taken from shelf stock. One commenter favored a one-year test life, whereby a safety relief valve from a stock which had been tested within one year of installation on a tank car could be considered, for purposes of installation, to have been tested or retested in the month in which it was installed. The Board proposed a six-month test life which it retains in the final rule. It agrees with one of the commenters who stated that resilient materials found on some valves may detrimentally harden or crack in longer storage and that six months seems to be a more adequate requirement to insure that the valve is in the "as tested" condition.

§§ *173.123(a)(5), 173.141(a)(7), and 173.145(a)(6).* Commenters pointed out that present regulations do not authorize bottom unloading type equipment in these paragraphs and requested withdrawal of the proposals until a way is found to take care of what they call "a bottom outlet problem." The Board respects the concern of these commenters and agrees to delay authorizing use of bottom outlet tank cars for the chemicals covered by these sections.

§ *173.224.* A commenter correctly pointed out that, as proposed by the Board, the addition of tertiary butyl hydroperoxide not exceeding 50 percent by weight in water to this section would not cover material in the percentages now being authorized under special permit. Therefore, the Board has withdrawn the proposal and intends to propose another change in some future docket, which will correctly describe the material to be authorized for shipment.

§ *173.314.* The Board wishes to point out that although the table in § 173.314 has been amended to include 114A * * * series cars for methyl chloride and vinyl chloride, another outstanding rule making (Docket HM-90, Notice No. 74-2, 39 FR 7432) affects the use of bottom outlets on these cars. If the Board adopts the action proposed in Notice No. 74-2, then modification of 114A * * * series cars in methyl chloride and vinyl chloride service would ensue. The Board does not agree with one commenter's recommendation that all compressed gases should be prohibited from transportation in bottom outlet cars. It believes that this recommendation is unnecessarily too broad.

§ *173.347(a)(2).* One commenter objected to authorizing 114A340W tank cars for aniline oil because of the bottom outlets on these cars. He stated that bottom outlet tank cars should not be authorized for this product. However, the Board notes that before the addition of DOT-114A340W tank cars to this section, other bottom outlet cars were already authorized. The rule-making action did not propose the removal of the authorization to use these other tank cars. In addition, the car specification proposed to be added, DOT-114A340W, is a specification for a tank car built to more exacting requirements than what is presently authorized. No justification to warrant the commenter's recommended action was set forth. The Board wishes to point out that the complete matter of bottom outlets on tank cars for hazardous materials is under review. In this perspective, the subject continues to be under study. However, under these circumstances, it does not appear to be reasonable to prohibit use of tank cars of superior design and construction to those already authorized.

A number of other comments were made in this docket suggesting changes in subject matters not within the scope of the proposals set forth in Notice No. 72-11. Since these proposed changes were not available to the public for comment, they were not considered in this rule making action.

In consideration of the foregoing, 49 CFR Parts 172, 173, and 179 are amended as follows:

PART 172—LIST OF HAZARDOUS MATERIALS CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL MATERIALS SUBJECT TO PARTS 170-189 OF THIS SUBCHAPTER

1. In § 172.5 paragraph (a), the List of Hazardous Materials is amended as follows:

§ 172.5 List of hazardous materials.

(a) * * *

Article	Classed as—	Exemptions and packing (see sec.)	Label required if not exempt	Maximum quantity in 1 outside container by rail express
(add)				
Dichlorobutene *or* dichlorobutene mixture *(of isomers) (not meeting § 173.115).*	Cor	173.244 173.245 173.245a	Corrosive	5 pints.
Sodium perchlorate	Oxy M	173.153 173.154	Oxy	100 pounds.

* * * * * * *

PART 173—SHIPPERS

2. In Part 173 Table of Contents, § 173.247 is amended as follows:

Sec.

173.247 Acetic anhydride; Acetyl bromide; Acetyl chloride; Acetyl iodide; Antimony pentachloride; Benzoyl chloride; Boron trifluoride-acetic acid complex; Chromyl chloride; Dichloroacetyl chloride; Diphenylmethyl bromide solutions; Pyro sulfuryl chloride; Silicon chloride; Sulfur chloride (mono and di); Sulfuryl chloride; Thionyl chloride; Tin tetrachloride (anhydrous); Titanium tetrachloride; Trimethyl acetyl chloride.

3. In § 173.31, paragraphs (c) (7) and (10) are amended to read as follows:

§ 173.31 Qualification, maintenance, and use of tank cars.

* * * * *

(c) * * *

(7) A DOT tank car built to one specification and authorized to be stenciled to another specification must be retested in accordance with the higher specification and the test pressure stenciled accordingly on the tank or jacket. An existing pressure tank car tank which is permanently converted to a lower pressure specification must have the new specification and conversion date permanently stamped in letters and figures at least ⅜-inch high on the outside of the manway nozzle or the edge of the manway nozzle flange on the left side of the car. Each car must be tested as designated in Retests Table 1 for the new specification. On a Class DOT-111A tank car, the last numeral of the specification number may be omitted from the stamping.

* * * * *

(10) The year of the test of any tank, tank safety relief valve, and heater system, and the pressure to which it was tested must be stenciled on the tank or

on the jacket if insulated, except that if a retest is required specifically by the regulations during the calendar month the retest falls due, the month and year must be so stenciled. Any safety relief valve from a stock which has been tested within six months of installation may be considered as having been tested or retested in the month in which installed, providing the valve has been protected from deterioration during this period.

* * * * *

4. In § 173.119 paragraph (a)(12), "109A300W" is added immediately following 109A100ALW in the first sentence; paragraphs (e)(2), (f)(3), and (4), and the introductory text of paragraph (h) are amended to read as follows:

§ 173.119 Flammable liquids not specifically provided for.

* * * * *

(e) * * *

(2) Specification 103,[1] 103W, 103LW, 103DW, 104,[1] 104W, 105A100,[1] 105A100-ALW, 105A100W, 106A500X, 106A800-XNC, 106A800NCI,[1] 109A100ALW, 109A-300W, 110A500W, 111A60ALW1, 111A60-F1, 111A60W1, 111A100W4, 111A100W6, 112A200W, 112A400F, 114A340W, 115A-60W1, 115A60W6, 115A60ALW, ARA-III,[1] ARA-IV,[1] or ARA-IV-A[1] (§§ 179.100, 179.101, 179.200, 179.201, 179.220, 179.221, 179.300, 179.301 of this subchapter). Tank cars. Any car having an expansion dome must be equipped with a manway closure identification marks, and dome placards as prescribed in paragraphs (f)(4), (g), and (h) of this section. Openings in tank heads to facilitate application of lining are authorized and must be closed in an approved manner (Note 1 following paragraph (f)(3) of this section applies).

* * * * *

(f) * * *

(3) Specification 105A100,[1] 105A100-ALW, 105A100W, 106A500X, 106A800-XNC, 106A800NCI,[1] 109A100ALW, 109A-300W, 110A500W, 111A100W4, 112A-200W, 112A400F, 114A340W, or ARA-IV-A[1] (§§ 179.100, 179.101, 179.200, 179.201, 179.300, 179.301 of this subchapter), (see Note 1 of this subparagraph). Tank cars. Specification 104,[1] 104W, 111A100W3, and ARA-IV[1] (§§ 179.200, 179.201 of this subchapter), tank cars are authorized under the conditions prescribed in paragraphs (f)(4), (g), and (h) of this section and Note 3 of this subparagraph. Openings in tank heads to facilitate application of lining are authorized and must be closed in an approved manner. (Notes 1, 2, and 3 remain the same.)

(4) Specification 103,[1] 103W, 103ALW, 104,[1] 104W, 111A60ALW1, 111A60F1, 111A60W1, 115A60W1, 115A60W6, 115A-60ALW, ARA-111,[1] or ARA-IV[1] (§§ 179.200, 179.201, 179.220, 179.221 of this subchapter). Tank cars. Each car must have its manway closure equipped with approved safeguards making the removal of the closure from the manway opening practically impossible while the car interior is subjected to vapor pressure of lading. The car must be stenciled on each side of the dome in line with the ladders, and in a color contrasting to the color of the dome, with identification marks as prescribed in paragraph (g) of this section.

* * * * *

(h) *Dome placards.* Specification 103,[1] 103ALW, 103W, 104,[1] 104W, 111A60ALW1, 111A60F1, 111A60W1, 115A60W1, 115A-60W6, 115A60ALW, ARA-III,[1] or ARA-IV[1] (§§ 179.200, 179.201, 179.220, 179.221 of this subchapter). Tank cars. Each car loaded with any material described in paragraph (e) or (f) of this section must, in addition to the "Dangerous" placards, be protected by special dome placards, at least 4⅛ by 10⅞ inches, with legible wording as follows:

* * * * *

5. In § 173.123, paragraph (a)(5) is amended to read as follows:

§ 173.123 Ethyl chloride.

(a) * * *

(5) Specification 105A100, 105A100W, 111A100W4, 112A200W, 112A400F, 114A340W, or ARA-IV-A[1] (§§ 179.100, 179.101 of this subchapter). Tank cars. Specification 114A340W tank cars must not be equipped with any bottom outlet. Bottom washout permitted. See Note 1 following § 173.119(f)(3). (See § 173.432 for shipping instructions.)

* * * * *

6. In § 173.141, paragraph (a)(7) is amended to read as follows:

§ 173.141 Amyl mercaptan, butyl mercaptan, ethyl mercaptan, isopropyl mercaptan, propyl mercaptan, and aliphatic mercaptan mixtures.

(a) * * *

(7) Specification 103W, 105A100,[1] 105A100W, 106A500X, 110A500W, 111A-60F1, 111A60W1, 112A200W, 112A400F, or 114A340W (§§ 179.100, 179.101, 179.200, 179.201 of this subchapter). Tank cars. Specifications 103W, 111A60F1, 111A-60W1, and 114A340W tank cars must not be equipped with any bottom outlet. Bottom washout permitted.

* * * * *

7. In § 173.145, paragraph (a)(6) is amended to read as follows:

§ 173.145 Dimethylhydrazine, unsymmetrical, and methylhydrazine.

(a) * * *

(6) Specification 103W, 103CW, 105A100W, 111A60W1, 111A60W7, or 111A100W4 (§§ 179.100, 179.101, 179.200, 179.201 of this subchapter). Tank cars. Authorized for dimethylhydrazine, unsymmetrical only. Each tank car must be equipped with steel safety valves of approved design and any 103W or 111A*** tank car must not be equipped with any bottom outlet. Bottom washout permitted. Specification 105A200W, 105A300W, 105A400W, 105A500W, and 105A600W (§§ 179.100, 179.101 of this subchapter) tanks must be restenciled 105A100W and be equipped with safety valves of the type and size used on specification 105A100W tank cars.

* * * * *

8. In § 173.154, paragraph (a)(15) is added to read as follows:

§ 173.154 Flammable solids and oxidizing materials not specifically provided for.

(a) * * *

(15) Specification 103,[1] 103W, 111A-60W1, or 111A60F1 (§§ 179.200, 179.201 of this subchapter). Tank cars. Authorized only for sodium perchlorate or magnesium perchlorate wet with 10 percent or more water equally distributed.

9. In § 173.245a paragraph (a), the table and footnote 2 are amended as follows:

§ 173.245a Corrosive liquids, n.o.s. shipped in bulk.

(a) * * *

Corrosive liquid	Authorized tank car	Authorized portable tank [3]
(add)		
Dichlorobutene and Dichlorobutene mixtures	105A300W 112A340W	
(change)		
Ethyl phosphonothioic dichloride, anhydrous	103AW 111A60W2	DOT-51.

* * * * *

[2] Specification 103ANW tank car tank must be solid nickel at least 99 percent pure; all cast metal parts of the tank in contact with the lading must have a minimum nickel content of approximately 96.7 percent. Specification 103A tank car tanks must be lead-lined steel or must be made of steel at least 10 percent nickel clad; specification 103AW, 111A100F2, or 111A60W2 tank must be lead-lined steel or made of steel with a minimum thickness of nickel cladding 1/16 inch; nickel cladding in tanks must have a minimum nickel content at least 99 percent pure nickel.

* * * * *

10. In § 173.247, the heading and the introductory text of paragraph (a), and paragraphs (a)(13) and (14) are amended to read as follows:

§ 173.247 Acetic anhydride; Acetyl bromide; Acetyl chloride; Acetyl iodide; Antimony pentachloride; Benzoyl chloride; Boron trifluoride-acetic acid complex; Chromyl chloride; Dichloroacetyl chloride; Diphenylmethyl bromide solutions; Pyro sulfuryl chloride; Silicon chloride; Sulfur chloride (mono and di); Sulfuryl chloride; Thionyl chloride; Tin tetrachloride (anhydrous); Titanium tetrachloride; Trimethyl acetic chloride.

(a) Acetic anhydride, acetyl bromide, acetyl chloride, acetyl iodide, antimony pentachloride; benzoyl chloride, boron trifluoride-acetic acid complex, chromyl chloride, dichloroacetyl chloride, diphenylmethyl bromide solutions, pyro sulfuryl chloride, silicon chloride, sulfur

[1] The use of existing tank cars authorized but new construction not authorized.

[1] The use of existing tank cars authorized but new construction not authorized.

[1] The use of existing tanks authorized but new construction not authorized.

chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), titanium tetrachloride, and trimethyl acetic chloride must be packaged in specification packagings as follows:

* * * * *

(13) Specification 103A,[1] 103AW, 105A300W, 111A60W2, or 111A100F2 (§§ 179.100, 179.101 179.200, 179.201 of this subchapter) tank cars, except that for tin tetrachloride (anhydrous) specification 105A300W tank cars must be used.

(14) Specification 103A,[1] 103AW, 111A60W2, or 111A100F2 (§§ 179.200, 179.201 of this subchapter). Tank cars. Authorized for titanium tetrachloride, anhydrous only. Tank cars must have safety valves of approved design and not subject to rapid deterioration by the lading.

* * * * *

11. In § 173.248, paragraph (a)(4) is amended to read as follows:

§ 173.248 Acid sludge, sludge acid, spent sulfuric acid, or spent mixed acid.

(a) * * *

(4) Specification 103A,[1] 103AW, 111A60W2, or 111A100F2 (§§ 179.200 and 179.201 of this subchapter). Tank cars, provided the product is sufficiently liquid to be unloaded through the dome or manway. Tanks which do not contain products or contaminants that give off noxious or flammable vapors may be equipped with safety vents incorporating lead discs having a ⅛-inch breather hole in the center thereof.

* * * * *

12. In § 173.249 paragraph (a)(5) is amended to read as follows:

§ 173.249 Alkaline corrosive liquids, n.o.s.; Alkaline caustic liquids, n.o.s.; Alkaline corrosive battery fluids; Potassium fluoride solutions; Potassium hydrogen fluoride solutions; Sodium aluminate, liquid.

(a) * * *

(5) Specification 103,[1] 103W, 103A,[1] 103AW, 103B,[1] 103BW, 104,[1] 104W, 105A100,[1] 105A100W, 111A60F1, 111A60W1, 111A60W2, 111A100F2, 111A60W5, or 111A100W4 (§§ 179.100, 179.101, 179.200, 179.201 of this subchapter). Tank cars.

* * * * *

13. In § 173.253, paragraph (a)(7) is amended to read as follows:

§ 173.253 Chloracetyl chloride.

(a) * * *

(7) Specification 103AW, 111A60W2, or 111A100F2 (§§ 179.200, 179.201 of this subchapter). Tank cars. Tanks must have a nickel cladding of 1/16-inch minimum thickness. Nickel cladding in tanks must have a minimum nickel content of at least 99 percent pure nickel.

* * * * *

[1] The use of existing tanks authorized but new construction not authorized.

14. In § 173.254, paragraph (a)(4) is amended to read as follows:

§ 173.254 Chlorosulfonic acid and mixtures of chlorosulfonic acid-sulfur trioxide.

(a) * * *

(4) Specification 103A,[1] 103AW, 103CW, 103EW, 111A60W2, 111A60W7, or 111A100F2 (§§ 179.200, 179.201 of this subchapter). Tank cars.

* * * * *

15. In § 173.262, paragraph (a)(6) is amended to read as follows:

§ 173.262 Hydrobromic acid.

(a) * * *

(6) Specification 103B,[1] 103BW, or 111A60W5 (§§ 179.200, 179.201 of this subchapter). Tank cars.

* * * * *

16. § 173.263, paragraphs (a) (9) and (12) are amended to read as follows.

§ 173.263 Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution (not exceeding 42 percent sodium chlorite), and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.

(a) * * *

(9) Specification 103B,[1] 103BW, or 11AW60W5 (§§ 179.200, 179.201 of this subchapter). Tank cars. Authorized for acid not over 38 percent strength by weight. A safety vent of approved design equipped with frangible disc having ⅛-inch breather hole in center thereof or a safety vent of approved design equipped with carbon discs permitting continuous venting may be used, but may not be used for hydrochloric (muriatic) acid of 22° Baume strength, and other fuming acids. (Note 1 remains the same.)

* * * * *

(12) Specification 103CW, 111A60W7 (§§ 179.200 and 179.201 of this subchapter). Tank cars having tanks of type 304L stainless steel. Authorized for sodium chlorite solution not exceeding 42 percent sodium chlorite only.

* * * * *

17. In § 173.264, paragraphs (a) (8), (11), and (b)(2) are amended to read as follows:

§ 173.264 Fluoboric acid; Hydrofluoric acid; White acid.

(a) * * *

(8) Specification 103A,[1] 103AW, 105A-100,[1] 105A100W, 111A60W2, 111A100F2, 111A100W4, or ARA–IV[1] (§§ 179.100, 179.101, 179.102, 179.200, 179.201 of this subchapter) unlined metal tanks which have been subjected to adequate passivity or neutralization process. (See Note 1 to paragraph (a)(7) of this section.) Authorized only for acid of 60 to 80 percent strength. If tanks are washed out with water they must be resubjected to passivity before reshipment.

(Note 1 remains the same.)

* * * * *

(11) Specification 103B,[1] 103BW, or 111A60W5 (§§ 179.200, 179.201 of this subchapter). Tank cars, rubber-lined tanks. Authorized only for acid not over 40 percent strength.

* * * * *

(b) * * *

(2) Specification 105A300W, 112A-400W, 114A400W, or ARA–V[1] (§§ 179.100, 179.101 of this subchapter). Tank cars equipped with special valves and appurtenances approved for this particular service. Filling density must not exceed 90 percent of the pounds water weight capacity of the tank. For Specification 114A400W tanks, valves and fittings must be located on top of the tank. Bottom openings in tank prohibited.

* * * * *

18. In § 173.265, paragraph (b)(3) is amended to read as follows:

* * * * *

§ 173.265 Hydrofluosilicic acid.

* * * * *

(b) * * *

(3) Specification 103B,[1] 103BW, or 111A60W5 (§§ 179.200, 179.201 of this subchapter). Tank cars, rubber-lined tanks.

* * * * *

19. In § 173.266, paragraph (f)(1) is amended to read as follows:

§ 173.266 Hydrogen peroxide solution in water.

* * * * *

(f) * * *

(1) Specification 103A–ALW or 111A-60ALW2 (§§ 179.200, 179.201 of this subchapter). Tank cars. Venting arrangements must be approved by the Department.

* * * * *

20. In § 173.267, paragraph (a)(3) is amended to read as follows:

§ 173.267 Mixed acid (nitric and sulfuric acid) (nitrating acid).

(a) * * *

(3) Specification 103A,[1] 103AW, 111A-60W2, or 111A100F2 (§§ 179.200, 179.201 of this subchapter). Tank cars. (See paragraph (b) of this section.)

* * * * *

21. In § 173.268, paragraphs (b)(1) and (c)(2) are amended to read as follows:

§ 173.268 Nitric acid.

* * * * *

(b) * * *

(1) Specification 103CW or 111A60W7 (§§ 179.200, 179.201 of this subchapter). Tank cars.

* * * * *

(c) * * *

(2) Specification 103A–ALW or 111A-60ALW2 (§§ 179.200, 179.201 of this subchapter). Tank cars.

* * * * *

22. In § 173.271, paragraphs (a)(9) and (11) are amended to read as follows:

§ 173.271 Phosphorus oxybromide, phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.

(a) * * *

(9) Specification 103A,[1] 103AW, 111A-60W2, or 111A100F2 (§§ 179.200, 179.201 of this subchapter). Tank cars. Specification 103A,[1] tanks must be lead-lined steel or made of steel at least 10 percent nickel clad. Specification 103AW, 111A-60W2, or 111A100F2 tanks must be lead-lined steel or made of steel with a minimum thickness of nickel cladding 1/16-inch. Nickel cladding in tanks must have a minimum nickel content of at least 99 percent pure nickel.

* * * * *

(11) Specification 103A,[1] 103AW, 111A-60W2, or 111A100F2 (§§ 179.200, 179.201 of this subchapter). Tank cars. Authorized for phosphorus trichloride only.

* * * * *

23. In § 173.272, paragraphs (i)(22), (26), and (27) are amended to read as follows:

§ 173.272 Sulfuric acid.

* * * * *

(i) * * *

(22) Specification 103A,[1] 103AW, 111A-60W2, or 111A100F2 (§§ 179.200, 179.201 of this subchapter). Tank cars. Authorized for sulfuric acid of concentrations 65.25 percent or greater concentrations, provided the corrosive effect in steel is not greater than that of 65.25 percent sulfuric acid, measured at 100°F. Tank cars used for sulfuric acid, mixed acid (nitric and sulfuric acids) (nitrating acid), and other fuming acids, may be equipped with safety vents incorporating frangible discs having a 1/8-inch breather hole in their center. The 1/8-inch breather hole is not permitted in frangible discs of safety vents on oleum tank cars.

* * * * *

(26) Specification 103B,[1] 103BW, or 111A60W5 (§§ 179.200, 179.201 of this subchapter). Lined tank cars.

(27) Specification 103AW, 111A100F2, or 111A60W2 (§§ 179.200, 179.201 of this subchapter). Tank cars having tanks equipped with a phenolic lining impervious to the lading.

24. In § 173.273, paragraph (a)(4) is amended to read as follows:

§ 173.273 Sulfur trioxide, stabilized.

(a) * * *

(4) Specification 103A,[1] 103AW, 105A-100W, 111A60W2, or 111A100F2 (§§ 179.100, 179.101, 179.200, 179.201 of this subchapter). Tank cars. Authorized only for stabilized sulfur trioxide. Tank cars must have safety valves of approved design and not subject to rapid deterioration by the lading. Cars equipped with interior heater coils not permitted.

* * * * *

25. In § 173.274, paragraph (a)(3) is amended to read as follows:

§ 173.274 Fluosulfonic acid.

(a) * * *

(3) Specification 103A,[1] 103AW, 111A-60W2, or 111A100F2 (§§ 179.200, 179.201 of this subchapter). Tank cars.

26. In § 173.276, paragraphs (a) (4) and (5) are amended to read as follows:

§ 173.276 Anhydrous hydrazine and hydrazine solution.

(a) * * *

(4) Specification 103CW, 111A60W7, or 111A100W6 (§§ 179.200, 179.201 of this subchapter). Tank cars having tanks of Type 304L or 347 stainless steel with molybdenum content not exceeding one-half of 1 percent. The safety relief valve on specification 103CW tank car tanks may have a start-to-discharge pressure of not more than 45 p.s.i. in place of 35 p.s.i. Specification 111A100W6 tank cars must not be equipped with bottom outlet. Bottom washout permitted. Vapor space in tanks must be filled with nitrogen gas at atmospheric pressure.

(5) Specification 103A–ALW or 111A60ALW2 (§§ 179.200, 179.201 of this subchapter). Tank cars. The safety relief valve on tanks may not have a start-to-discharge pressure of more than 45 p.s.i. in place of 35 p.s.i. Vapor space in tanks must be filled with nitrogen gas at atmospheric pressure. Authorized for anhydrous hydrazine only.

* * * * *

27. In § 173.280, paragraph (a)(7) is amended to read as follows:

§ 173.280 Allyl trichlorosilane; Amyl trichlorosilane; Butyl trichlorosilane; Chlorophenyl trichlorosilane; Cyclohexenyl trichlorosilane; Cyclohexyl trichlorosilane; Dichlorophenyl trichlorosilane; Diethyl dichlorosilane; Diphenyl dichclorosilane; Dodecyl trichlorosilane; Ethyl phenyl dichlorosilane; Hexadecyl trichlorosilane; Hexyl trichlorosilane; Nonyl trichlorosilane; Octadecyl trichlorosilane; Octyl trichlorosilane; Phenyl trichlorosilane, and Propyl trichlorosilane.

(a) * * *

(7) Specification 103W, 103A,[1] 103AW, 105A100,[1] 105A100W, 111A60F1, 111A60W1, 111A60W2, 111A100F2, or 111A100W4 (§§ 179.100, 179.101, 179.200, 179.201 of this subchapter). Tank cars.

* * * * *

28. In § 173.291, paragraph (a)(8) is amended to read as follows:

§ 173.291 Flame retardant compound liquid.

(a) * * *

(8) Specification 103B,[1] 103BW, or 111A60W5 (§§ 179.200, 179.201 of this subchapter). Tank cars.

29. In § 173.294, paragraph (a)(2) and (b) are amended to read as follows:

§ 173.294 Monochloroacetic acid, liquid.

(a) * * *

(2) Specification 103ANW, 103AW, 111A60W2, or 111A100F2 (§§ 179.200, 179.201 of this subchapter). Tank cars. Specification 103AW, 111A60W2, or 111A100F2 tank cars must be nickel clad at least 20 percent.

* * * * *

(b) Monochloroacetic acid, anhydrous, when shipped as a liquid must be shipped in specification 103ANW fabricated of 99 percent pure nickel or in specification 103AW or 111A60W2, nickel clad at least 20 percent or be provided with a suitable corrosive resistant coating or lining.

30. In § 173.295, paragraphs (a) (11) and (12) are amended to read as follows:

§ 173.295 Benzyl chloride.

(a) * * *

(11) Specification 103A,[1] 103AW, 111A60W2, or 111A100F2 (§§ 179.200, 179.201 of this subchapter). Tank cars.

(12) Specification 103ANW (§§ 179.200, 179.201 of this subchapter). Tank cars. All cast metal parts of the tank in contact with the lading must have a minimum nickel content of approximately 96.7 percent. When shipped in unstabilized condition, the lading must be anhydrous and must be free from impurities such as iron.

31. In § 173.296, paragraph (a)(3) is amended to read as follows:

§ 173.296 Di iso octyl acid phosphate.

(a) * * *

(3) Specification 103AW, 103CW, 103EW, 111A60W2, 111A60W7, or 111A100F2 (§§ 179.200, 179.201 of this subchapter). Tank cars.

32. In § 173.297, paragraph (a)(2) is amended to read as follows:

§ 173.297 Titanium sulfate solution containing not more than 45 percent sulfuric acid.

(a) * * *

(2) Specification 103B,[1] 103BW, or 111A60W5 (§§ 179.200, 179.201 of this subchapter). Tank cars.

* * * * *

33. In § 173.314 paragraph (c), the table is amended as follows:

§ 173.314 Requirements for compressed gases in tank cars.

* * * * *

(c) * * *

[1] The use of existing tanks authorized but new construction not authorized.

[1] The use of existing tanks authorized but new construction not authorized.

[1] The use of existing tanks authorized but new construction not authorized.

Kind of gas	Maximum permitted filling density, Note 1	Required tank car see § 173.31(a) (2) and (3)
(change)	Percent	
Dichlorodifluoromethane; Note 13	119	DOT-106A500X, 110A500W, Note 7.
	125	DOT-105A300W.
	123	DOT-112A340W, 114A340W.
Dichlorodifluoromethane and difluoroethane mixture (constant boiling mixture); Note 13.	Note 22	DOT-106A500X, 110A500W, Note 7.
		DOT-105A300W.
	Note 21	DOT-112A340W, 114A340W.
Dichlorodifluoromethane-monochlorodifluoromethane mixture; Note 13.	119	DOT-106A500X, 110A500W, Note 7.
	125	DOT-105A300W.
	123	DOT-112A340W, 114A340W.
Dichlorodifluoromethane-monofluorotrichloromethane mixture; Note 13.	Note 22	DOT-106A500X, 110A500W, Note 7.
		DOT-105A300W.
	Note 21	DOT-112A340W, 114A340W.
Dichlorodifluoromethane-trichloromonofluoromethane-monochlorodifluoromethane mixture; Note 13.	119	DOT-106A500X, 110A500W, Note 7.
	125	DOT-105A300W.
	123, Note 21	DOT-112A340W, 114A340W.
Dichlorodifluoromethane-trichlorotrifluoroethane mixture; Note 13.	119	DOT-106A500X, 110A500W, Note 7.
	125	DOT-105A300W.
	123	DOT-112A340W, 114A340W.
Methyl chloride	84	DOT-106A500X, Note 7.
	85	DOT-112A340W, Note 4.
	86	DOT-105A300W, Note 4.
Vinyl chloride, Note 9	84	DOT-106A500X, Note 7.
	87	DOT-105A200W, Notes 4 and 16.
	86	DOT-112A340W, 114A340W, Note 4.

* * * * * * * *

34. In § 173.346, paragraph (a) (10) is amended to read as follows:

§ 173.346 Poisonous liquids not specifically provided for.

(a) * * *

(10) Specification 103,[1] 103W, 103A,[1] 103ALW, 103AW, 104,[1] 104W, 105A100,[1] 105A100W, 111A60ALW1, 111A60F1, 111A60W1, 111A60W2, 111A100F2, 111A100W4, 115A60W6, or ARA-IV-A[1] (§§ 179.100, 179.101, 179.200, 179.201, 179.220, 179.221 of this subchapter). Tank cars.

* * * * *

35. In § 173.347, paragraph (a) (2) is amended to read as follows:

§ 173.347 Aniline oil.

(a) * * *

(2) Specification 103,[1] 103W, 103A,[1] 103AW, 104W, 105A100W, 111A60F1, 111A60W1, 111A60W2, 111A100F2, 112A200W, 112A400F, 114A340W (§§ 179.100, 179.101, 179.200, 179.201 of this subchapter). Tank cars.

* * * * *

36. In § 173.352, paragraph (a) (4) is amended to read as follows:

§ 173.352 Liquid sodium or potassium cyanide.

(a) * * *

(4) Specification 103,[1] 103W, 103A,[1] 103AW, 111A60F1, 111A60W1, 111A60W2, 111A100F2 (§§ 179.200, 179.201 of this subchapter). Tank cars.

* * * * *

37. In § 173.365, paragraph (a) (13) is amended to read as follows:

§ 173.365 Poisonous solids not specifically provided for.

(a) * * *

(13) Specification 103,[1] 103W, 103A,[1] 103AW, 111A60F1, 111A60W1, 111A60W2, or 111A100F2 (§§ 179.200, 179.201 of this subchapter). Tank cars.

* * * * *

38. In § 173.369, the introductory text of paragraph (a) (13) is amended to read as follows:

§ 173.369 Carbolic acid (phenol), not liquid.

(a) * * *

(13) Specification 103,[1] 103W, 103ALW, 103A,[1] 103AW, 103A-ALW, 111A60-ALW1, 111A60F1, 111A60W1, 111A60W2, 111A100F2, or 115A60W6 (§§ 179.200, 179.201, 179.220, 179.221 of this subchapter). Tank cars.

* * * * *

39. In § 173.392, paragraph (d) (2) (i) is amended to read as follows:

§ 173.392 Low specific activity radioactive material.

* * * * *

(d) * * *

(2) * * *

(i) Specification 103CW, 111A60W7 (§§ 179.200, 179.201, 179.202 of this subchapter) tank cars. Bottom openings in tanks prohibited.

* * * * *

PART 179—SPECIFICATIONS FOR TANK CARS

40. In § 179.100-8, paragraph (b) is added to read as follows:

§ 179.100-8 Tank heads.

* * * * *

(b) Each tank head made from steel which is required to be "fine grain" by the material specification, which is hot formed at a temperature exceeding 1700°F., must be normalized after forming by heating to a temperature between 1550° and 1700°F., by holding at that temperature for at least 1 hour per inch of thickness (30-minute minimum), and then by cooling in air. If the material specification requires quenching and tempering, the treatment specified in that specification must be used instead of the one specified above.

41. The material now contained in § 179.202-16 is redesignated paragraph (a) and paragraph (b) is added to read as follows:

§ 179.202-16 Monochloroacetic acid, liquid.

* * * * *

(b) Monochloroacetic acid anhydrous, when shipped as a liquid must be shipped in Specification 103ANW fabricated of 99 percent pure nickel or in 103AW or 111A6OW2 nickel clad at least 20 percent provided with a suitable corrosion resistant coating or lining.

This amendment is effective September 30, 1974. However, compliance with the regulations, as amended herein, is authorized immediately.

(Transportation of Explosives Act, 18 U.S.C. 831-835, section 6 of the Department of Transportation Act, 49 U.S.C. 1655; Title VI and section 902(h) of the Federal Aviation Act of 1958, 49 U.S.C. 1421-1430, 1472(h), and 1655(c); Dangerous Cargo Act, as amended, 46 U.S.C. 170; Tank Vessel Act of 1936, 46 U.S.C. 391a, 46 U.S.C. 375, 46 U.S.C. 416, 49 U.S.C. 1655(b)(1), 49 CFR 1.46(b))

This is one of four signature pages in Docket No. HM-105; Amendment Nos. 172-25, 173-80, 179-12, Tank Car Utilization. Signature pages have been submitted to the Board Members for the United States Coast Guard, the Federal Highway Administration, and the Federal Railroad Administration.

Issued in Washington, D.C. on April 24, 1974.

C. R. MELUGIN, Jr.,
Alternate Board Member for the Federal Aviation Administration.

ROBERT A. KAYE,
Board Member, For the Federal Highway Administration.

MAC. E. ROGERS,
Board Member, For the Federal Railroad Administration.

W. R. REA, III,
Rear Admiral, Board Member, For the United States Coast Guard.

[FR Doc.74-9856 Filed 4-29-74;8:45 am]

[1] The use of existing tanks authorized but new construction not authorized.

[1] The use of existing tanks authorized but new construction not authorized.

Title 49—Transportation

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 74-19; Notice 1]

PART 569—REGROOVED TIRES

Requirements

This notice amends regulations applicable to regrooved and regroovable tires in response to an opinion of the United States Court of Appeals in NAMBO v. Volpe, 484 F.2d 1294 (D.C. Cir., 1973), cert. denied ------ US ------ (1974). The Regrooved Tire regulation was published January 24, 1969 (34 FR 1149).

In light of the decision in the case cited, 49 CFR Part 569, "Regrooved Tires," is revised as follows:

1. Section 569.1 is revised to read:

§ 569.1 Purpose and scope.

This part sets forth the conditions under which regrooved and regroovable tires manufactured or regrooved after the effective date of the regulation may be sold.

2. Section 569.7 is revised to read:

§ 569.7 Requirements.

(a) *Regrooved tires.* (1) Except insofar as the sale of regrooved tires is permitted by paragraph (a)(2) of this section, no person shall sell, offer for sale, or introduce or deliver for introduction into interstate commerce regrooved tires produced by removing rubber from the surface of a worn tire tread to generate a new tread pattern. Any person who regrooves tires and leases them to owners or operators of motor vehicles and any person who regrooves his own tires for use on motor vehicles is considered to be a person delivering for introduction into interstate commerce within the meaning of this part.

(2) A regrooved tire may be sold only if it conforms to each of the following requirements:

(i) The tire being regrooved shall be a regroovable tire;

(ii) After regrooving, cord material below the grooves shall have a protective covering of tread material at least 3/32-inch thick.

(iii) After regrooving, the new grooves generated into the tread material and any residual original molded tread groove which is at or below the new regrooved depth shall have a minimum of 90 linear inches of tread edges per linear foot of the circumference;

(iv) After regrooving, the new groove width generated into the tread material shall be a minimum of 3/16-inch and a maximum of 5/16-inch.

(v) After regrooving, all new grooves cut into the tread shall provide unobstructed fluid escape passages; and

(vi) After regrooving, the tire shall not contain any of the following defects, as determined by a visual examination of the tire either mounted on the rim, or dismounted, whichever is applicable:

(A) Cracking which extends to the fabric,

(B) Groove cracks or wear extending to the fabric, or

(C) Evidence of ply, tread, or sidewall separation.

(vii) If the tire is siped by cutting the tread surface without removing rubber, the tire cord material shall not be damaged as a result of the siping process, and no sipe shall be deeper than the original or retread groove depth.

(b) *Siped regroovable tires.* No person shall sell, offer for sale, or introduce for sale or deliver for introduction into interstate commerce a regroovable tire that has been siped by cutting the tread surface without removing rubber if the tire cord material is damaged as a result of the siping process, or if the tire is siped deeper than the original or retread groove depth.

Effective date: April 30, 1974. This amendment is issued in response to a decision of the United States Court of Appeals, and in accordance therewith imposes restrictions required by statute. Accordingly, notice and public procedure thereon are unnecessary and good cause is found for an effective date less than 30 days from publication.

(Secs. 119, 204, Pub. L. 89-563, 80 Stat. 718, (15 U.S.C. 1407, 1424); delegation of authority at 49 CFR 1.51)

Issued on April 24, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-9835 Filed 4-29-74;8:45 am]

[Docket No. 73-12; Notice 3]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Motorcycles and Three-Wheeled Vehicles

This notice responds to petitions for reconsideration of the recent redefinition of "motorcycle" (38 FR 32580), and amends 49 CFR 571.3(b), Definitions, by revoking that redefinition. In a notice issued today, the NHTSA has proposed an amendment to 49 CFR 571.3(b) that would redefine the vehicle category "motorcycle."

In a notice published on May 16, 1973, (38 FR 12818) the NHTSA proposed that a "motorcycle" be definied as "a two-wheeled motor vehicle with motive power, or a three-wheeled motor vehicle with motive power and without a full or partial passenger enclosure." On the basis of comments received, on November 27, 1973, (38 FR 32580) 49 CFR 571.3(b) was amended, effective September 1, 1974, to define "motorcycle" as a "two-wheeled motor vehicle with motive power, a handlebar for steering, and a seat that is straddled by the driver." This definition is being revoked in light of the agency's decision to propose a new definition, leaving the original definition in force pending further rulemaking action.

Petitions for reconsideration were submitted by White Motor Corporation, EVI, Inc., Otis Elevator, and Cushman Motors, all of whom objected to the revised definition. Cushman Motors, Otis Elevator, and EVI, Inc. argued that the revised definition was inappropriate in that no safety need had been demonstrated to warrant its adoption. The NHTSA does not agree with this contention. Safety demands that the existing standards apply to vehicle types which have similar characteristics and end uses. For instance, vehicles that are used as passenger cars and whose configurations display basic passenger car characteristics should, in the interest of safety, be subject to passenger car standards.

Cushman Motors and Otis Elevator asserted that the effect of the revised definition, subjecting their three-wheeled vehicles to passenger car or truck standards, would be to force their vehicles out of production since it would be impossible for them to comply with the applicable safety standards. This issue was discussed in a notice published May 16, 1973, (38 FR 12808) removing the provision excepting motor vehicles of 1,000 pounds or less curb weight from the applicability of the safety standards. The NHTSA explained in that notice:

A manufacturer has the option of petitioning for amendment of any standard it feels is impracticable or inappropriate for lightweight vehicles. Alternatively, it may be eligible to petition for temporary exemption from one or more standards upon one of the bases provided in section 123 of the National Traffic and Motor Vehicle Safety Act (Pub. L. 92-548).

Petitioners' most substantial objection was that the definition excluded certain vehicles whose overall configurations are closer to those of motorcycles than of passenger cars or trucks, while including others for which regulation as motorcycles appears inappropriate. Petitioners argued that the presence of a steering wheel and a bench seat would subject a lightweight, unenclosed three-wheeled vehicle to passenger car or truck requirements, regardless of other characteristics which might render it more suited to regulation as a motorcycle. They contended that the definition also had the effect of allowing fully enclosed vehicles, if equipped with handlebars and a straddle seat, to meet only the requirements applicable to motorcycles regardless of their overall similarity to a passenger car or truck.

The NHTSA has concluded that some of these arguments have merit. Three-wheeled vehicles, though low in volume of production, span a variety of types that range from vehicles virtually identical to motorcycles forward of their rear axles to those that have every characteristic of small passenger cars except for the number of wheels on the ground. The most reasonable and appropriate dividing line appears to be one based on a vehicle feature crucial to the application of conventional passenger car or truck standards—and enclosed passenger compartment. The petition from White Motor Corporation suggested a definition that would divide motorcycles from other vehicle types on the basis of a passenger enclosure above the level of the handlebars. The NHTSA has concluded that the suggestion is meritorious, and it forms the basis for the proposed redefinition published today.

Several commenters objected to the amendment on grounds that it differed from the proposal (38 FR 12818). In light of the fact that the redefinition is being revoked on the merits and a new definition is proposed, the NHTSA considers that issue moot.

In light of the foregoing, the definition of "motorcycle" in 49 CFR 571.3(b), *Definitions*, published November 27, 1973 (38 FR 32580), to be effective September 1, 1974, is hereby deleted.

Effective date: April 30, 1974. Since this action revokes an amendment that was not yet effective, it is found for good cause shown that an immediate effective date is in the public interest.

(Sec. 103, 119 Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51)

Issued on April 24, 1974.

JAMES B. GREGORY,
Administrator.

[FR Doc.74-9836 Filed 4-29-74;8:45 am]

Proposed Rules

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

[8 CFR Parts 103, 204, 264, and 341]

FEES

Applications, Petitions, Appeals and Motions

Pursuant to section 553 of Title 5 of the United States Code (80 Stat. 383), notice is hereby given of the proposed amendment of 8 CFR 103.7(b)(1) pertaining to amounts of fees for filing certain applications, petitions, appeals, and motions under the immigration and nationality laws.

Pursuant to the provisions of section 483a of Title 31 of the United States Code (65 Stat. 290), which state that any benefit or service provided to or for any person by any Federal agency shall be self-sustaining to the full extent possible, certain existing fees for filing applications, petitions, appeals and motions under the immigration and nationality laws have been redetermined, and a new fee has been determined for filing an application for an Arrival-Departure Record (Form I–94) or a Crewman's Landing Permit (Form I–95) in lieu of one lost, mutilated, or destroyed. In order to incorporate into the regulations the newly determined fee and the redetermined existing fees, the amendment to 8 CFR 103.7(b)(1) is being proposed, together with corollary technical amendments to 8 CFR 103.7(c)(1), 204.1(b) and (c)(1), 264.1(c), and 341.1(a) and (b).

In accordance with section 553 of Title 5 of the United States Code (80 Stat. 383), interested persons may submit to the Commissioner of Immigration and Naturalization, Room 7100–C, 425 Eye Street, N.W., Washington, D.C. 20536, written data, views, or arguments, in duplicate, with respect to the proposed rules. Such representations may not be presented orally in any manner. All relevant material received by May 24, 1974 will be considered.

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

In § 103.7, paragraph (b)(1) is amended by adding a new fee between the existing first and second fees and by revising 31 existing fees, and a technical amendment is made in the first sentence of paragraph (c)(1). As amended, §§ 103.7(b)(1) and (c)(1) read in pertinent part as follows:

§ 103.7 Fees.

* * * * *

(b) *Amounts of fees.* (1) The following fees and charges are prescribed:

For filing application for Alien Registration Receipt Card (Form I–151), in lieu of one lost, mutilated, or destroyed, or in a changed name	$5.00
For filing application for Arrival-Departure Record (Form I–94) or Crewman's Landing Permit (Form I–95), in lieu of one lost, mutilated, or destroyed	5.00
For filing application for a United States Citizen Identification Card	5.00
For filing application for permission to reapply for an excluded or deported alien, an alien who has fallen into distress and has been removed as an alien enemy, or an alien who has been removed at Government expense in lieu of deportation	20.00
For filing application for passport or visa waiver prior to or at the time application is made for temporary admission to the United States	[1] 5.00
For filing application for visa waiver when application is made for admission as a returning resident	[1] 5.00
For filing application for passport waiver prior to or at the time application is made for permanent admission	[1] 5.00
For filing appeal from or motion to reopen or reconsider any decision under the immigration laws in any type of proceeding over which appellate jurisdiction, if any, belongs to an official of the Service. (The minimum fee of $50 shall be charged whenever an appeal or motion is filed by or on behalf of two or more aliens and all such aliens are covered by one decision.)	50.00
For filing petition to classify nonimmigrant as temporary worker or trainee under section 214(c) of the Act	15.00
* * * * *	
For filing application for issuance or extension or reentry permit	5.00
* * * * *	
For filing application for extension of stay of a nonimmigrant, other than one described in section 101(a)(15)(F) or 101(a)(15)(J) of the Act, and, upon a basis of reciprocity, a nonimmigrant described in section 101(a)(15)(A)(iii) or 101(a)(15)(G)(v) of the Act	5.00
For filing petition to classify preference status of an alien on basis of profession or occupation under section 204(a) of the Act	20.00
For filing petition to classify orphan as an immediate relative for issuance of immigrant visa under section 204(a) of the Act. (When more than one petition is submitted by the same petitioner in behalf of orphans who are brothers or sisters, only one fee will be required.)	40.00
For filing application for school approval, except in the case of a school or school system owned or operated as a public educational institution or system by the United States or a state or political subdivision thereof	30.00
For filing application for discretionary relief under section 212(c) of the Act	35.00
For filing application for discretionary relief under section 212(d)(3) of the Act, except in an emergency case, or where the approval of the application is in the interest of the United States Government	10.00
For filing application for waiver of the foreign-residence requirement under section 212(e) of the Act	70.00
For filing application for waiver of ground of excludability under section 212 (h) or (i) of the Act. (Only a single application and fee shall be required when the alien is applying simultaneously for a waiver under both those sections.)	40.00
For filing application for adjustment of status to that of a permanent resident under section 245 of the Act	20.00
For filing application for adjustment of status to that of a permanent resident under section 13 of the Act of September 11, 1957	20.00
For filing application for creation of record of admission for permanent residence under section 249 of the Act	20.00
For filing application to record lawful admission for permanent residence under section 214(d) of the Act	20.00
For filing application for change of nonimmigrant classification under section 248 of the Act	10.00
For filing appeal from or motion to reopen or reconsider any decision under the immigration laws in any type proceeding over which the Board of Immigration Appeals has appellate jurisdiction in accordance with § 3.1(b) of this chapter. When the motion to reopen or reconsider is made concurrently with: (1) an application for stay of deportation under Part 243 of this chapter; (2) an application for temporary withholding of deportation under section 243(h) of the Act; (3) an application for suspension of deportation under section 244 of the Act; (4) an application for adjustment of status under section 245 of the Act; or (5) an application for the creation of a record of lawful admission for permanent residence under section 249 of the Act, only the $60 fee for filing the motion is payable and the fees	

[1] Plus communication costs.

prescribed for applications cited herein are hereby waived. (The minimum fee of $60 shall be charged whenever an appeal or motion is filed by or on behalf of two or more aliens and all such aliens are covered by one decision.) ---------- 60.00
For filing application for stay of deportation under Part 243 of this chapter ---------- 35.00
For filing application for temporary withholding of deportation under section 243(h) of the Act---------- 15.00
For filing application for suspension of deportation under section 244 of the Act ---------- 60.00
For filing application for transfer of petition for naturalization under section 335(l) of the Act, except when transfer is of a petition for naturalization filed under the Act of October 24, 1968, P.L. 90-633--------- 10.00
For filing application for a certificate of naturalization or declaration of intention in lieu of a certificate or declaration alleged to have been lost, mutilated, or destroyed; or for a certificate of citizenship in a changed name under section 343(b) or (d) of the Act---------- 10.00
For filing application for certificate of citizenship on Form N-600 under section 309(c) or section 341 of the Act ---------- 20.00

* * * * *

For filing application for a special certificate of naturalization to obtain recognition as a citizen of the United States by a foreign state under section 343(c) of the Act---------- 10.00

* * * * *

For annual subscription for "Passenger Travel Reports via Sea and Air"------ 80.00

* * * * *

(c) *Waiver of fees.* (1) Except as otherwise provided in this subparagraph, in paragraph (b) of this section, and in § 3.3(b) of this chapter, any of the fees prescribed in paragraph (b) of this section relating to applications, petitions, appeals, motions, or requests may be waived in any case in which the alien or other party affected is unable to pay the prescribed fee if he files his affidavit asking for permission to prosecute without payment of fee the application, petition, appeal, motion, or request, and stating his belief that he is entitled to or deserving of the benefit requested and the reasons for his inability to pay. * * *

PART 204—PETITION TO CLASSIFY ALIEN AS IMMEDIATE RELATIVE OF A UNITED STATES CITIZEN OR AS A PREFERENCE IMMIGRANT

In § 204.1, the first sentence of paragraph (b) is amended, and the second sentence of paragraph (c)(1) is amended. As amended, §§ 204.1(b) and (c)(1) read in pertinent part as follows:

§ 204.1 Petition.

* * * * *

(b) *Orphan.* A petition in behalf of a child defined in section 101(b)(1)(F) of the Act shall be filed by the United States citizen spouse in the office of the Service having jurisdiction over the place where the petitioner is residing on Form I-600, shall identify the child, and shall be accompanied by the fee required under § 103.7(b) of this chapter. * * *

(c) *Petition under section 203(a)(3) or (6)—(1) General.* A petition to classify the status of an alien under section 203(a)(3) or (6) of the Act shall be filed on Form I-140. For each beneficiary a separate Form I-140 must be submitted, accompanied by the fee required under § 103.7(b) of this chapter. * * *

PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

In § 264.1(c), the fifth sentence is amended to read as follows:

§ 264.1 Registration and fingerprinting.

* * * * *

(c) *Replacement of registration.* * * * Application for replacement of Form I-94, Arrival-Departure Record, or Form I-95, Crewman's Landing Permit, shall be made on Form I-102 accompanied by the fee required under § 103.7(b) of this chapter, except that a new Form I-94 may be issued in lieu of one lost, mutilated, or destroyed without application therefor, when the alien is an applicant for extension of his temporary stay or change of nonimmigrant classification. * * *

PART 341—CERTIFICATES OF CITIZENSHIP

In § 341.1, the first sentence of paragraph (a) is amended, and the second sentence of paragraph (b) is amended. As amended, §§ 341.1(a) and (b) read in pertinent part as follows:

§ 341.1 Application.

(a) *Form N-600.* An application for a certificate of citizenship by or in behalf of a person who claims to have acquired United States citizenship under section 309(c) or to have acquired or derived United States citizenship as specified in section 341 of the Act shall be submitted on Form N-600 in accordance with the instructions thereon, accompanied by the fee required under § 103.7(b) of this chapter. * * *

(b) *Form N-400.* * * * The application shall be made on Form N-400, Application to File Petition for Naturalization, at the same time that the parent files his application for naturalization, by completing therein the item relating to a certificate of citizenship and submitting therewith the fee required under § 103.7(b) of this chapter for each certificate of citizenship applied for, and supporting documentary and other evidence, such as birth, marriage, death, and divorce certificates, essential to establish that citizenship will be derived as claimed.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

Dated: April 24, 1974.

L. F. CHAPMAN, Jr.,
Commissioner of Immigration and Naturalization.

[FR Doc.74-9802 Filed 4-29-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 987]

DOMESTIC DATES PRODUCED OR PACKED IN RIVERSIDE COUNTY, CALIFORNIA

Addition of the Netherlands to the Group of Countries to Which Restricted and Other Marketable Dates for Further Processing May Be Exported

Notice is hereby given of a proposal to add the Netherlands to the group of designated date processing and consuming countries north of the Mediterranean Sea to which restricted and other marketable dates meeting certain grade requirements for dates for further processing may be exported. The group of designated countries is specified in § 987.403 of Subpart—Market Determinations (7 CFR 987.401—987.403).

The proposal is pursuant to § 987.55 of the marketing agreement, as amended, and Order No. 987, as amended (7 CFR Part 987), regulating the handling of domestic dates produced or packed in Riverside County, California. The amended marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674). The proposal was unanimously recommended by the California Date Administrative Committee.

Section 987.55 authorizes, among other things, the Committee, with the approval of the Secretary, to establish by country or groups of countries such special grade requirements for any variety of restricted dates for export as are deemed essential to the promotion of orderly marketing and facilitating sales of such dates in export. That section also provides for the exportation of dates other than restricted dates (i.e., other marketable dates) if they meet the applicable requirements for export.

Pursuant to § 987.403, restricted dates and other marketable dates for further processing may be exported to the following designated date processing and consuming countries north of the Mediterranean Sea: Spain, France, Belgium, West Germany, Italy, and Greece. Processors in the Netherlands have expressed an interest in importing such dates.

To promote orderly marketing and to facilitate export sales of dates meeting the applicable grade requirements of § 987.203(b) for restricted dates and other marketable dates for further processing, it is proposed that the Netherlands be added to the group of date processing and consuming countries to which dates for further processing may be exported. Authority to export such dates to the Netherlands would also provide the industry with flexibility in selling dates overseas, tend to increase sales of California dates, and tend to improve producer returns.

All persons who desire to file written data, views, or arguments in connection with the aforesaid proposal should file the same in quadruplicate with the Hearing Clerk, U. S. Department of Agri-

culture, Room 112, Administration Building, Washington, D.C. 20250, to be received not later than May 10, 1974. All written submissions made pursuant to this notice will be available for public inspection at the office of the Hearing Clerk during regular hours of business (7 CFR 1.27(b)).

The proposal is as follows:

§ 987.403 [Amended]

Amend § 987.403 of Subpart—Market Determinations (7 CFR 987.401—987.403) by inserting "Netherlands," immediately after "Italy.".

Dated: April 24, 1974.

CHARLES R. BRADER,
Deputy Director,
Fruit and Vegetable Division.

[FR Doc.74-9794 Filed 4-29-74;8:45 am]

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[50 CFR Part 216]

MARINE MAMMALS

Procedures for Hearings on Proposed Regulations

On March 13, 1974, a notice of intent to prescribe regulations to govern the taking of marine mammals incidental to commercial fishing operations was published in the FEDERAL REGISTER (39 FR 9685–9686). On April 5, 1974, the proposed regulations were published (39 FR 12356–12361) and on April 17, 1974, the date and site of the hearing on the proposed regulations (May 15, 1974, at the Lopez Room, Seattle Center, Seattle, Washington, at 9:30 a.m.) was announced in the FEDERAL REGISTER (39 FR 13785).

Written comments, views and objections on the proposed regulations submitted pursuant to the April 5th notice would not usually be considered in a hearing on the record. The procedures for this hearing shall require that the National Marine Fisheries Service (NMFS) comment on the substance of all suggested modifications to the proposed regulations timely submitted to the Director, NMFS. However, all other written comments, views and objections shall not be a part of the hearing record unless introduced at the hearing by interested persons. The following procedures are hereby established for the conduct of the hearing and shall become effective on April 30, 1974, pursuant to 5 U.S.C. 553 (b):

SECTION 1. (a) The terms "Administrative Law Judge" or "Judge" means any administrative law judge appointed pursuant to 5 U.S.C. § 3105, and assigned to conduct the proceeding.

(b) The term "Director" means the Director of the National Marine Fisheries Service, with power to redelegate, or any officer or employee of the Department to whom authority has been delegated to act in his stead.

(c) The term "NMFS" means National Marine Fisheries Service.

(d) The term "hearing" means that part of the proceeding which involves the submission of evidence.

SEC. 2. Judges.

(a) Power of judges. Subject to review by the Director, the judge, in any proceeding, shall have power to:

(1) Rule upon motions and requests;

(2) Change the time and place of hearing, and adjourn the hearing from time to time or from place to place;

(3) Administer oaths and affirmations and take affidavits;

(4) Examine and cross-examine witnesses and receive evidence;

(5) Admit or exclude evidence;

(6) Hear oral argument on facts or law;

(7) Do all acts and take all measures necessary for the maintenance of order at the hearing and the efficient conduct of the proceeding.

(b) Who may act in absence of judge. In case of the absence of the judge or his inability to act, the powers and duties to be performed by him under this part in connection with a proceeding may, without abatement of the proceeding unless otherwise ordered by the Director, be assigned to any other judge.

SEC. 3. Motions and requests.

(a) General. All motions and requests shall be filed with the Director, except that those made during the course of the hearing may be filed with the judge or may be stated orally and made a part of the transcript. Such motions and requests may be mailed to the Director, National Marine Fisheries Service, Washington, D.C. 20235.

Such motions and requests shall be addressed to, and ruled on by, the Administrative Law Judge if made prior to his certification of the transcript or by the Director if made thereafter.

(b) Certification to Director. The judge may in his discretion submit or certify to the Director for decision any motion, request, objection, or other question addressed to the judge.

SEC. 4. Conduct of the hearing.

(a) *Time and place.* The hearing shall be held on May 15, 1974, at the Lopez Room, Seattle Center, Seattle, Washington, as fixed in the notice in the Federal Register on April 17, 1974 (39 FR 13785), unless the judge shall have changed the time or place, in which event the judge shall cause to be published a notice of such change in the Federal Register: Provided, That, if the change in time or place of hearing is made less than 5 days prior to the date previously fixed for the hearing, the judge, either in addition to or in lieu of causing the notice of the change to be published, shall announce, or cause to be announced, the change at the time and place previously fixed for the hearing.

(b) *Appearances*—(1) *Right to appear.* At the hearing, any interested person shall be given an opportunity to appear, either in person or through his authorized counsel or representative, and to be heard with respect to matters relevant and material to the proceeding. Any interested person who desires to be heard in person at any hearing under these rules shall, before proceeding to testify, state his name, address, and occupation. If any such person is appearing through a counsel or representative, such person or such counsel or representative shall, before proceeding to testify or otherwise to participate in the hearing, state for the record the authority to act as such counsel or representative, and the names and addresses and occupations of such person and such counsel or representative. Any such person or such counsel or representative shall give such other information respecting his appearance as the judge may request.

(2) *Failure to appear.* If any interested person fails to appear at the hearing, he shall be deemed to have waived the right to participate in the hearing.

(c) *Order of procedure.* The judge shall, at the opening of the hearing prior to the taking of testimony, have noted as part of the record the notice of hearing as filed with the Office of the Federal Register and shall announce the order in which evidence shall be received with respect to (1) the proposed regulations specified in the notice of the hearing; and (2) the findings of the Secretary required by 16 U.S.C. § 1373(d) and published in 39 F.R. 9685–9686, (with updating amendments, if any).

(d) *Evidence*—(1) *In general.* The hearing shall be publicly conducted, and the testimony given at the hearing shall be reported verbatim.

Every witness shall, before proceeding to testify, be sworn or make affirmation. Cross-examination shall be permitted to the extent required for a full and true disclosure of the facts.

When necessary, in order to prevent undue prolongation of the hearing, the judge may limit the number of times any witness may testify to the same matter or the amount of corroborative or cumulative evidence.

The judge shall, insofar as practicable, exclude evidence which is immaterial, irrelevant, or unduly repetitious, or which is not of the sort upon which responsible persons are accustomed to rely.

(2) *Submitted written comments.* All suggested modifications of the proposed regulations contained in written comments, views and objections submitted to the Director by April 30 as provided in the notice of proposed rulemaking, 39 F.R. 12356–12361, shall be introduced at the hearing by representatives of the NMFS who shall state the substance of the suggested modifications and the position of the NMFS with respect thereto.

(3) *Proof and authentication of official records or documents.* An official record or document, when admissible for any purpose, shall be admissible as evidence without the production of the person who made or prepared the same. Such record or document shall, in the discretion of the judge, be evidenced by an official publication thereof or by a copy attested by the person having legal custody thereof and accompanied by a certificate that such person has the custody.

(4) *Exhibits.* All written statements, charts, tabulations, or similar data of-

fered in evidence at the hearing shall, after identification by the proponent and upon satisfactory showing of the authenticity, relevancy, and materiality of the contents thereof, be numbered as exhibits and received in evidence and made a part of the record. If the testimony of a witness refers to a statute, or to a report or document, the judge, after inquiry relating to the identification of such statute, report, or document, shall determine whether the same shall be produced at the hearing and physically be made a part of the evidence as an exhibit, or whether it shall be incorporated into the evidence by reference. If any relevant and material matter offered in evidence is embraced in a report or document containing immaterial or irrelevant matter, such immaterial or irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the presiding officer.

(5) *Official notice.* Official notice may be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific or commercial fact of established character: Provided, That interested persons shall be given adequate notice, at the hearing or subsequent thereto, of matters so noticed and shall be given adequate opportunity to show that such facts are inaccurate or are erroneously noticed.

(6) *Objections.* If a party objects to the admission or rejection of any evidence or to any other ruling of the judge during the hearing, he shall state briefly the grounds of such objection, whereupon an automatic exception will follow if the objection is overruled by the judge. The transcript shall not include argument or debate thereon except as ordered by the judge. The ruling of the judge on any objection shall be a part of the transcript.

Only objections made before the judge may subsequently be relied upon in the proceeding.

(7) *Offer of proof.* Whenever evidence is excluded from the record, the party offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence to be offered. If the evidence consists of a brief oral statement or of an exhibit, it shall be inserted into the transcript in toto. In such event, it shall be considered a part of the transcript if the Director decides that the judge's ruling in excluding the evidence was erroneous. The judge shall not allow the insertion of such evidence in toto if the taking of such evidence will consume a considerable length of time at the hearing. In the latter event, if the Director decides that the judge erred in excluding the evidence, and that such error was substantial, the hearing shall be reopened to permit the taking of such evidence.

SEC. 5. Oral and written arguments.

(a) Oral argument before judge. Oral argument before the judge shall be in the discretion of the judge. Such argument, when permitted, may be limited by the judge to any extent that he finds necessary for the expeditious disposition of the proceeding and shall be reduced to writing and made part of the transcript.

(b) Briefs, proposed findings and conclusions. The judge shall announce at the hearing a reasonable period of time within which interested persons may file with the judge, in duplicate, proposed findings and conclusions, and written arguments or briefs, based upon the evidence received at the hearing, citing, where practicable, the page or pages of the transcript of the testimony where such evidence appears. Factual material other than that adduced at the hearing or submitted to official notice shall not be alluded to therein, and, in any case, shall not be considered in the recommended or final decision. If the person filing a brief desires the Director to consider any objection made by such person to a ruling of the judge, he shall include in the brief a concise statement concerning each such objection, referring where practicable, to the pertinent pages of the transcript.

(c) Such briefs, proposed findings and conclusions may be mailed to the Administrative Law Judge, c/o Director, National Marine Fisheries Service, Washington, D.C. 20235, or such other address as the judge may specify.

SEC. 6. Copies of the transcript.

(a) During the period in which the proceeding has an active status, a copy of the transcript and exhibits shall be kept on file in the office of the Director or the administrative law judge where it shall be available for examination during official hours of business after prior request and reasonable notice to the Director or administrative law judge.

(b) If a personal copy of the transcript is desired, such copy may be obtained upon written aplication filed with the reporter and upon payment of fees at the rate (if any) provided in the contract between the reporter and the Director.

SEC. 7. Administrative Law Judge's recommended decision.

(a) Preparation. As soon as practicable, but not later than 20 days following the termination of the period allowed for the filing of written arguments or briefs and proposed findings and conclusions, the Administrative Law Judge shall make a recommended decision.

(b) Contents. The recommended decision shall include: (1) a description of the history of the proceedings, a brief explanation of the material issues of fact, law, or discretion presented on the record, and proposed findings and conclusions with respect to such issues as well as the reasons or basis therefore; (2) rulings on proposed findings and conclusions submitted by interested persons; and (3) recommended final regulations.

SEC. 8. Certification of transcript and final decision.

(a) After reaching a recommended decision, the Administrative Law Judge shall transmit such decision to the Director along with an original and one copy of the transcript of the testimony, all the exhibits not already on file in the office of the Director, and all proposed findings and conclusions and written arguments or briefs submitted by interested persons. He shall attach to the original transcript of testimony his certificate stating that, to the best of his knowledge and belief, the transcript is a true transcript of the testimony given at the hearing except in such particulars as he shall specify; and that the exhibits transmitted are all the exhibits as introduced at the hearing with such exceptions as he shall specify. A copy of such certificate shall be attached to each of the copies of the transcript of testimony. In accordance with such certificate, the Director shall note upon the official record copy, and cause to be noted on other copies of the transcript each correction detailed therein by adding or crossing out (but without obscuring the text as originally transcribed) at the appropriate place any words necessary to make the same conform to the correct meaning, as certified by the judge. The Director shall obtain and file certifications to the effect that such corrections have been effected in copies other than the official record copy.

(b) After due consideration of the record, the Director shall render a final decision. Such decision shall become a part of the record and shall include (1) a statement of his findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law or discretion presented on the record; and (2) the final regulations.

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

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

[FR Doc.74-9819 Filed 4-29-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Public Health Service

[42 CFR Part 50]

GRANTS

Proposed Appeals Procedure

Notice is hereby given that the Assistant Secretary for Health, with the approval of the Secretary of Health, Education, and Welfare, proposes to add a new Subpart D to Part 50 of Title 42, whose establishment was proposed at 38 FR 13418 (May 21, 1973). This Subpart will establish an informal grant appeals procedure for the six health agencies comprising the Public Health Service: the National Institutes of Health (NIH), the Health Services Administration (HSA), the Health Resources Administration (HRA), the Center for Disease Control (CDC), the Alcohol, Drug Abuse, and Mental Health Administration (ADAMHA), and the Food and Drug Administration (FDA).

On April 20, 1973, at 38 FR 9906, there was published in the FEDERAL REGISTER the Charter for a Department of Health, Education, and Welfare Grant Appeals Board (45 CFR Part 16), from which grant appeals panels would be selected for the purpose of reviewing and provid-

ing hearings upon post-award disputes which may arise in the administration of certain grant programs by constituent agencies of the Department.

Section 16.5(b)(2) of the Charter authorizes DHEW agencies to establish informal appeal procedures which must be exhausted before a formal appeal to the Departmental Grant Appeals Board will be allowed. Pursuant to § 16.5(b)(2) of that Charter, this subpart proposes to provide such an informal preliminary procedure for resolution of such disputes within the six health agencies comprising the Public Health Service, in order to preclude submission of cases to the Departmental Grant Appeals Board before such agencies have had an opportunity to review decisions of their officials and to settle disputes with grantees.

Notice is given that interested parties may address comments, data, views and arguments, in writing, in triplicate, to the Acting Chief, Grants Management Branch, Office of the Assistant Secretary for Health, Room 18A-03, Parklawn Building, 5600 Fishers Lane, Rockville, Maryland 20852. All comments received in response to this notice will be available for public inspection at the address referred to above on weekdays between the hours of 9 a.m. and 5 p.m. All relevant material received not later than May 30, 1974, will be considered.

Effective date. Part 50, Subpart D, will be effective upon republication in the FEDERAL REGISTER.

It is therefore proposed to amend 42 CFR by adding to Part 50, whose establishment was proposed at 38 FR 13418 (May 21, 1973), a new Subpart D, in the manner set forth below.

Dated: March 27, 1974.

CHARLES C. EDWARDS,
Assistant Secretary for Health.

Approved: April 19, 1974.

CASPAR W. WEINBERGER,
Secretary.

A new subpart D is hereby added to part 50 as follows:

Subpart D—Public Health Service Grant Appeals Procedure

AUTHORITY: Sec. 215 of the Public Health Service Act, as amended, 58 Stat. 690; (42 U.S.C. 216) and 80 Stat. 379; (5 U.S.C. 301).

Subpart D—Public Health Service Grant Appeals Procedure

§ 50.401 Purpose.

This subpart establishes an informal procedure for resolution of post-award grant disputes prior to their submission to the Departmental Grant Appeals Board established in 45 CFR Part 16 (38 FR 9906, April 20, 1973).

§ 50.402 Applicability.

This policy is applicable to all grant programs listed in Appendix A and Appendix B, which are administered by the National Institutes of Health, the Health Services Administration, the Health Resources Administration, the Center for Disease Control, the Alcohol, Drug Abuse, and Mental Health Administration, or the Food and Drug Administration.[1]

§ 50.403 Policy.

The Secretary of Health, Education, and Welfare has established a Departmental Grant Appeals Board for the purpose of reviewing and providing hearings upon post-award disputes which may arise in the administration of certain grant programs by constituent agencies of the Department. Section 16.5(b)(2) of the Charter (45 CFR Part 16) which establishes such Board authorizes DHEW agencies to establish informal appeal procedures which must be exhausted before a formal appeal to the Departmental Board will be allowed. Pursuant to § 16.5(b)(2) of that Charter, this document provides an informal preliminary procedure for resolution of such disputes within each of the six health agencies comprising the Public Health Service, in order to preclude submission of cases to the Departmental Appeals Board before the appropriate agency has had an opportunity to review decisions of its officials and to settle disputes with grantees.

§ 50.404 Scope.

(a) Adverse determinations to which this procedure is applicable are as follows:

(1) Termination, in whole or in part, of a grant for failure of the grantee to carry out its approved project in accordance with the applicable law and the terms and conditions of such assistance or for failure of the grantee otherwise to comply with any law, regulation, assurance, term, or condition applicable to the grant.

(2) A determination that an expenditure not allowable under the grant has been charged to the grant or that the grantee has otherwise failed to discharge its obligation to account for grant funds.

(3) The disapproval of a grantee's written request for permission to incur an expenditure during the term of a grant.

(4) A determination that a grant is void.

(b) A determination described in paragraph (a) of this section may not be reviewed by the review committee described in § 50.405 unless an officer or employee of the agency has notified the grantee in writing of such determination. Such notification shall set forth the reasons for the determination in sufficient detail to enable the grantee to respond and shall inform the grantee of his opportunity for review under this subpart. In the case of a determination under paragraph (a)(3) of this section, the failure of an agency to approve a grantee's request within a reasonable time, which shall be no longer than 30 days after the postmark date of the grantee's request unless the agency demonstrates to the review committee chairman good cause for not acting upon the request within such time period and has so notified the grantee within 30 days after the postmark date of the grantee's request, shall be deemed by the review committee a notification for purposes of this paragraph.

(c) Prior to submission to the Departmental Grant Appeals Board of an issue covered by paragraph (a) of this section, the grantee must exhaust the procedure set forth in § 50.406 of this subpart.

§ 50.405 Review committees.

The head of each agency (or for decentralized programs, the Assistant Secretary for Health or his designee) shall appoint a minimum of three employees of such agency (one of whom shall be designated as chairman) either on an ad hoc, case-by-case basis, or as regular members of review committees for such terms as he may designate. None of the members of the review committee reviewing any given appeal may be from the awarding component whose determination is being appealed.

§ 50.406 Procedure.

(a) A grantee with respect to whom an adverse determination described in § 50.404(a) above has been made and who desires a review of such determination must submit a request for such review to the head of the appropriate agency (or for decentralized programs, to the Assistant Secretary for Health or his designee) no later than thirty (30) days after the written notification of such determination is received: *Provided*, That (1) the review committee may grant an extension of time for good cause shown, and (2) where the determination is one described in § 50.404(a)(3), the grantee's request for review must be postmarked no later than 90 days after the postmark date of the grantee's request for permission to incur an expenditure.

(b) Although the request for review need not follow any prescribed form, it shall contain a full statement of the grantee's position with respect to the determination being appealed and the pertinent facts and reasons in support of such position. The grantee shall attach to this submission a copy of the notice of adverse determination.

(c) When a request for review has been filed under this subpart with respect to a determination, no action may be taken by the awarding agency pursuant to such determination until such request has been disposed of, except that the filing of the request shall not affect the authority which the agency may have to suspend assistance or otherwise to withhold or defer payments under the grant during proceedings under this subpart.

(d) Upon receipt of such a request, the head of the agency or his designee (or for decentralized programs, the Assistant Secretary for Health or his designee) will immediately notify the Director of the program involved or the Regional

[1] These appendices are identical with Appendix C and Appendix D of 45 CFR Part 16, respectively.

Health Administrator, if the program is decentralized.

(e) The program involved will provide the review committee with copies of all background materials (including application, award, summary statements, and correspondence) and any additional information available.

(f) The review committee may, at its discretion, invite the grantee, the program staff, or both to discuss with the review committee pertinent issues, and to submit such additional information as it deems appropriate.

(g) Based on its review, the review committee will prepare a written response to be signed by the chairman. This written response shall be sent to the grantee, with a copy to the Director of the involved program, or to the Regional Health Administrator if the program is decentralized. If such response is adverse to the grantee's position, the correspondence shall state the grantee's right to appeal to the Departmental Grant Appeals Board, pursuant to 45 CFR Part 16.

APPENDIX A—PUBLIC HEALTH PROGRAMS

(1) Section 225 of the Public Health Service Act (42 U.S.C. 234).
(2) Section 301 of the Public Health Service Act (42 U.S.C. 241).
(3) Section 303 of the Public Health Service Act (42 U.S.C. 242a).
(4) Section 304 of the Public Health Service Act (42 U.S.C. 242b).
(5) Section 306 of the Public Health Service Act (42 U.S.C. 242d).
(6) Section 308 of the Public Health Service Act (42 U.S.C. 242f).
(7) Section 309 of the Public Health Service Act (42 U.S.C. 242g).
(8) Section 310 of the Public Health Service Act (42 U.S.C. 242h).
(9) Section 314 (b), (c), and (e) of the Public Health Service Act (42 U.S.C. 246 (b), (c), and (e)).
(10) Section 317 of the Public Health Service Act (42 U.S.C. 247b).
(11) Section 318 of the Public Health Service Act (42 U.S.C. 247c).
(12) Section 393 of the Public Health Service Act (42 U.S.C. 280b-3).
(13) Section 394 of the Public Health Service Act (42 U.S.C. 280b-4).
(14) Section 395 of the Public Health Service Act (42 U.S.C. 280b-5, 6).
(15) Section 396 of the Public Health Service Act (42 U.S.C. 280b-7).
(16) Section 397 of the Public Health Service Act (42 U.S.C. 280b-8).
(17) Section 398 of the Public Health Service Act (42 U.S.C. 280b-9).
(18) Section 402 of the Public Health Service Act (42 U.S.C. 282).
(19) Section 407 of the Public Health Service Act (402 U.S.C. 286a).
(20) Section 412 of the Public Health Service Act (42 U.S.C. 287a).
(21) Section 413 of the Public Health Service Act (42 U.S.C. 287b).
(22) Section 422 of the Public Health Service Act (42 U.S.C. 288a).
(23) Section 431 of the Public Health Service Act (42 U.S.C. 289a).
(24) Section 433 of the Public Health Service Act (42 U.S.C. 289c).
(25) Section 434 of the Public Health Service Act (42 U.S.C. 289c-1).
(26) Section 444 of the Public Health Service Act (42 U.S.C. 289g).
(27) Section 453 of the Public Health Service Act (42 U.S.C. 289k).
(28) Section 704 of the Public Health Service Act (42 U.S.C. 292c).
(29) Section 720 of the Public Health Service Act (42 U.S.C. 293).
(30) Section 767 of the Public Health Service Act (42 U.S.C. 295e-1).
(31) Section 768 of the Public Health Service Act (42 U.S.C. 295e-2).
(32) Section 769 of the Public Health Service Act (42 U.S.C. 295e-3).
(33) Section 769A of the Public Health Service Act (42 U.S.C. 295e-4).
(34) Section 771 of the Public Health Service Act (42 U.S.C. 295f-1).
(35) Section 772 of the Public Health Service Act (42 U.S.C. 295f-2).
(36) Section 773 of the Public Health Service Act (42 U.S.C. 295f-3).
(37) Section 774 of the Public Health Service Act (42 U.S.C. 295f-4).
(38) Section 784 of the Public Health Service Act (§ 106(c) Public Law 92-157).
(39) Section 791 of the Public Health Service Act (42 U.S.C. 295h).
(40) Section 792 of the Public Health Service Act (42 U.S.C. 295h-1).
(41) Section 793 of the Public Health Service Act (42 U.S.C. 295h-2).
(42) Section 794A of the Public Health Service Act (42 U.S.C. 295h-3a).
(43) Section 794B of the Public Health Service Act (42 U.S.C. 295h-3b).
(44) Section 794C of the Public Health Service Act (42 U.S.C. 295h-3c).
(45) Section 802 of the Public Health Service Act (42 U.S.C. 296a).
(46) Section 805 of the Public Health Service Act (42 U.S.C. 296d).
(47) Section 810 of the Public Health Service Act (42 U.S.C. 2961).
(48) Section 821 of the Public Health Service Act (42 U.S.C. 297).
(49) Section 868 of the Public Health Service Act (42 U.S.C. 298c-7).
(50) Section 903 of the Public Health Service Act (42 U.S.C. 299c).
(51) Section 904 of the Public Health Service Act (42 U.S.C. 299d).
(52) Section 1001 of the Public Health Service Act (42 U.S.C. 300).
(53) Section 1003 of the Public Health Service Act (42 U.S.C. 300a-1).
(54) Sections 1004 and 1005 of the Public Health Service Act (42 U.S.C. 300a-2, 300a-3).
(55) Section 1101 of the Public Health Service Act (42 U.S.C. 300b).
(56) Section 1102 of the Public Health Service Act (42 U.S.C. 300b-1).
(57) Section 1111(a)(1) of the Public Health Service Act (42 U.S.C. 300c(a)(1)).
(58) Section 1111(a)(2) of the Public Health Service Act (42 U.S.C. 300c(a)(2)).
(59) Section 220 of the Community Mental Health Centers Act (42 U.S.C. 2688).
(60) Section 241 of the Community Mental Health Centers Act (42 U.S.C. 2688f).
(61) Section 242 of the Community Mental Health Centers Act (42 U.S.C. 2688g).
(62) Section 243 of the Community Mental Health Centers Act (42 U.S.C. 2688h).
(63) Section 246 of the Community Mental Health Centers Act (42 U.S.C. 2688j-1).
(64) Section 247 of the Community Mental Health Centers Act (42 U.S.C. 2688j-2).
(65) Section 251 of the Community Mental Health Centers Act (42 U.S.C. 2688k).
(66) Section 252 of the Community Mental Health Centers Act (42 U.S.C. 2688l).
(67) Section 253 of the Community Mental Health Centers Act (42 U.S.C. 2688l-1).
(68) Section 256 of the Community Mental Health Centers Act (42 U.S.C. 2688n-1).
(69) Section 264 of the Community Mental Health Centers Act (42 U.S.C. 2688r).
(70) Section 271 of the Community Mental Health Centers Act (42 U.S.C. 2688u).
(71) Section 272 of the Community Mental Health Centers Act (42 U.S.C. 2688v).
(72) Section 410 of Public Law 92-255—The Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1177).
(73) Section 501 of the Coal Mine Health and Safety Act (30 U.S.C. 951).
(74) Section 20 of the Occupational Health and Safety Act (29 U.S.C. 669).
(75) Section 21 of the Occupational Health and Safety Act (29 U.S.C. 670).

APPENDIX B—FOOD AND DRUG PROGRAMS

(1) Food and drug research—project grants, section 301 of the Public Health Service Act (42 U.S.C. 241).
(2) Food and drug research—product safety research, section 301(d) of the Public Health Service Act (42 U.S.C. 241).
(3) Food and drug research—pesticides research, section 301(d) of the Public Health Service Act (42 U.S.C. 241).

[FR Doc.74-9701 Filed 4-29-74;8:45 am]

Social Security Administration

[20 CFR Part 405]

[Reg. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Limitations on Coverage of Costs Under Medicare; Extension of Comment Period

This notice extends the period for comments provided in the notice published March 19, 1974 (39 FR 10260) in which comments were solicited on proposed amendments to Part 405 (Regulations No. 5) relating to the establishment of limitations on reasonable cost reimbursement.

Comment on the proposed regulations was invited on or before April 18, 1974. Several concerned organizations have requested additional time to submit comments. The time period for comment is hereby extended to May 18, 1974.

Comments on the proposed regulations of the Social Security Administration (20 CFR Part 405) should be submitted in writing, in triplicate, to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before May 18, 1974.

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

(Catalog of Federal Domestic Assistance Program No. 13.800, Health Insurance for the Aged—Hospital Insurance.)

Dated: April 19, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: April 25, 1974.

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

[FR Doc.74-9933 Filed 4-29-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 74-WE-16-AD]

CERTAIN DC-10 SERIES AIRPLANES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an airworthiness directive applicable to McDonnell Douglas DC-10 Series Airplanes incorporating Weber Aircraft DC-10 passenger seats. There have been failures of oxygen compartment doors to open on Weber Aircraft first-class passenger seat backs on Douglas DC-10 airplanes that prevented automatic presentation of oxygen masks. Since this condition is likely to exist or develop in other passenger seats of the same type design, the proposed airworthiness directive would require installation of a shroud to prevent upholstery fabric from interfering with oxygen door operation on Weber DC-10 passenger seats.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, view, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Department of Transportation, Federal Aviation Administration, Western Region, Attention: Regional Counsel, Airworthiness Rule Docket, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009. All communications received on or before June 5, 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 sections 313(a), 601, and 603 of the Federal Aviation Act of 1958 (49 U.S.C. 1354(a), 1421, 1423) and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

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

McDONNELL DOUGLAS: Applies to Douglas Model DC-10 Series airplanes, certificated in all categories, incorporating Weber Aircraft seats, Part numbers 818472-401, 402, 403, 411, 412, 413, 415, 416, 417, 418, 419, 4011, 4021, and 4031, and 819900-401, -402, and -403.

Compliance required within the next 500 hours' time in service after the effective date of this AD, unless already accomplished.

To prevent further failures of the oxygen doors to open, accomplish the following:

(a) Install shrouds around the first-class seat back oxygen doors in accordance with Weber Aircraft Service Bulletins No. 25-314 dated November 1, 1973, and No. 25-330, dated May 15, 1974.

(b) Equivalent installations may be approved by the Chief, Aircraft Engineering Division, FAA Western Region.

(c) Aircraft may be flown to a base for the performance of that maintenance required by this AD per FAR's 21.197 and 21.199.

Issued in Los Angeles, California on April 19, 1974.

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

[FR Doc.74-9758 Filed 4-29-74;8:45 am]

[14 CFR Part 73]

[Airspace Docket No. 74-NW-1]

RESTRICTED AREA

Proposed Alteration

The Federal Aviation Administration (FAA) is considering an amendment to Part 73 of the Federal Aviation Regulations that would alter the time of designation for Restricted Area R-6701 Admiralty Inlet, Wash.

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Northwest Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, FAA Building, Boeing Field, Seattle, Wash. 98108. All communications received by May 30, 1974, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

The proposed amendment would alter the time of designation for R-6701 Admiralty Inlet, Wash., by extending it to include "Saturday and Sunday as published by NOTAM 24 hours in advance." The operating hours of sunrise to sunset would remain the same.

The change in time of designation would allow the using agency to use R-6701 on weekends for the training of Naval Reserve aviation units stationed at NAS Whidbey Island, Wash. A maximum use of two weekends per month is anticipated.

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

Issued in Washington, D.C., on April 23, 1974.

CHARLES H. NEWPOL,
Acting Chief, Airspace and
Air Traffic Rules Division.

[FR Doc.74-9759 Filed 4-29-74;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 73-12; Notice 4]

MOTOR VEHICLE SAFETY STANDARDS

Motorcycles and Three-Wheeled Vehicles

The purpose of this notice is to propose an amendment of 49 CFR 571.3(b), Definitions, of the Federal motor vehicle safety standards, to revise the definition of "motorcycle."

By notice issued today, a redefinition of "motorcycle" published November 27, 1973 (38 FR 32580) to be effective September 1, 1974, has been revoked for reasons stated therein.

In a petition for reconsideration submitted in response to the redefinition of "motorcycle" (38 FR 32580, November 27, 1973), the White Motor Corp. suggested a definition that would include as motorcycles three-wheeled vehicles with handlebars and with no passenger enclosures above the handlebar grips other than a windscreen. This suggestsed delineation of the category appears to be a reasonable one, since a passenger enclosure is an essential element in the occupant protection requirements applicable to passenger cars, multipurpose passenger vehicles, or trucks. In the definition hereby proposed, the words "or provision for such enclosure" are included, to exclude from the motorcycle category vehicles designed by their manufacturer to have a readily attachable top.

In consideration of the foregoing it is proposed that the definition of "Motorcycle" in 49 CFR 571.3(b) be amended to read:

"Motorcycle" means a two-wheeled motor vehicle with motive power, or a three-wheeled motor vehicle with motive power and a handlebar for steering but with no passenger enclosure or provision for such enclosure, other than a windscreen, above the height of the handlebar grips when they are in the straight-ahead position.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5108, 400 Seventh Street, SW, Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

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

date, and it is recommended that interested persons continue to examine the docket for new material.

Proposed effective date: March 1, 1975.

Comment closing date: May 31, 1974.

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

Issued on April 25, 1974.

ROBERT L. CARTER,
Associate Administrator
Motor Vehicle Programs.

[FR Doc.74-9837 Filed 4-29-74;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Economic Reg. Docket No. 26578; EDR-266A]

LEASE TRANSACTIONS

Disclosure Standards; Extension of Time for Filing Comments

APRIL 24, 1974.

The Board, by circulation of notice of proposed rule making EDR-266, dated April 5, 1974, and published at 39 FR 13170, gave notice that it had under consideration proposed amendments to Part 241 of its Economic Regulations (14 CFR Part 241) which would require air carriers to disclose on the face of their Form 41 Balance Sheets filed with the Board financing leases of certain personal property and equipment. Interested persons were invited to participate by submission of twelve (12) copies of written data, views or arguments pertaining thereto to the Docket Section of the Board on or before May 13, 1974.

By letter dated April 18, 1974, the Air Transport Association of America (ATA), on behalf of certain air carrier members, requested an extension of time for filing comments to June 13, 1974. According to ATA, the additional time is needed in order to enable representatives of its General Accounting Committee to arrange a meeting for the purpose of reviewing the Board's proposed rule in detail and determining an appropriate position with respect thereto.

The undersigned finds that good cause has been shown for granting the requested extension. However, since the Board, in EDR-266, expressed its intention to conclude this rule making as expeditiously as possible it should be noted that the undersigned does not anticipate than any further extensiion would be warranted.

Accordingly, pursuant to authority delegated in § 385.20(d) of the Board's Organization Regulations, the undersigned hereby extends the time for filing comments until June 13, 1974.

(Sec. 204(a) of the Federal Aviation Act of 1958, as amended, 72 Stat. 743; 49 U.S.C. 1324.)

[SEAL] ARTHUR H. SIMMS,
Associate General Counsel,
Rules and Rates Division.

[FR Doc.74-9826 Filed 4-29-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Proposed Compliance Schedules for Pennsylvania

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51, require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. Each such plan is to contain legally enforceable compliance schedules setting forth the dates by which all stationary and mobile sources must be in compliance with any applicable requirement of the plan.

On May 31, 1972 (37 FR 10899), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved portions of Pennsylvania's State Implementation Plan.

Pursuant to 40 CFR 51.6, the Commonwealth of Pennsylvania has submitted for the Environmental Protection Agency's approval, revisions to the compliance schedule portion of its plan. This publication proposes that certain of these revisions be approved. Others are still undergoing review and cannot be proposed for approval at this time. Each proposed revision established a date by which an individual air pollution source must attain compliance with an emission limitation of the State Implementation Plan. This date is indicated in the attached table under the heading "Final Compliance Date." In many cases, the schedule includes incremental steps toward compliance with interim dates for achieving those steps. While the table below does not list these interim dates, the actual compliance schedules do. All of the compliance schedules listed here are available for public inspection at the following locations:

Environmental Protection Agency
Region III
Curtis Building
Sixth and Walnut Streets
Philadelphia, Pennsylvania 19106

Bureau of Air Quality and Noise Control
Fulton National Building
208 North Third Street
Harrisburg, Pennsylvania 17120

Freedom of Information Center
Environmental Protection Agency
401 M Street, SW.
Washington, D.C. 20460

Each compliance schedule has been adopted by the Pennsylvania Bureau of Air Quality and Noise Control and submitted to EPA after notice and public hearing in accordance with the procedural requirements of 40 CFR Part 51.

This notice is issued to advise the public that comments may be submitted on whether the proposed revisions to the Pennsylvania State Implementation Plan should be approved or disapproved as required by section 110 of the Clean Air Act. Only comments received within thirty days from publication of this notice will be considered. The Administrator's decision to approve or disapprove the proposed revisions is based upon the requirements of section 110(a)(2)(A-H) of the Clean Air Act and Environmental Protection Agency regulations published in 40 CFR Part 51. Comments should be directed to Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, Attention: Benjamin Stonelake.

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

Dated: APRIL 19, 1974.

JOHN QUARLES,
Acting Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart NN—Pennsylvania

The table in paragraph 52.2036(a) is amended as follows:

§ 52.2036 **Compliance Schedules.**

(a) * * *

PENNSYLVANIA

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Carpenter Technology Corp., State order No. 73-668-V.	Reading	123.13	July 3, 1973	Immediately	Mar. 1, 1974
Mobile Oil Corp., State order No. 73-647-V.	Midland	123.1 123.31 129.2 129.3	June 15, 1973	do	Mar. 31, 1974
Armco Steel Corp.:					
State order No. 73-670-V	Butler Township	123.1	July 2, 1973	do	Dec. 31, 1974
State order No. 73-669-V	do	123.1	do	do	Do.
Union Quarries, Inc., State order No. 73-633-V.	South Middleton Township.	123.1 123.2 123.13	Apr. 11, 1973	do	Mar. 19, 1974
Standard Milling Co., State order No. 73-648-V.	Highspire	123.13	June 22, 1973	do	Jan. 1, 1974
Juniata College, State order No. 73-655-V.	Huntingdon	123.11 123.41	July 2, 1973	do	May 15, 1974
Union Quarries, Inc., State order No. 73-632-V.	Rheems Township.	123.1 123.13	Apr. 9, 1973	do	Mar. 19, 1974
Martin Marietta Cement, State order No. 73-656-V.	Northampton	123.13 123.41	July 2, 1973	do	Apr. 12, 1974
Union Electric Steel Corp., State order No. 73-659-V.	Burgettstown	123.1	do	do	July 1, 1974
P. H. Glatfelter Co.:					
State order No. 73-664-V	Spring Grove	123.11 123.41	July 5, 1973	do	May 22, 1975
State order No. 73-655-V	do	123.11 123.41	July 2, 1973	do	Sept. 1, 1974

PENNSYLVANIA—Continued

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
State order No. 73-667-V	do	123.11 123.41	July 5, 1973	do	Feb. 28, 1974
State order No. 73-666-V	do	123.11 123.41	July 2, 1973	do	Nov. 1, 1974
Blue Ball Stone Co., Inc., State order No. 73-652-V.	Blue Ball	123.1 123.2	June 22, 1973	do	Mar. 31, 1974
Limeville Quarries, Inc., State order No. 73-622-V.	Salisbury Township.	123.1 123.13	Apr. 19, 1973	do	Mar. 16, 1974
D. M. Stoltfus & Son, Inc.:					
State order No. 73-604-V	Paradise Township.	123.1 123.13	do	do	Mar. 1, 1974
State order No. 73-620-V	Upper Leacock Township.	123.1 123.13	Apr. 18, 1973	do	Do.
State order No. 73-621-V	Fulton Township	123.1 123.13	Apr. 17, 1973	do	Sept. 1, 1974
Pennsy Supply, Inc.:		123.1	Apr. 3, 1973	do	Mar. 19, 1974
State order No. 73-629-V.	Harrisburg	123.2 123.13			
State order No. 73-630-V	South Hanover Township.	123.1 123.2 123.13	do	do	Apr. 1, 1974
Rohrer's Quarry, Inc., State order No. 73-624-V.	Penn Township	123.1	Apr. 12, 1973	do	Jan. 18, 1975
Michael Berkowitz Co., Inc., State order No. 73-677-V.	South Union Township.	123.41	July 18, 1973	do	Sept. 2, 1974
York Building Products Co., Inc., State order No. 73-649-V.	Thomasville	123.1	July 2, 1973	do	Mar. 19, 1974
Keystone Portland Cement Co., State order No. 73-651-V as amended July 23, 1973.	East Allen Township.	123.13	June 22, 1973 as amended July 23, 1973	do	Dec. 1, 1974
Ruane Coal & Coke Co., State order No. 73-683-V.	Georges Township.	123.1 123.2 123.13 123.21 123.41 123.31	July 27, 1973	do	Dec. 31, 1974
Jessop Steel Co., State order No. 73-759-V.	Washington	123.1 123.2 123.13 123.41	Sept. 19, 1973	do	Apr. 1, 1974
Charmin Paper Products Co., State order No. 73-763-V.	Mehoopany	123.11 123.22	Sept. 20, 1973	do	June 13, 1975
Brockway Clay Co., State order No. 73-743-V.	Brockway	123.11 123.22 123.41	Aug. 29, 1973	do	Nov. 30, 1974
Penn-Dixie Cement Corp., State order No. 73-742-V.	West Winfield	123.13	do	do	Oct. 5, 1974
Philco-Ford Corp.:					
State order No. 73-737-V	Watsontown	123.11 123.41	Aug. 28, 1973	do	Dec. 31, 1974
State order No. 73-738-V	do	123.13	Aug. 27, 1973	do	Aug. 31, 1974
Miners Hospital of Northern Cambria, State order No. 73-714-V.	Spangler	123.11 123.22 123.41	Aug. 17, 1973	do	Apr. 11, 1974
Associated Box Corp., State order No. 73-721-V.	New Eagle	123.41	do	do	Apr. 1, 1974
GAF Corp., State order No. 73-717-V.	Whitehall Township.	123.13	do	do	Feb. 28, 1974
Whitehall Cement Manufacturing Co., State order N . 73-722-V.	do	123.13	Aug. 22, 1973	do	July 31, 1974
Fair-Tex Mills, Inc., State order No. 73-718-V.	Allentown	123.13 123.31 123.41	do	do	Mar. 2, 1974
Mackintosh-Hemphill, division E.W. Bliss Co., State order No. 73-727-V.	Midland	123.13	do	do	July 1, 1975
Metropolitan Edison Co., State order No. 73-724-V.	Portland	123.11 123.22 123.41	do	do	Mar. 5, 1975
State order No. 73-723-V	Cumru Township.	123.11 123.22 123.41	do	do	Mar. 1, 1975
Armstrong Cork Co.:					
State order No. 73-696-V as amended Nov. 19, 1973.	Lancaster	123.13 123.41	Aug. 17, 1973	do	Sept. 19, 1974
State order No. 73-694-V as amended Nov. 19, 1973.	do	123.13 123.41	Aug. 22, 1973	do	July 19, 1974
State order No. 73-693-V as amended Nov. 19, 1973.	do	123.13 123.41	Aug. 17, 1973	do	May 19, 1974
State order No. 73-695-V as amended Nov. 19, 1973.	do	123.13 123.41	Aug. 16, 1973	do	Sept. 19, 1974
State order No. 73-692-V	do	123.13 123.41	Aug. 17, 1973	do	Dec. 19, 1974
State order No. 73-691-V	do	123.13 123.41	Aug. 13, 1973	do	Mar. 19, 1974
State order No. 73-690-V	do	123.13 123.41	do	do	Jan. 19, 1974
Keystone Lime Co., State order No. 73-716-V.	Elk Lick Township.	123.1 123.13	Aug. 17, 1973	do	May 1, 1975
Pfizer, Inc., State order No. 73-720-V.	Easton	123.41	Aug. 20, 1973	do	Mar. 31, 1974
FMC Corp., American Viscose Division State order No. 73-712-V as amended Sept. 18, 1973.	Lewistown	123.11	Aug. 15, 1973 as amended Sept. 18, 1973	do	Sept. 18, 1974
Narehood Brothers, Inc., State order No. 73-712-V.	Tyrone	123.1	Aug. 14, 1973	do	Sept. 1, 1974
General Refractories Co., State order No. 73-709-V as amended.	Frankstown Township.	123.13	Aug. 14, 1973 as amended Sept. 11, 1973	do	Dec. 31, 1974
Bethlehem Steel Corp.:					
State order No. 73-757-V	Steelton	123.41	Sept. 24, 1973	do	May 22, 1975
State order No. 73-756-V	do	123.1 123.13 123.41	Sept. 26, 1973	do	July 1, 1975

PENNSYLVANIA—Continued

Source company	Location	Article XVIII, section—	Date of adoption	Effective date	Final compliance date
Allentown Portland Cement Co.: State order No. 73-767-V	Maidencreek Township.	123.13	Sept. 24, 1973	do	Feb. 3, 1974
State order No. 73-768-V	do	123.13	do	do	Dec. 31, 1974
Meehan Oil Co., Inc., State order No. 73-774-V.	Tullytown Borough.	129.1 129.2 129.3	Sept. 27, 1973	do	Sept. 15, 1974
Pennsylvania Power & Light Co., State order No. 73-736-V.	Shamokin Dam	123.2 123.11 123.22 123.41	Sept. 17, 1973	do	June 1, 1975
The Charmin Paper Products Co., State order No. 73-764-V.	Mehoopany	123.21	Sept. 24, 1973	do	June 13, 1974
Fasson Division of Avery Products, Inc., State order No. 73-780-V.	Quakertown	123.31	Oct. 1, 1973	do	May 31, 1975
North American Refractories Co.—Research Center, State order No. 73-775-V.	Womelsdorf	123.31	Oct. 3, 1973	do	Sept. 1, 1974
Carpentertown Coal & Coke Co., State order No. 73-682-V.	Boggs Township, Armstrong County.	123.13 123.31 123.41	July 26, 1973	do	Dec. 31, 1974
Pennsylvania Power and Light Co., State order No. 73-680-V.	Holtwood, Lancaster County.	123.11	July 25, 1973	do	May 1, 1975
Bethlehem Mines Corp., State order No. 73-786-V.	North Anville Township, Lebanon County.	123.13 123.41	Oct. 5, 1973	do	Mar. 31, 1975
Gunnison Brothers, Inc., State order No. 73-802-V.	Girard, Erie County.	123.11	Oct. 17, 1973	do	Dec. 31, 1974
GAF Corp., State order No. 73-793-V.	Erie, Erie County.	123.13 123.41	do	do	May 31, 1974
Witco Chemical Corp., State order No. 73-789-V.	Petrolia, Butler County.	123.11 123.13 123.21 123.22 123.12	Oct. 12, 1973	do	Mar. 19, 1975
GAF Corp., State order No. 73-792-V.	Erie, Erie County.	123.31	do	do	Nov. 30, 1974
Appleton Papers, Inc., State order No. 73-804-V.	Roaring Spring, Blair County.	123.13 123.31	Oct. 19, 1973	do	Mar. 15, 1974
Standard Coated Products Department, American Cyanamid Co., State order No. 73-814-V.	Hughestown, Luzerne County.	123.31	do	do	Mar. 1, 1974
United Refinery Co., State order No. 73-809-V.	Warren, Warren County.	123.41	Oct. 18, 1973	do	May 1, 1974
Corning Glass Works, State order No. 73-795-V.	Wellsboro, Tioga County.	123.13 123.41 123.13	Oct. 12, 1973	do	Dec. 31, 1974
Marblehead Lime Co., State order No. 73-790-V.	Pleasant Gap, Centre County.	123.41	do	do	Jan. 31, 1974
Pfizer, Inc., Minerals Pigments and Metals Division: State order No. 73-807-V	Wilson Borough, Northampton County.	129.12	Oct. 17, 1973	do	Feb. 1, 1974
State order No. 73-806-V	do	123.13	do	do	Mar. 1, 1974
Bethlehem Mines Corp., State order No. 73-744-V as amended Oct. 4, 1973.	Bethlehem, Northampton County.	123.12 123.31 123.41	Sept. 4, 1973 as amended Oct. 4, 1973	do	Apr. 30, 1975
Gold Bond Building Products, Division of National Gypsum Co., State order No. 73-794-V.	Bellefonte, Centre County.	123.1	Oct. 9, 1973	do	Sept. 15, 1974

ALLEGHENY COUNTY, PA.

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Phillips Petroleum Co., county compliance order No. 177 P 3027.	Indianola	1810.1B	June 20, 1973	June 30, 1973	Dec. 4, 1974
Neville Chemical Co., county compliance order No. 75 P 99-100.	Neville Island, Pittsburgh.	1809.1A 1809.4B	Apr. 13, 1973	Apr. 23, 1973	Jan. 31, 1974
Mesta Machine Co., county compliance order No. 71 c 188.	West Homestead.	1809.3 A, B	May 21, 1973	May 31, 1973	Apr. 1, 1974
Carnegie-Mellon University, county compliance order No. 14 c 254.	Schenly Park, Pittsburgh.	1809.3 A, B	May 17, 1973	May 27, 1973	Oct. 1, 1974
Atlantic Richfield Co., county compliance order No. 33 P 52.	Pittsburgh	1810.1B	May 21, 1973	May 31, 1973	May 1, 1974
Allegheny County Housing Authority, county compliance order No. 184 I 1878-1882.	do	1809.5	Aug. 13, 1973	Aug. 23, 1973	May 14, 1974
American Oil Co., county-compliance order No. 191 P.	Hays	1810.1	June 20, 1973	June 30, 1973	Nov. 30, 1974
Woodville State Hospital, county compliance order No. 127 c 162.	Carnegie	1809.1 1809.3A 1809.3B	Aug. 8, 1973	Aug. 18, 1973	June 20, 1974
Vulcan Materials Co., county compliance order No. 121 c 156.	Neville Island, Pittsburgh.	1809.3B.2	Mar. 20, 1973	Mar. 30, 1973	Aug. 1, 1974
United States Steel Corp.: county compliance order No. 140 P 125.	do	1810.2 A, B	Sept. 4, 1973	Sept. 14, 1973	May 15, 1975
County compliance orders Nos. 138 P 124 and 139 P 126.	do	1809.4 1809.1	June 21, 1973	July 1, 1973	May 31, 1975
Texaco, Inc., county compliance order No. 85 P 143.	Coraopolis	1810.1B	Aug. 3, 1973	Aug. 13, 1973	Mar. 31, 1974

ALLEGHENY COUNTY, PA.—Continued

Source company	Location	Article XVIII, section—	Date of adoption	Effective date	Final compliance date
Sun Oil Co., county compliance order No. 19 P 3444.	O'Hara township.	1810.1B	do	do	Dec. 1, 1973
Sohio Petroleum Co., county compliance order No. 171 P 113.	Coraopolis	1810.1	Aug. 3, 1973	Aug. 13, 1973	Apr. 1, 1974
Armour & Co., county compliance order No. 186 P 3528.	Pittsburgh	1809.1A 1809.8	Aug. 6, 1973	Aug. 16, 1973	Oct. 31, 1974
Ashland Petroleum Co., county compliance order No. 100 P 356.	Floreffe	1809.1B 1810.1D	May 21, 1973	May 31, 1973	Jan. 31, 1975
H. J. Heinz Co., county compliance order No. 45 c 186–187.	Pittsburgh	1809.1A 1809.3A 1809.3B	Jan. 15, 1973	Jan. 25, 1973	July 31, 1974

[FR Doc.74-9609 Filed 4-29-74;8:45 am]

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF STATE IMPLEMENTATION PLANS

Proposed Compliance Schedules for West Virginia

Section 110 of the Clean Air Act, as amended, and the implementing regulations of 40 CFR Part 51, require each State to submit a plan which provides for the attainment and maintenance of the national ambient air quality standards throughout the State. Each such plan is to contain legally enforceable compliance schedules setting forth the dates by which all stationary and mobile sources must be in compliance with any applicable requirement of the plan.

On May 31, 1972 (37 FR 10899), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved West Virginia's State Implementation Plan.

On February 23, and October 23, 1973, pursuant to 40 CFR 51.6, the State of West Virginia has submitted for the Environmental Protection Agency's approval, revisions to the compliance schedule portion of its plan. This publication proposes that certain of these revisions be approved. Others are still undergoing review and cannot be proposed for approval at this time. Each proposed revision established a date by which an individual air pollution source must attain compliance with an emission limitation of the State Implementation Plan. This date is indicated in the attached table under the heading "Final Compliance Date." In many cases, the schedule includes incremental steps toward compliance with interim dates for achieving those steps. While the table below does not list these interim dates, the actual compliance schedules do. All of the compliance schedules listed here are available for public inspection at the following locations:

Environmental Protection Agency
Region III
Curtis Building
Sixth and Walnut Streets
Philadelphia, Pennsylvania 19106

West Virginia Air Pollution Control Commission
1558 Washington Street, East
Charleston, West Virginia 25311

Freedom of Information Center
Environmental Protection Agency
401 M Street, S.W.
Washington, D.C. 20460

Each compliance schedule has been adopted by the West Virginia Air Pollution Control Commission and submitted to EPA after notice and public hearing in accordance with the procedural requirements of 40 CFR Part 51.

This notice is issued to advise the public that comments may be submitted on whether the proposed revisions to the West Virginia State Implementation Plan should be approved or disapproved as required by section 110 of the Clean Air Act. Only comments received within thirty days from publication of this notice will be considered. The Administrator's decision to approve or disapprove the proposed revisions is based upon the requirements of section 110(a)(2)(A–H) of the Clean Air Act and Environmental Protection Agency regulations published in 40 CFR Part 51. Comments should be directed to Environmental Protection Agency, Region III, Curtis Building, Sixth and Walnut Streets, Philadelphia, Pennsylvania 19106, Attention: Marc E. Gold.

(42 U.S.C. 1857c–5)

Dated: April 19, 1974.

JOHN QUARLES,
Acting Administrator.

It is proposed to amend Part 52 of Chapter I, Title 40 of the Code of Federal Regulations as follows:

Subpart XX—West Virginia

Section 52.2524(c) is added as follows:

§ 52.2524 Compliance schedules.

* * * * *

(c) The compliance schedules for the sources identified below are approved as meeting the requirements of § 51.15 of this chapter. All regulations cited are air pollution control regulations of the State of West Virginia.

WEST VIRGINIA

Source	Location	Regulation involved	Date of adoption	Effective date	Final compliance date
Monongahela Power Co., Rivesville Station.	Fairmont	II	Dec. 14, 1972	Immediately	Mar. 27, 1975
Chesapeake & Ohio Railway Co., Huntington Shops.	Huntington	II	Dec. 7, 1972	do	Oct. 31, 1974
Central Operating Co., Philip Sporn Plant.	New Haven	II	Dec. 14, 1972	do	June 30, 1975
E. I. du Pont de Nemours & Co., Inc.	Parkersburg	II	July 12, 1973	do	June 30, 1975
International Nickel Co., Inc., Huntington Alloy Products Division.	Huntington	VII	July 12, 1973	do	Dec. 31, 1974
Koppers Co., Inc	Follansbee	II	July 5, 1973	do	May 39, 1975
PPG Industries, Inc	New Martinsville	II	Dec. 7, 1972	do	July 1, 1975
Preston County Coal & Coke Corp	Cascade	VII	Sept. 20, 1973	do	Feb. 15, 1974
Quaker State Oil Refining Corp. Ohio Valley Plant.	St. Marys	II	July 5, 1973	do	June 1, 1975
Mercury Coal & Coke, Inc	Morgantown	VII	Sept. 20 1973	do	June 30, 1975
Mountaineer Carbon Co	Moundsville	VII	Dec. 14, 1972	do	Do.
Weirton Steel Division, National Steel Corp.	Weirton	II	Oct. 26, 1972	do	Dec. 31, 1974
Union Carbide Corp., Ferroalloys Division.	Alloy	VII	Oct. 29, 1970	do	Jan. 1, 1975
Monongahela Power Co., Albright Station.	Albright	II	Dec. 14, 1972	do	Feb. 1, 1975
Brockway Glass Co., Inc	Clarksburg	VII	Nov. 2, 1973	do	June 1, 1974
Owens-Illinois Glass Works—Fairmont Plant.	Fairmont	VII	Oct. 30, 1973	do	July 1, 1975
Owens-Illinois Glass Works—Huntington Plant.	Huntington	VII	do	do	Jan. 7, 1975
Johns-Manville Fiber Glass Plant	Vienna	VII	Nov. 2, 1973	do	June 1, 1975
Quaker State Oil Refining Corp	St. Marys	VII	July 5, 1973	do	Aug. 30, 1974
Sharon Steel Corp., Fairmont Coke Works.	Fairmont	II	Dec. 14, 1972	do	July 1, 1974
Sterling Faucet Co., Cast Products Plant.	Morgantown	VII	do	do	Feb. 1, 1975
Sterling Faucet Co., Pittsburgh Valve Plant.	do	VII	do	do	Do.
Union Carbide Corp., Chemicals and Plastics Division.	Sistersville	II	do	do	Dec. 30, 1974
Wheeling Pittsburgh Steel Corp., Steubenville Plant, East Division, By Product Coke Plant.	Follansbee	II	Sept. 20, 1973	do	Sept. 30, 1974
Allied Chemical Corp., Industrial Chemical Division, South Plant.	Moundsville	II	Oct. 26, 1972	do	Mar. 1, 1975
American Cyanamid Co	Willow Island	II	Dec. 7, 1972	do	Feb. 1, 1975

[FR Doc.74-9613 Filed 4-29-74;8:45 am]

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Proposed Revision to the Commonwealth of Puerto Rico Implementation Plan

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator approved in its entirety the state implementation plan submitted by the Commonwealth of Puerto Rico on the basis that it provided adequately for the attainment and maintenance of national ambient air quality standards for all criteria pollutants by July 1975.

On September 22, 1973, the Governor of the Commonwealth of Puerto Rico submitted a series of regulatory changes to the plan which included, among others, a revised Article 6 of the Regulation for Control of Atmospheric Pollution. In a letter dated December 18, 1973, the Executive Director of the Puerto Rico Environmental Quality Board withdrew the plan revision request pertaining to Article 6. This was due to the fact that the Board was again revising the control strategy for sulfur dioxide and would again be revising Article 6.

On February 28, 1974, the Governor of the Commonwealth of Puerto Rico submitted a revision to the implementation plan which consisted of a revised Article 6 of the Regulation for Control of Atmospheric Pollution. Additional information submitted on March 28, 1974 by the Executive Director of the Puerto Rico Environmental Quality Board clarifies certain portions and corrects typographical errors in the regulation. In addition, this information contains the necessary analysis of the basis for and the potential impact of revised Article 6 on sulfur oxides air quality in the Commonwealth and sets up a timetable for submission, to EPA, of the maximum allowable sulfur content, by weight, to be used by sources having a rated heat input capacity greater than 250 Btu/hr. Revised Article 6 was adopted by Governor's Executive Order on March 29, 1974.

The revised Article 6 will allow sources to determine the maximum allowable sulfur content through use of dispersion equations. This technique takes into consideration the contribution to ground level total sulfur oxide concentration at a given receptor point when the source operates at the designed capacity of the unit and under observed applicable meteorological conditions. Regardless of the fuel sulfur content determined by use of the dispersion equation the maximum fuel sulfur content which may be used by any source cannot exceed 3.1 percent, by weight.

It is noted that § 6.1.1(D) of the regulation would allow existing sources to increase the stack height up to good engineering practice as a means of easing the burden of complying with the sulfur in fuel requirements of the regulation.

This notice is issued to advise the public that comments may be submitted on whether the regulatory provisions of the revised control strategy should be approved or disapproved as required by section 110 of the Clean Air Act. Only comments received on or before May 30, 1974, will be considered. The Administrator's decision to approve or disapprove the proposed plan revision is based on whether it meets the requirements of section 110(a)(2)(A)–(H) and EPA regulations in 40 CFR Part 51.

Copies of the plan revision submission are available for public inspection during normal business hours at the Office of Public Affairs, EPA, Region II, 26 Federal Plaza, New York, New York 10007 and at the Environmental Quality Board, Thom McAnn Building, Stop 22½, Santurce, Puerto Rico. Copies are also available for inspection at the EPA San Juan Field Office, 1225 Ponce De Leon Avenue, Caso Building—Suite 804, Santurce, Puerto Rico 00807 and at the Freedom of Information Center, EPA, 401 M Street SW., Washington, D.C. 20460. All comments should be addressed to the Regional Administrator, Environmental Protection Agency, Region II, 26 Federal Plaza, New York, New York 10007.

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

Dated: April 24, 1974.

RUSSELL E. TRAIN,
Administrator,
Environmental Protection Agency.

[FR Doc.74-9853 Filed 4-29-74;8:45 am]

[40 CFR Part 172]

SHIPMENTS OF PESTICIDES FOR EXPERIMENTAL USE ISSUANCE OF PERMITS

Extension of Time for Comment

The Environmental Protection Agency published in the FEDERAL REGISTER of March 27, 1974 (39 FR 11306), a notice of proposed rulemaking regarding the establishment of a new Part 172 of Chapter I of Title 40 of the Code of Federal Regulations an dthe revocation of § 162.17. Notice was given pursuant to the authority of section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 938). The intent of this proposed rulemaking is to revise present procedures with respect to the use of pesticides for experimental purposes so as to conform to the provisions of the FIFRA, as amended. Interested persons were invited to submit comments on this proposal before April 26, 1974.

A number of interested parties have requested additional time to submit their views on this proposed rulemaking. After further consideration of the possible impact the proposed regulation may have, it has been determined that the requested additional comment time is warranted. The April 26 deadline for submission of comments is therefore being extended

until May 27, 1974. Such comment should be filed in duplicate and addressed to the Federal Register Section, Technical Services Division (HM–569), Office of Pesticide Programs, Environmental Protection Agency, Washington, D.C. 20460, and bear the identifying symbol OPP–50004. All written comments filed pursuant to this notice will be available for public inspection in the Office of the Federal Register Section, Environmental Protection Agency, Room EB–29, East Tower, 401 M Street EW., Washington, D.C., during regular business hours, 8 a.m. to 4:30 p.m. daily.

Dated: April 25, 1974.

ALVIN L. ALM,
Acting Administrator.

[FR Doc.74–9919 Filed 4–29–74;10:18 am]

FEDERAL POWER COMMISSION

[18 CFR Parts 35 and 154]

[Docket No. RM74–18]

RATE OF INTEREST ON AMOUNTS SUBJECT TO REFUND

Notice of Proposed Rulemaking Related to the Interest Rate on Amounts Held Subject to Refund

APRIL 23, 1974.

Notice is hereby given, pursuant to the Administrative Procedure Act, 5 U.S.C. § 551, *et seq.* (1970), § 16 of the Natural Gas Act, and § 309 of the Federal Power Act, that the Federal Power Commission is considering amending § 35.19a and § 154.102(c), and § 157.67(c) of its regulations under the Federal Power Act and the Natural Gas Act to change the interest rate on amounts subject to refund from the currently stipulated rate of seven percent (7 percent) per annum. Since the Commission established this seven percent (7 percent) rate in December, 1971 (Docket No. R–419, Order No. 442, issued December 3, 1971), substantial changes in economic conditions have occurred to the extent that the Commission believes that the present rate should be reviewed and reevaluated.

Any interested person may submit to the Federal Power Commission, Washington, D.C. 20426, not later than June 7, 1974, data, views and comments in writing concerning the matters herein proposed. An original and 14 conformed copies should be filed with the Commission. Submissions to the Commission should indicate the name and address of the person to whom correspondence in regard to the proposal should be addressed. Written submittals will be placed in the Commission's public files and will be available for public inspection at the Commission's Office of Public Information, 825 North Capitol Street, NE., Washington, D.C. 20426, during regular business hours. The Commission will consider all written submissions made before acting on the matters herein proposed. The Secretary shall cause prompt publication of this notice in the FEDERAL REGISTER.

By Direction of the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–9785 Filed 4–29–74;8:45 am]

GENERAL SERVICES ADMINISTRATION

[41 CFR Part 101–20]

ASSIGNMENT AND UTILIZATION OF SPACE

Notice of Proposed Amendments to Federal Property Management Regulations

Notice is hereby given in accordance with the administrative procedure provisions in 5 U.S.C. 553 that, pursuant to the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, the General Services Administration is considering an amendment to 41 CFR 101–20.1—Assignment and Utilization of Space. The amendments and revisions involve changes in regulations and a revised Standard Form 81, Request for Space, which embodies the principles in the modified guidelines.

Any person who wishes to submit written data, views, or objections pertaining to the proposed amendment may do so by filing them in duplicate with the General Services Administration (P), Washington, D.C. 20405, within 60 calendar days following publication of this notice in the FEDERAL REGISTER.

Dated: April 9, 1974.

LARRY F. ROUSH,
Commissioner,
Public Buildings Service.

As proposed, the amendment to the regulations would read as follows:

This change (1) identifies space requests as being initial, supplemental, or replacement and requires that the type of request be indicated on the proposed revised edition of Standard Form 81, Request for Space; (2) requires that an authorized official of an agency requesting space certify to the agency's need for the space and the availability of funds for reimbursement to GSA, when appropriate; and (3) illustrates the proposed revised edition of Standard Form 81.

The table of contents for Part 101–20 is amended by the addition of the following new entries:

101–20.101–1a Types of requests.
101–20.101–1b Certification of requests.

Subpart 101–20.1—Assignment of Space

Section 101–20.101–1a is added to read as follows:

§ 101–20.101–1a Types of requests.

The type of request (initial, supplemental, or replacement) shall be indicated by checking the appropriate block on Standard Form 81, Request for Space.

(a) An "initial request" means a request for space in a location where an agency does not presently occupy any space or where space is required for new agencies or new missions of existing agencies.

(b) A "supplemental request" means a request for space in a location where an agency already occupies space but needs additional space to provide for expanding program responsibilities.

(c) A "replacement request" means a request for space to replace that occupied by an agency and which is a result of a relocation or a consolidation of agency activities.

§ 101–20.101–1b is added to read as follows:

§ 101–20.101–1b Certification of requests.

The need for the space requested and the availability of funds, as appropriate, for reimbursement to GSA shall be certified to by an authorized official of the requesting agency. The certification will also state that the request is in compliance with FPMR § 101–17.103, § 101–18.107, and § 101–19.104 which require the requesting agency to provide such information as may be necessary to effectively comply with these regulations to affirmatively further the purposes of Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601).

Subpart 101–20.49—Forms

§ 101–20.4901–81 is revised to illustrate the revised edition of Standard Form 81, Request for Space.

PROPOSED STANDARD FORM 81

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

REQUEST FOR SPACE *(See Instructions on back)*

1. DATE	2. AGENCY REQUEST NUMBER	3. SPACE REQUESTED IS FOR	4. SPACE REQUIRED AT
		☐ INITIAL REQUEST ☐ SUPPLEMENTAL REQUEST ☐ REPLACEMENT OF EXISTING SPACE	*City & State* ▶

5. TO
General Services Administration
Public Buildings Service
No., street ▶
City, State & ZIP code ▶

6. FROM
Agency ▶
No., street ▶
City, State & ZIP code ▶

7. SPACE TO BE OCCUPIED BY *(Bureau, Division, Branch, etc.)*

8. OFFICE TO BE BILLED *(Address only)*
No., street ▶
City, State & ZIP code ▶

9. OFFICE TO RECEIVE SPACE ASSIGNMENT RECORD *(Address only)*
No., street ▶
City, State & ZIP code ▶

10. TERM OF OCCUPANCY

FROM	TO	NO. YEARS FIRM LEASE
Mo. & Year	Mo. & Year	

11. SPACE REQUIREMENTS

TYPE	LINE	CATEGORY		WORK STATION ALLOWANCE (a) BY GRADE	WORK STATION ALLOWANCE (a) BY JOB TITLE	ON BOARD PERSONNEL (b)	NUMBER OF BUDGETED PERSONNEL TO BE HOUSED IN SPACE REQUESTED (c)	TOTAL SQUARE FEET (a) x (c) (d)	FOR GSA USE ONLY (e)
OFFICE-TYPE SPACE	1	GS 1- 6	Supvr. & Nonsupvr.	60					
	2	GS 7	Nonsupervisory *(Add 25 sq. ft. for supervisory positions)*	75					
	3	GS 8		75					
	4	GS 9		75					
	5	GS 10		75					
	6	GS 11		75					
	7	GS 12-13	Supervisory	150					
	8		Nonsupervisory	100					
	9	GS 14-15	Supervisory	225					
	10		Nonsupervisory	150					
	11	GS 16, 17, 18		300					
	12	Other *(Explain in item 14)*							
	13	**SUBTOTAL** *(Lines 1 through 12)*							
STORAGE	14	General storage							
	15	Inside parking *(No. of spaces ____ X 300 sq. ft.)*							
	16	Warehouse area							
	17	**SUBTOTAL** *(Lines 14 through 16)*							
SPECIAL	18	Laboratory and clinic area							
	19	Food service area							
	20	Structurally changed area							
	21	Automatic data processing area							
	22	Conference-training area							
	23	Light industrial area							
	24	Quarters and residential housing area							
	25	**SUBTOTAL** *(Lines 18 through 24)*							
	26	**TOTAL** *(Lines 13, 17, and 25)*							
	27	Outside parking *(Number of spaces ____)*							
	28	Open land *(Acres)*							

12. ARE FUNDS AVAILABLE FOR REIMBURSEMENT OF RENT AND OTHER ASSOCIATED COSTS?
☐ YES ☐ NO *If yes, show appropriation symbol* ▶

13. EXTENDED OPERATIONAL REQUIREMENTS *(See instruction 3 and explain in item 14.)*

14. SPECIAL REQUIREMENTS *(Furnish details)* **AND/OR REMARKS**

(Continue on reverse)

15. CERTIFICATION BY AUTHORIZED REQUESTING OFFICIAL

I certify to the validity of the data presented herein and that the space requested is necessary for the proper functioning of the above named activity. Also, that request is in compliance with FPMR 101-17.103, 101-18.107, 101-19.104.

SIGNATURE	DATE
TYPED NAME AND TITLE	TELEPHONE NO.

FOR GSA USE ONLY

16. ACTION BY AUTHORIZED GSA OFFICIAL

☐ Government controlled space to be assigned.
☐ No government controlled space available and leasing action will be required.
☐ Agency authorized to acquire space under its authority.

SIGNATURE AND ORGANIZATION OFFICE SYMBOL		DATE
PBS CONTROL NUMBER	REGION NO.	DATE REQUEST RECEIVED

STANDARD FORM 81 (Rev. 7-73)
Prescribed by GSA, FPMR (41 CFR) 101-17.101

INSTRUCTIONS

1. Submission of Requests for Space.
   a. This form should be submitted in triplicate to the General Services Administration Regional Office having jurisdiction for the geographical area in which the space requested (item 4) is located.
   b. Agency field components requesting space should submit this form only if the field component has been delegated authority to do so and to obligate funds for reimbursement to GSA for costs of rental, moving, alterations, outlets, etc. Otherwise, the request must be coordinated with and approval obtained from the proper agency office having such authority.
   c. Approximately 180 days will be required to complete transactions and have space ready for occupancy if leased space is to be acquired.
2. Official Vehicle Parking.
   When parking is required for assigned official vehicles, indicate in item 14 the type and number of vehicles for which space must be provided.
3. Extended Operational Requirements.
   If there is a requirement for access to and/or for services in the space requested during evening hours or over weekends, it should be noted and fully explained in item 14. An estimate of the number of hours per day and days per month that access and services will be required should be included.
4. Specific Location.
   If a particular location within the community indicated in item 4 is critical to agency operations, it should be noted and fully explained in item 14.
5. Work Station Allowance.
   Under column 11(a), Job Title, enter square feet allowed for grade in Occupancy Guide or in other GSA Standards. Indicate in item 14 the percent of male to female personnel.
6. For further classification of office, storage and special space, see FPMR 101-17.003-2a.

SPACE ALLOWANCE FOR COMMON FUNCTIONS

Function	Allowance
Conference and meeting rooms	Twenty square feet per person based on 50 percent time/use basis and on the average number of persons in attendance.
Classrooms and training rooms	Desk/arm chair at 10 square feet per person. Desk and chair at 40 square feet per person.
Reception areas	Based on average visitor load at 10 square feet per person.
Exhibit areas, internal duplicating, libraries, mail rooms, and supply rooms.	Actual measurement of equipment plus circulation.

Item 14, continued:

[FR Doc.74-9463 Filed 4-29-74;8:45 am]

Notices

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

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Order No. 42 (Rev. 4)]

ASSISTANT REGIONAL COMMISSIONERS, ET AL.

Authority Delegation

APRIL 22, 1974.

Subject: Authority to Execute Consents Fixing the Period of Limitations on Assessment or Collection Under Provisions of the 1939 and 1954 Internal Revenue Codes.

1. Pursuant to authority vested in the Commissioner of Internal Revenue by Treasury Department Order No. 120, dated July 31, 1950; Order No. 150–2, dated May 15, 1972; 26 CFR 301.6501(c)–1; 26 CFR 301.6502–1; 26 CFR 301.6901–1(d); and 26 CFR 301.7701–9; I hereby delegate authority to sign all consents fixing the period of limitations on assessment or collections to the following officials:

a. Assistant Regional Commissioners (Appellate).

b. Service Center Directors.

c. District Directors.

d. Director of International Operations.

2. This authority may be redelegated but not below the following level for each activity:

a. Service Centers—Chief, Accounting Branch; Chief, Correspondence Audit Branch.

b. Collection—Revenue Officer.

c. Audit—Conferees and Reviewers. Grade GS–11, and Group Managers.

d. Intelligence—Chief, Intelligence Division.

e. Appellate—Appellate Conferee.

f. Office of International Operations—Conferees and Reviewers, Grade GS–11; Group Managers; Representatives at foreign posts; and Revenue Agents, Tax Auditors and Special Agents on foreign assignments; and Revenue Officers.

3. This Order supersedes Delegation Order No. 42 (Rev. 3), issued March 7, 1973.

Effective Date: April 22, 1974.

[SEAL] DONALD C. ALEXANDER,
Commissioner.

[FR Doc.74–9782 Filed 4–29–74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Navy

CHIEF OF NAVAL OPERATIONS EXECUTIVE PANEL ADVISORY COMMITTEE

Notice of Meetings

Pursuant to the provisions of the Federal Advisory Committee Act [Pub. L. 92–463 (1972)], notice is hereby given that the Chief of Naval Operations Executive Panel Advisory Committee has scheduled closed meetings on May 15 and 16, 1974, at the Program Evaluation Center (Room 4D710), the Pentagon, Washington, D.C. The meetings will commence at 9:15 a.m. and are scheduled to terminate at 5 p.m.

In accordance with a determination made by the Secretary of the Navy, these meetings will be closed to the public, as the agenda consists of matters classified in the interest of national security.

H. B. ROBERTSON, Jr.,
Rear Admiral, JAGC, U.S. Navy,
Acting Judge Advocate General.

APRIL 23, 1974.

[FR Doc.74–9798 Filed 4–29–74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Claims Docket No. 218]

COWLITZ TRIBE OF INDIANS

Notice of Public Hearing Regarding Use or Distribution of Indian Judgment Funds

APRIL 25, 1974.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 FR 13938).

Notice is hereby given in accordance with provisions of the Act of October 19, 1973 (Pub. L. 93–134; 87 Stat. 466, 467, 468) and 25 CFR 60.4, that a public hearing will be held beginning at 1 p.m. on Saturday, June 1, 1974, at the Cowlitz Grange Hall, Cowlitz Prairie, North of Toledo, Washington, on a proposed plan leading to a recommendation to be made to the Congress regarding the use and/or distribution of monies awarded to the Cowlitz Tribe of Indians by the Indian Claims Commission in Docket No. 218.

A summary of the proposed plan for use and/or distribution of these judgment monies may be obtained from the Area Director, Bureau of Indian Affairs, Portland Area Office, P.O. Box 3785, Portland, Oregon 97208.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearings to the Area Director, at the above address, by June 7, 1974.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.74–9825 Filed 4–29–74;8:45 am]

[Claims Docket No. 294]

LOWER SKAGIT TRIBE OF INDIANS

Notice of Public Hearing Regarding Use or Distribution of Indian Judgment Funds

APRIL 25, 1974.

This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs by 230 DM 2 (32 FR 13938).

Notice is hereby given in accordance with provisions of the Act of October 19, 1973 (Pub. L. 93–134; 87 Stat. 466, 467, 468) and 25 CFR 60.4, that a public hearing will be held beginning at 10:30 a.m. on Saturday, May 18, 1974, at the Swinomish Community Building, LaConner, Washington, on a proposed plan leading to a recommendation to be made to the Congress regarding the use and/or distribution of monies awarded to the Lower Skagit Tribe of Indians by the Indian Claims Commission in Docket No. 294.

A summary of the proposed plan for use and/or distribution of these judgment monies may be obtained from the Area Director, Bureau of Indian Affairs, Portland Area Office, P.O. Box 3785, Portland, Oregon 97208.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Area Director at the above address by May 25, 1974.

MORRIS THOMPSON,
Commissioner of Indian Affairs.

[FR Doc.74–9824 Filed 4–29–74;8:45 am]

Office of the Secretary

[INT DES 74–45]

BUFFALO NATIONAL RIVER, ARKANSAS

Availability of Draft Environmental Statement for Proposed Master Plan

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a draft environmental statement for a proposed master plan for the Buffalo National River, Arkansas, and invites written comment on or before June 14, 1974. Written comment should be addressed to the Superintendent, Buffalo National River Project Office, at the address given below.

The draft environmental statement considers proposed master plan concepts including management category, land classification, development for visitor use, resource management, staff and administrative facilities, boundaries and

land acquisition, and phases of implementation.

Copies are available from or for inspection at the following locations:

Southwest Regional Office
National Park Service
Old Santa Fe Trail
Post Office Box 728
Santa Fe, New Mexico 87501

Superintendent
Hot Springs National Park
Post Office Box 1219
Hot Springs, Arkansas 71901

Buffalo National River Project Office
National Park Service
Post Office Box 1173
Harrison, Arkansas 72610

Dated: April 23, 1974.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

[FR Doc.74-10012 Filed 4-29-74;11:24 am]

[INT DES 74-43]

MAMMOTH CAVE NATIONAL PARK, KENTUCKY

Availability of Draft Environmental Statement on Proposed Master Plan/Wilderness

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on the proposed Master Plan/Wilderness for Mammoth Cave National Park, Kentucky.

The statement discusses proposals for the management, development and operation of Mammoth Cave National Park.

Written comments on the environmental statement are invited and will be accpeted on or before June 14, 1974. Comments should be addressed to the Regional Director, Southeast Region or the Superintendent, Mammath Cave National Park at the addresses given below.

Copies are available from or for inspection at the following locations:

Southeast Regional Office
National Park Service
3401 Whipple Avenue
Atlanta, Georgia 30344

Superintendent
Abraham Lincoln Birthplace National Historic Site
RFD 1
Hodgenville, Kentucky 42748

Superintendent
Mammoth Cave National Park
Mamamth Cave, Kentucky 42259

Dated: April 18, 1974.

DOUGLAS P. WHEELER,
Acting Assistant Secretary of the Interior.

[FR Doc.74-10011 Filed 4-29-74;11:24 am]

[INT FES 74-18]

POINT REYES NATIONAL SEASHORE, CALIFORNIA

Availability of Final Environmental Statement for Proposed Wilderness Classification

Pursuant to section 102(2)(C) of the National Environmental Policy Act, the Department of the Interior has prepared a final environmental statement for proposed wilderness classification for Point Reyes National Seashore, California.

The final environmental statement considers the designation of 10,600 acres of the Point Reyes National Seashore as wilderness.

Copies are available from or for inspection at the following locations:

Western Regional Office
National Park Service
P.O. Box 36063
450 Golden Gate Avenue
San Francisco, California 94102
Los Angeles Field Office

New Federal Building, Room 2202
3000 North Los Angeles

Los Angeles, California 90012
Point Reyes National Seashore
Point Reyes, California 94956

Dated: April 23, 1974.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

[FR Doc.74-10010 Filed 4-29-74;11:24 am]

DEPARTMENT OF AGRICULTURE

Farmers Home Administration

[Designation No. A042]

TEXAS

Designation of Emergency Loans

The Secretary of Agriculture has found that a general need for agricultural credit exists in the following counties in Texas:

Cameron Hidalgo
Willacy

The Secretary has found that this need exists as a result of a natural disaster consisting of a severe freeze in each of these counties, December 20-21, 1973.

Therefore, the Secretary has designated these areas 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 Dolph Briscoe that such designation be made.

Applications for Emergency loans must be received by this Department prior to June 17, 1974, for physical losses and prior to January 17, 1975, for production losses, except that qualified borrowers who receive initial loans pursuant to this designation may be eligible for subsequent loans. The urgency of the need for loans in the designated area makes it impracticable and contrary to the public interest to give advance notice of proposed rule making and invite public participation.

Done at Washington, D.C., this 24th day of April, 1974.

FRANK B. ELLIOTT,
Administrator, Farmers Home Administration.

[FR Doc.74-9850 Filed 4-29-74;8:45 am]

Food and Nutrition Service

COMPREHENSIVE STUDY OF THE CHILD NUTRITION PROGRAMS

Request for Comments

Section 10 of Public Law 93-150, approved November 7, 1973, directs the Secretary of Agriculture to carry out a comprehensive study of the child nutrition programs administered by the Department of Agriculture under the National School Lunch Act and the Child Nutrition Act of 1966. The Secretary is to report his findings and any recommendations with respect to additional legislation to the Congress by June 30, 1974. The law directs the Secretary to consider the recommendations of interested professional organizations or individuals in the field of child care and nutrition.

The Department hereby invites the recommendations and comments of interested professional organizations or individuals and any supporting data they wish to submit regarding the child nutrition programs. These programs are the National School Lunch Program, School Breakfast Program, Special Milk Program, and Special Food Service Program for Children. The comments should focus on:

1. The degree to which benefits of child nutrition programs accrue to all children,
2. The degree to which benefits of child nutrition programs accrue to economically needy children,
3. The effectiveness and efficiency of child nutrition program operation and administration at national, State, and local levels,
4. The need to recognize differences among regions and States in the cost of operating the child nutrition programs and
5. Alternatives to the present program structure.

To be assured of consideration, all comments must be delivered by May 30, 1974 to Herbert D. Rorex, Director, Child Nutrition Division, Food and Nutrition Service, U.S. Department of Agriculture, Washington, D.C. 20250, or submitted by mail postmarked not later than May 30, 1974. All written submissions received pursuant to this notice will be made available for public inspection at the Office of the Director, Child Nutrition Division, Room 560, 500 12th Street, SW., Washington, D.C., during regular business hours (8:30 a.m. to 5 p.m.) (7 CFR 1.27(b)).

Dated: April 25, 1974.

RICHARD L. FELTNER,
Assistant Secretary.

[FR Doc.74-9848 Filed 4-29-74;8:45 am]

Forest Service

STANISLAUS FOREST-WIDE LIVESTOCK ADVISORY BOARD

Notice of Meeting

The Stanislaus Forest-Wide Livestock Advisory Board will meet at 7:30 p.m., May 23, 1974 at the Stanislaus National Forest Supervisor's Office, 175 South Fairview Lane, Sonora, California 95370.

The purpose of this meeting is to discuss the following agenda items:

1. Recommendations on deer season dates.
2. Control of off-road vehicles.
3. Possessory interest tax on temporary grazing permits.
4. The need for better communication between grazing permittees and the Forest Service as it relates to grazing permittee access needs over roads or skid trails that will be closed following logging.
5. Means of informing the general public that there are private lands within National Forest boundaries.
6. Who is liable if cattle are hit on public access roads.
7. Patrol of permittee range areas to prevent cattle theft.
8. Discuss means of increasing grazing permit numbers in light of the existing beef shortage.
9. Discuss request by Reno Sardella for a joint Livestock Advisory Board-Forest Service range inspection tour on Mr. Sardella's grazing allotments.
10. Discuss cattle use of areas recently burned over in wildfires.
11. Discuss Forest Service policy of charging grazing fees for calves over 6 months of age.

The meeting will be open to the public. Written statements may be filed with the Board before or after the meeting.

The Board has established the following rules for public participation:

To the extent that time permits members of the public may make oral statements on agenda items following completion of discussion of the agenda by the Advisory Board.

Dated: April 23, 1974.

ELLIS F. SMART,
Acting Forest Supervisor.

[FR Doc.74-9781 Filed 4-29-74;8:45 am]

Office of the Secretary

NATIONAL AGRICULTURAL RESEARCH PLANNING COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the National Agricultural Research Planning Committee (NPC) will be held at 9 a.m. on Tuesday, May 7, 1974 in room 3109, of the USDA South Building, Independence Avenue between 12th and 14th Streets, N.W., Washington, D.C.

The Committee is jointly sponsored and chaired by the Department of Agriculture and the National Association of State Universities and Land Grant Colleges. The Committee deals with the planning element of the Agricultural Research Policy Advisory Committee (ARPAC).

The matters to be considered at this meeting include activities and progress in national and regional planning for agricultural research, implementation of task force reports, and future NPC plans and actions.

The meeting will be open to the public. Attendance will be limited to the space available. While no unscheduled oral presentations will be entertained, anyone may file with the Committee, before or after the meeting, a written statement concerning the matters to be discussed. Persons who wish to file written statements, may submit them to Dr. David J. Ward, Research Planning and Coordination, Office of the Secretary, Room 307-A, USDA, Washington, D.C. 20250—Telephone 202-447-3854. A record of the meeting will be available for public inspection at the above address three weeks after the meeting.

Dated: April 25, 1974.

ROBERT W. LONG,
Assistant Secretary for Conservation, Research, and Education.

[FR Doc.74-9795 Filed 4-29-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

CHILDREN'S HOSPITAL

Decision on Application for Duty-Free Entry of Scientific Article

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

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

Docket Number: 74-00258-33-46040. Applicant: Children's Hospital of Michigan, Detroit Medical Center, 3901 Beaubien Blvd., Detroit, Michigan 48201. Article: Electron Microscope, Model Elmiskop 101. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used for precise histogenetic classification of monomorphic neoplasms, evaluation and further definition of cell types and organelle structure in histiocytosis X complex, evaluation of liver biopsies in infants with protracted obstructive jaundice, exclusive of extrahepatic mechanical bile duct obstructive lesions, evaluation of muscle biopsy in cases of dystrophy, atrophy and myopathy, and evaluation of percutaneous renal biopsies in order to assess more accurately the precise disorder and thereby institute appropriate therapy. Research studies include evaluation of bone marrow aspirates in cases of selected hematopoietic disorders, primarily leukemia, classification of tissue bank cell types of organelle characterization, and studies of epithelialization of burns.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, was being manufactured in the United States at the time Customs received this application (December 26, 1973).

Reasons: The foreign article has a specified resolving capability of 3.5 Angstroms. The most closely comparable domestic instrument available at the time the article was ordered was the Model EMU-4C electron microscope which was formerly manufactured by the Forgflo Corporation and is currently being supplied by the Adam David Company. The Model EMU-4C had a specified resolving capability of 5 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in its memorandum dated March 26, 1974 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C was not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used at the time Customs received this application.

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

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

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-9812 Filed 4-29-74;8:45 am]

KANSAS STATE UNIVERSITY, ET AL.

Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before May 20, 1974.

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

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00370-33-46040. Applicant: Kansas State University, Division of Biology, Ackert Hall, Manhattan, Kansas 66506. Article: Electron Mi-

croscope, Model EM 201. Manufacturer: Philips Electronic Instruments. The Netherlands. Intended use of article: The article is intended to be used for studies of biological cells in stages of division, including both mitosis and meiosis; cultured cells being studied in states of differentiation and specialization of function; cells secreting calcium for deposition in extracellular matrices; viruses and virus-infected cells. The studies involved are to be used for further knowledge of fundamental biological phenomena such as mitosis, virus infection, embryonic development, fertilization, and sperm mobility. The article is also intended to be used in the preparation of students and faculty members for research applications of the electron microscope. Application received by Commissioner of Customs: March 5, 1974.

Docket Number: 74–00389–33–46040. Applicant: Lincoln Hospital Center Laboratories, Albert Einstein College of Medicine, 149th Street and Morris Avenue, New York, N.Y. 10451. Article: Electron Microscope, Model Elmiskop 1A. Manufacturer: Siemens AG, West Germany. Intended use of article: The article is intended to be used in diagnosis, as an aid in patient therapy and management, and for research in the morphologic functional correlation of cell organelles in human pathology. The article is also to be used for educating both the attending and House Staffs, and also the students of the Albert Einstein College of Medicine in their rotation through this affiliation. Application received by Commissioner of Customs: March 21, 1974.

Docket Number: 74–00393–33–46040. Applicant: University of Tennessee, College of Medicine, 800 Madison Avenue, Memphis, Tennessee 38163. Article: Electron Microscope, Model EM–10. Manufacturer: Carl Zeiss, West Germany. Intended use of article: The article is intended to be used for research much of which involves animal experiments in which ultrastructural studies of intestinal and hepatic tissue will be performed. Emphasis will be placed on the subcellular organization of those cells which are involved in lipid metabolism. In addition to the visualization of lipids and lipoproteins within tissues, extensive characterization of the ultrafine structure of isolated lipoproteins will be performed. Included in this program are research studies involving:

(1) Pathologic effects on cells of modified lipoproteins.

(2) The role of the intestine in lipoprotein metabolism.

(3) Sex dependent effects of orotic acid on lipoproteins.

(4) Ultrastructural pathology of D-galactosamine hepatitis.

(5) Effect of liver injury on lipoprotein metabolism.

(6) Biochemical pathology of disordered glycoprotein secretion.

(7) Ultrastructural pathology of exprimental hepatitis.

Application received by Commissioner of Customs: March 29, 1974.

Docket Number: 74–00394–33–54900. Applicant: American Dental Association, Health Foundation, 211 East Chicago Avenue, Chicago, Illinois 60611. Article: Modified Tungsten Reference Lamp. Manufacturer: University of Nottingham, United Kingdom. Intended use of article: The article is intended to be used in studies of electronic excited states in biomaterials to provide a steady tungsten source reference beam to control the light output from the biomaterials. Application received by Commissioner of Customs: March 25, 1974.

Docket Number: 74–00395–18–80050. Applicant: National Radio Astronomy Observatory, Associated Universities, Inc., Edgemont Road, Charlottesville, Virginia 22901. Article: TE_{01} Mode Circular Waveguide. Manufacturer: The Fujikura Cable Works, Ltd., Japan. Intended use of article: The article is intended to be used as part of the Very Large Array radio telescope to transmit radio wavelength radiation received from extraterrestrial objects to recording apparatus. The study of this radiation enables astronomers to study the sources of energy, origin, and evolution of the universe. Application received by Commissioner of Customs: March 26, 1974.

Docket Number: 74–00396–33–90000. Applicant: The Milton S. Hershey Medical Center, The Pennsylvania State University, 500 University Drive, Hershey, Pa. 17033. Article: Rotating Anode X-ray Diffraction Set, GX6. Manufacturer: Marconi-Elliott Anionic Systems Ltd., United Kingdom. Intended use of article: The article is intended to be used for studies of the following enzymes and other biologically important specific proteins: 1) creatin kinase, an enzyme responsible for maintenance of ATP levels in muscle; 2) abrin, a protein present in the seeds of the legume *abrus precatorius;* 3) pig *alpha*-amylase, an enzyme which hydrolyzes linked glucose conconavilin B, proteins from Jack bean; and 7) newly isolated protein from fowl liver mitochondria. Application received by Commissioner of Customs: March 26, 1974.

Docket Number: 74–00397–33–46500. Applicant: Children's Hospital Medical Center, 300 Longwood Avenue, Boston, Mass. 02115. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of eye tissue from human autopsies and experimntal animals. The objective of the experiments is to define morphological change in eye tissue which correlate with metabolic derangements, either experimentally produced or the result of human pathological processes. Application received by Commissioner of Customs: March 28, 1974.

Docket Number: 74–00398–33–46500. Applicant: University of Chicago, 950 East 59th Street, Chicago, Illinois 60637. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for experiments to be conducted which include injuring the Achilles tendons of experimental animals and collecting tissue samples at varying intervals after surgery. The objectives to be pursued in the course of the investigation are (1) the delineation of the role of acid mucopolysaccharides in tendon healing by altering tendon stress and altering polysaccharide content at the healing site by the use of papain and/or hyaluronidase; and (2) the delineation of the role of acid mucopolysaccharides in connective tissue growth. Specifically, the latter includes the identification of potential sites of tendon growth and determination of the presence or absence of polysaccharides in growth and nongrowth areas of tendon, plus the determination of the morphology and polysaccharide content at the chrondrosynovial, junction, a potential site of reactive growth in osteoarthritis. Application received by Commissioner of Customs: March 28, 1974.

Docket Number: 74–00399–33–46500. Applicant: Southern Illinois University, School of Medicine, P.O. Box 3926, Springfield, Illinois 62702. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of tissues derived from humans and animals that exhibit both normal and abnormal structural features. Ultrastructural investigations include studies of:

(a) Ultrastructural changes in human precancerous lesions.

(b) Ultrastructural changes in cancer cells in tissue culture during exposure to chemotherapeutic or immunotherapeutic agents.

(c) Ultrastructural changes in the capillary blood vessel structure in the brain during disease.

(d) Ultrastructural characteristics of human skin lesions predisposing to cancer.

Application received by Commissioner of Customs: March 28, 1974.

Docket Number: 74–00400–33–46500. Applicant: U. S. Public Health Service Hospital, Bay Street and Vanderbilt Avenue, Staten Island, N.Y. 10304. Article: Ultramicrotome, Model LKB 8800A. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The article is intended to be used for studies of canine tissue, mainly cardiac muscle derived from experimental animals, and the cardiac muscle from other mammals. The experiments to be conducted include:

(a) Specific ultrastructural and/or metabolic changes which account for alterations in electrophysiological phenomenon.

(b) Drug induced ultrastructural changes in antiarrhythmic action.

Application received by Commissioner of Customs: March 28, 1974.

Docket Number: 74–00401–33–46500. Applicant: Albert Einstein College of Medicine, 1300 Morris Park Avenue, Bronx, New York 10461. Article: Ultra-

microtome, Model LKB 8800A. Manufacturer: LKB Produkter, AB, Sweden. Intended use of article: The article is intended to be used for studies of biological specimens, mainly human tissues obtained by biopsy or at autopsy. Tissues from experimental animals will also be examined. Pathologic phenomena will be compared to normal specimens in a study of basic mechanisms of disease. Experiments to be conducted include those concerned with the effects of defective intracellular lysosomal hydrolysis of micromolecular materials. Application received by Commissioner of Customs: March 28, 1974.

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

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-9813 Filed 4-29-74;8:45 am]

LANKENAU HOSPITAL

Decision on Application for Duty-Free Entry of Scientific Article

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

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

Docket Number: 74-00273-33-79500. Applicant: Lankenau Hospital, Division of Research, Lancaster & City Line Avenues, Philadelphia, Pa. 19151. Article: Three (3) Sphygmomanometers, Model 0-20. Manufacturer: Hawksley-Gelman, United Kingdom. Intended use of article: The articles will be used for the monitoring of blood pressure in males, age 35-45 enrolled in the National Heart and Lung Institute program entitled Multiple Risk Factor Intervention Trial Program for the Prevention of Coronary Heart Disease.

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

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

Reasons: The foreign article provides a random zero capability which reduces personal bias in accurate blood pressure measurement. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated March 27, 1974 that the capability described above is pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument or apparatus which provides the pertinent feature.

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

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

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-9814 Filed 4-29-74;8:45 am]

PROSTHETICS RESEARCH STUDY

Decision on Application for Duty-Free Entry of Scientific Article

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

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

Docket Number: 74-00225-33-43780. Applicant: Prosthetics Research Study, Eklind Hall, Room 409, 1102 Columbia Street, Seattle, WA 98104. Article: Controlled Environment for Wound Healing. Manufacturer: Dept. of Health & Social Security. Intended use of article: The article will be used to investigate amputation sites in a transparent, controlled environment. The article will be applied as an immediate post surgical component, with the objective of reducing edema and improving blood flow at the wound site. The technique will be a phased application of pressure, temperature and humidity in a controlled environment. Comments: No comments have been received with respect to this application.

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

Reasons: The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated March 15, 1974, that evaluation of the capability to promote healing of the post surgical amputation site provided by the foreign article is pertinent to the applicant's planned experimentation. HEW also advised that it knows of no domestic instrument of equivalent scientific value to the article for such purposes as the article is intended to be used.

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

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

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-9815 Filed 4-29-74;8:45 am]

RUTGERS UNIVERSITY

Decision on Application for Duty-Free Entry of Scientific Article

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

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

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

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

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

Reasons: The foreign article provides the capability to hold an animal head (rat in this case) by means of skull pins rather than by ear bars. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated March 15, 1974 that the capability described above is pertinent to the applicant's use in teaching brain surgery which includes the study of the facial nerve function. HEW also advised that it knows of no domestic instrument or apparatus which provides the pertinent characteristic.

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

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

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74-9816 Filed 4-29-74;8:45 am]

UNIVERSITY OF CONNECTICUT

Decision on Application for Duty-Free Entry of Scientific Article

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

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

Docket Number: 74–00261–33–07730. Applicant: University of Connecticut, Oral Biology, IMS Building, Storrs, Conn. 06268. Article: Searle X-ray Camera, Toroid Optics, Franks Monochrometer Optics. Manufacturer: Elliott Automation Radar Systems Ltd., U.K. Intended use of article: The article is intended to be used in studies of connective tissue, bone, and dentine. The molecular structure of proteins will be investigated by high resolution wide and low-angle X-ray diffraction. The objective of these investigations will be to determine the structure of normal and pathological collagen fibrils and correlation with disease processes.

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

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

Reasons: The foreign article has a toroidal optic system providing a 10 fold increase in the intensity of the focused x-ray beam. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated March 26, 1974 that the maximum intensity of x-rays produced by the toroidal optic system is pertinent to the applicant's purposes. HEW also advised that it knows of no domestic instrument which provides the pertinent specification.

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

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

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74–9817 Filed 4–29–74;8:45 am]

UNIVERSITY OF ILLINOIS

Decision on Application for Duty-Free Entry of Scientific Article

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

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

Docket Number: 74–00177–01–77095. Applicant: University of Illinois at Chicago Circle, Box 4348, Chicago, Illinois 60680. Article: Photoelectron Spectrometer, Model PS–18. Manufacturer: Perkin-Elmer, United Kingdom. Intended use of article: The article is intended to be used for basic research on the electronic structure of biological molecules. Among the systems to be studied are the biological purines and pyrimidines, certain porphorins and numerous pharmacological molecules. The experiments to be conducted are measurements of the photoelectron spectra of the free (gas phase) molecules. The article will also be used by graduate students in basic research as partial fulfillment of the requirement for the degree of Doctor of Philosophy. The students will be instructed about operation and use of the photoelectron spectrometer and will be encouraged to pursue creative research on their own.

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

Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used was being manufactured in the United States at the time Customs received this application (October 16, 1973).

Reasons: The foreign article provides the capability to vaporize a specimen by heating to temperatures up to 300 degrees centigrade. The Department of Health, Education, and Welfare advised in its memorandum dated February 15, 1974 that the capability described above is pertinent to the purposes for which the article is intended to be used. HEW also advised that it knows of no domestic instrument that provides the pertinent characterictics.

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

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

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.74–9811 Filed 4–29–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

HOSPITAL COSTS UNDER THE HEALTH INSURANCE PROGRAM

Proposed Schedule of Limits; Extension of Comment Period

This notice extends the period for comments provided in the notice published March 19, 1974 (39 FR 10313) in which comments were solicited on proposed Schedule of Limits on Hospital Costs.

Comment on the proposed schedule was invited on or before April 18, 1974. Several concerned organizations have requested additional time to submit comments. The time period for comment is hereby extended to May 18, 1974.

Comments on the proposed Schedule of Limits on Hospital Costs should be submitted in writing, in triplicate, to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201 on or before May 18, 1974.

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

(Catalog of Federal Domestic Assistance Program No. 13,800, Health Insurance for the Aged—Hospital Insurance.)

Dated: April 19, 1974.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: April 25, 1974.

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

[FR Doc.74–9934 Filed 4–29–74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 73–240]

FEES

Notice of Approval

In conformance with the requirement contained in 49 CFR 421.20(c), notice is hereby given that the Commandant, U.S. Coast Guard, approved on September 26, 1973 an amendment to the schedule of fees for the performance of certification procedures by the International Cargo Gear Bureau, Inc., a certifying authority.

Copies of the amended fees are available from the Internationa Cargo Gear Bureau, Inc., 17 Battery Place, New York, New York 10004, or from the Commandant (G–MHM/83), U.S. Coast Guard, Room 8308, 400 Seventh St. SW., Washington, D.C. 20590.

(E.O. 11459, 3 CFR, 1966–1970 Comp., p. 781; 49 CFR 1.46(f))

Dated: April 23, 1974.

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

[FR Doc.74–9818 Filed 4–29–74;8:45 am]

National Highway Traffic Safety Administration

NATIONAL MOTOR VEHICLE SAFETY ADVISORY COUNCIL

Notice of Public Meeting

On May 7–8–9, 1974, the National Motor Vehicle Safety Advisory Council will hold open meetings in the DOT Headquarters Building, 400 Seventh Street, SW., Washington, D.C. The Advisory Council is composed of 22 members, a majority of whom are representatives of the general public, including representatives of State and local governments, with the remainder including representatives of motor vehicle manufacturers, motor vehicle equipment manufacturers, and motor vehicle dealers. The Advisory Council makes recommendations to the Secretary of Transportation on motor vehicle safety and property loss reduction programs carried out by the National Highway Traffic Safety Administration.

The following meetings are subject to the approval of the Secretary of Transportation.

On May 7 at 1 p.m. in room 2232 the Crashworthiness Committee will meet with the following agenda:

Report on April 5 Real-World Air Bag Crash
Report on History of Passive Restraint Rulemaking
Public and Industry Views of Passive Restraint Standards
Improved Standards for Head Restraints and Seats
New Business

The full Council will meet on May 8 from 9 a.m. until 12 noon in room 2232 with the following agenda:

Report of Crashworthiness Committee
New Business

On May 9 at 9 a.m. the Consumer and Public Information Committee will meet in room 4234 with the following agenda:

Review of NHTSA's Consumer Affairs Program in Support of Motor Vehicle Safety
New Business

This notice is given less than 15 days prior to the meeting dates as required by OMB Circular A–63 because the Council has called these meetings on short notice in order to provide the Secretary of Transportation with timely advice on pending rulemaking proposals.

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

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

Issued on: April 25, 1974.

CALVIN BURKHART,
Executive Secretary.

[FR Doc.74–9834 Filed 4–29–74;8:45 am]

[Docket No. EX74–1; Notice 2]

STUTZ MOTOR CAR OF AMERICA, INC.

Petition for Temporary Exemption

This notice grants Stutz Motor Car of America, Inc. an exemption from Motor Vehicle Safety Standard No. 215, *Exterior Protection*, until January 1, 1977.

Notice of petition for the exemption was published in the FEDERAL REGISTER on February 28, 1974 (39 FR 7830) and an opportunity afforded for comment. Stutz manufactured 26 passenger cars in 1973 and requested an exemption from Standard No. 215 because of the possibility that the vehicle's hood might not open after impact. Otherwise petitioner believes that the Stutz complies with Standard No. 215. The basis of the petition was that modification of the front end would cause substantial economic hardship. The petitioner intends to comply by December 31, 1976.

No comments were received on the petition. Because of petitioner's low volume of production and the nature of the exemption requested, the NHTSA finds that a temporary exemption from Standard No. 215 is in the public interest and consistent with the objectives of the National Traffic and Motor Vehicle Safety Act. Accordingly, Stutz Motor Car of America, Inc. is hereby granted NHTSA Temporary Exemption No. 74–1, expiring January 1, 1977.

(Sec. 3, Pub. L. 92–548, 86 Stat. 1159 (15 U.S.C. 1410); delegation of authority at 49 CFR 1.51.)

Issued on April 24, 1974.

JAMES B. GREGORY,
Administration.

[FR Doc.74–9838 Filed 4–29–74;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket No. 50–261]

CAROLINA POWER AND LIGHT CO.

Proposed Issuance of Amendment to Facility License

Notice is hereby given that the Atomic Energy Commission ("the Commission") is considering the issuance of an amendment to Facility Operating License No. DPR–23 which presently authorizes the Carolina Power and Light Company to possess, use, and operate the H. B. Robinson Unit 2 nuclear facility located on the H. B. Robinson site, Darlington County, approximately 4.5 miles west-northwest of Hartsville, South Carolina, at steady state power levels up to a maximum of 2200 magawatts (thermal). The amendment would authorize Carolina Power and Light Company to operate its H. B. Robinson Unit 2 at steady state power levels up to a maximum of 2300 megawatts (thermal) in accordance with Carolina Power and Light Company's application notarized February 4, 1974. The amendment will also incorporate changes to the Technical Specifications to provide for such operation.

The Commission will consider the issuance of the subject amendment upon: (1) The completion of a favorable Safety Evaluation on the application by the Commission's Directorate of Licensing and (2) a finding by the Commission that the application complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations in 10 CFR Chapter I.

On or before May 30, 1974, the applicant may file a request for a hearing with respect to issuance of this amendment to the subject facility operating license, and any person whose interest may be affected by this proceeding may file a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "rules of practice" in 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Commission or an Atomic Safety and Licensing Board designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel will rule on the request and/or petition and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

A petition for leave to intervene must be filed under oath or affirmation in accordance with the provisions of 10 CFR Part 2, § 2.714. As required in 10 CFR Part 2, § 2.714, a petition for leave to intervene shall set forth the interest of the petitioner in the proceeding, how that interest may be affected by the results of the proceeding, and any other contentions of the petitioner, including the facts and reasons why he should be permitted to intervene with particular reference to the following factors: (1) The Nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. Any such petition shall be accompanied by a supporting affidavit identifying the specific aspect or aspects of the subject matter of the proceeding as to which the petitioner wishes to intervene and setting forth with particularity both the facts pertaining to his interest and the basis for his contentions with regard to each aspect on which he desires to intervene. A petition that sets forth contentions relating only to matters outside the jurisdiction of the Commission will be denied.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff, or may be delivered to the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., by May 30, 1974. A copy of the petition and/or request should also be sent to the Chief Hearing Counsel, Office of the General Counsel, Regulation, U.S. Atomic Energy Commission, Washington, D.C. 20545.

For further details with respect to the proposed amendment, see (1) the application for license amendment notarized February 4, 1974, and (2) the proposed amendment which are available for public inspection at the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C., and at the Hartsville Memorial Library, Home and Fifth Avenues, Hartsville, South Carolina. As they become available, the following documents will also be available for inspection at the above locations: (3) the Safety Evaluation to be prepared by the Directorate of Licensing, and (4) the Report to be prepared by the Advisory Committee on Reactor Safeguards.

Single copies of item (2) above and, when available, items (3) and (4) may be obtained by request to the Deputy Director of Reactor Projects, Directorate of Licensing, U.S. Atomic Energy Commission, Washington, D.C. 20545.

Dated at Bethesda, Maryland, this 24th day of April, 1974.

For the Atomic Energy Commission.

ROBERT A. PURPLE,
Chief, Operating Reactors Branch #1, Directorate of Licensing.

[FR Doc.74-9823 Filed 4-29-74;8:45 am]

[License No. 31-15914-01E]

OKURA AND COMPANY (AMERICA), INC.

Issuance of Byproduct Material License

Please take notice that the Atomic Energy Commission has, pursuant to 10 CFR 32.26 issued License No. 31-15914-01E to Okura and Company (America), Incorporated, One World Trade Center, Suite 3455, New York, New York 10048, which authorizes the distribution of Model NK-24 fire detectors to persons exempt from the requirements for a license pursuant to 10 CFR 30.20.

1. The devices are designed to detect incipient fire by responding to the products of combustion produced by thermal decomposition of building materials or contents prior to the appearance of visible smoke, flame, or appreciable heat. The sensitive element of the detector is an ionization chamber in which air flowing into the chamber is made conductive by alpha particles emitted by americium 241.

2. The byproduct material incorporated in the detector is americium in the oxide form contained in foils manufactured by the Radio-chemical Centre (Model AMM W79). The maximum activity contained in the unit is 0.8 microcurie.

3. Each exempt unit will have a label identifying the importers, Okura & Company (America), Inc., and the byproduct material, americium 241, contained in the unit and recommending that the unit be returned to the prime distributor, Notifier Company, for repair or disposal.

A copy of the license and a safety evaluation containing additional information, prepared by the Directorate of Licensing, are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C.

For the Atomic Energy Commission.

Dated at Bethesda, Maryland, April 24, 1974.

BERNARD SINGER,
Chief, Materials Branch, Directorate of Licensing.

[FR Doc.74-9821 Filed 4-29-74;8:45 am]

REGULATORY GUIDES

Notice of Issuance and Availability

The Atomic Energy Commission has issued a supplement to Regulatory Guide 4.2 in its Regulatory Guide series. This series has been developed to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain of the information needed by the staff in its review of applications for permits and licenses.

The new supplement, designated Regulatory Guide 4.2.1, "Additional Guidance—Environmental Data," is in Division 4, "Environmental and Siting Guides," of the Regulatory Guide series. The supplement provides that at least six months of site-specific environmental data be included in the initial submittal of environmental reports with the balance of a full year of data submitted within the following six months.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in any published guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief Public Proceedings Staff. Requests for single copies of the issued guide (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 4 Regulatory Guides currently being developed include the following:

Measurements of Radionuclides in the Environment—Strontium-89 and Strontium-90 Analyses

Measurements of Radionuclides in the Environment—Sampling and Analysis of Plutonium in Soil

Reporting Procedure for Mathematical Models Selected to Predict Heat Effluent Dispersion in Natural Water Bodies

(5 U.S.C. 522(a))

Dated at Bethesda, Maryland this 22nd day of April 1974.

For the Atomic Energy Commission.

LESTER ROGERS,
Director of Regulatory Standards.

[FR Doc.74-9820 Filed 4-29-74;8:45 am]

[Docket No. 50-186]

UNIVERSITY OF CALIFORNIA, SANTA BARBARA

Proposed Issuance of Construction Permit and Facility License

The Atomic Energy Commission ("the Commission") is considering the issuance of a construction permit and subsequently a facility license to the University of California, Santa Barbara, which would authorize the construction and operation of a L-77 training reactor on the University's campus at Santa Barbara, California. The proposed reactor will be operated at steady state power levels up to 10 watts (thermal).

Upon completion of the construction of the L-77 reactor in accordance with the terms and conditions of the construction permit and in the absence of good cause to the contrary, the Commission will issue to the University of California, Santa Barbara, without further notice, a facility license authorizing the operation of the L-77 reactor since the application is complete enough to permit evaluation of the safety of the proposed operation of the reactor.

The Commission has found that the application for the construction permit and facility license complies with the requirements of the Atomic Energy Act of 1954, as amended ("the Act"), and the Commission's regulations published in 10 CFR, Chapter I. Prior to issuance of the proposed issuances, the Commission will have made the remainder of the findings required by the Act and the Commission's regulations which are set forth in the proposed permit and facility license.

On or before May 30, 1974, the applicant may file a request for a hearing and any person whose interest may be affected by the issuance of the construction permit and facility license may file a petition for leave to intervene. Requests for a hearing and petitions to intervene shall be filed in accordance with the provisions of the Commission's "Rules of Practice", 10 CFR Part 2. If a request for a hearing or petition for leave to intervene is filed within the time prescribed in this notice, the Com-

mission will issue a notice of hearing or an appropriate order.

For further details with respect to these proposed issuances, see (1) the application dated April 13, 1973, and supplements dated June 25, 1973, and July 24, 1973, (2) a related Safety Evaluation prepared by the Directorate of Licensing, (3) the proposed construction permit, and (4) the proposed facility license, all of which are available for public inspection in the Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. A copy of each of items (2), (3), and (4) may be obtained upon request sent to the Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 12th day of April, 1974.

For the Atomic Energy Commission.

ROBERT J. SCHEMEL,
Chief, Operating Reactors Branch #1, Directorate of Licensing.

[FR Doc.74-9822 Filed 4-29-74;8:45 am]

[Docket No. 50-460A; Dept. of Justice File No. 60-415-76]

WASHINGTON PUBLIC POWER SUPPLY SYSTEM

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c. of the Atomic Energy Act of 1954, as amended a letter of advice from the Attorney General of the United States, dated April 19, 1974, a copy of which is attached as Appendix A.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by May 30, 1974, either (1) by delivery to the AEC Public Document Room at 1717 H Street, NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U. S. Atomic Energy Commission, Washington, D.C. 20545, Attn: Chief, Public Proceedings Branch.

For the Atomic Energy Commission.

ABRAHAM BRAITMAN,
Chief, Office of Antitrust and Indemnity, Directorate of Licensing.

APPENDIX A

APRIL 19, 1974.

You have requested our advice pursuant to the provisions of section 105 of the Atomic Energy Act of 1954, as amended, in regard to the above-captioned application.

Applicant, Washington Public Power Supply System (WPPSS), a power generating agency, has applied for a construction permit and operating license for a utilization facility to be known as WPPSS Nuclear Project No. 1 at its site on the Hanford Reservation in Benton County, Washington. Operation is scheduled for September 1980. The facility will have a nominal capacity of 1,220,000 kilowatts.

Applicant. WPPSS is a municipal corporation and a joint operating agency of the State of Washington. Its membership, which is established by Washington state law, is made up of eighteen operating public utility districts in the State of Washington and the cities of Richland, Seattle, and Tacoma, Washington. The management and control of WPPSS is vested in a Board of Directors consisting of representatives of each of the public utility districts and the cities. The project has 104 participants of which 29 are municipalities, 28 are public utility districts, and 47 are cooperatives. They are located in the States of Washington, Oregon, Idaho, and Montana. The participants will contract to purchase 67.53 per cent of the project's capability from 1980 to 1996 and 100 per cent of the project's capability thereafter. The Bonneville Power Administration (Bonneville), an agency of the U.S. Department of Interior, will transmit all power generated by this facility. Each of the 104 participants are statutory preference customers of Bonneville under the Bonneville Project Act of 1937, and each currently obtains all or part of its power supply from Bonneville. WPPSS does not itself engage in the distribution of electrical energy to the retail market. Instead, it functions as a supplier of bulk electric power to utility systems in the Pacific Northwest.

Each of the participant's share of the annual cost of the project will be "net billed" (credited) against the billings made by Bonneville to the participants. This enables Bonneville to receive all of the output of the project and compensate the participants by deducting the participant's share of the cost from the amount the participant owes to Bonneville. Each participant is obligated to pay WPPSS on a monthly basis his proportionate share of WPPSS' expenses incurred in connection with the operation of the project.

In addition to the 104 participants, each of five investor-owned companies will purchase 6.494 per cent of the output of the project from 1981 through 1996 and none thereafter. The five investor-owned utilities are the Montana Power Company, Pacific Power and Light Company, Portland General Electric Company, Puget Sound Power & Light Company and the Washington Water & Power Company.

In 1971, the 104 participants had total energy sales of 30,345,596 megawatt hours. In 1971, the participants purchased 22,139,578 megawatt hours of electric power from Bonneville. They generated 9,320,399 megawatt hours. The peak demand in 1971 for the 104 participants totaled 7,020,892 kilowatts.

Interconnection and Coordination With Others. The Pacific Northwest is an area where there is a high degree of coordination and cooperation between utilities involved in the generation and transmission of electrical power.

The dominant factor in the area in terms of energy transmission is Bonneville; it has nearly 12,000 miles of transmission facilities in the Pacific Northwest. It is generally described as the leading force promoting coordination and joint planning with respect to electrical power. Bonneville markets power to 158 customers, including the 104 preference customers which are participants in this WPPSS project.

In the Pacific Northwest, five private utilities, 104 publicly owned agencies, WPPSS and Bonneville have formed the Joint Power Planning Council to coordinate planning for existing and future thermal and hydroelectric resources for the region. The area includes the States of Washington, Oregon, and portions of northern California, Idaho and Montana. The Joint Power Planning Council has developed the Hydro Thermal Power Program plan for power generation to meet the area's anticipated load growth. All members of the Joint Power Planning Council, except for Montana Power Company, entered into a coordination agreement in September 1964. Long range planning resources to meet loads is based upon studies prepared by the Pacific Northwest Utilities Conference Committee. This forecast includes loads and resources of all the members of the Joint Power Planning Council except the Montana Power Company.

The major portion of power supply for the Pacific Northwest has historically been from hydroelectric generating sources. Most of the hydroelectric projects were built by the federal government as part of the Federal Columbia River Power System. However, in recent years, the region has turned to thermal generation for its base-load resources since virtually all the hydro-power sites have been developed.

WPPSS has not received any request for interconnection and/or coordination from any system not already a participant in WPPSS Project No. 1.

Results of Antitrust Review. With one exception, our study of this application did not indicate any antitrust problems. The only matter requiring exploration pertained to allegations that the City of Tacoma, Washington, one of the 104 participants in the project, was refusing to wheel power from Bonneville to five utilities who are and have been for some time served by the City of Tacoma. These five utilities, who make up the Pierce County Cooperative Power Association (PCCPA), are: Parkland Light & Water Company, Parkland, Washington; Elmhurst Mutual Power & Light Company, Elmhurst, Washington; the Town of Steilacoom, Washington; Ohop Mutual Light Company, Eatonville, Washington; and Alder Mutual Light Company, Incorporated, Alder, Washington. Many of the details concerning this controversy were presented to the United States Senate Committee on Appropriations on May 21, 1973, and can be found in Senate Hearings for the Committee on Appropriations on H.R. 8947, Public Works for Water and Power Development and Atomic Energy Commission Appropriations, Fiscal Year 1974, 93rd Congress, 1st Session, Part 6, at pages 7,175-7,194.

Members of the PCCPA had, for many years, been purchasing power from the City of Tacoma. In 1971, the city raised its rates and these utilities then gave notice of termination of the contract as was their right under their agreements with the City of Tacoma. PCCPA members then requested Bonneville to supply them with power. All members of the PCCPA are "preference" customers of Bonneville and, therefore, have to be supplied by Bonneville. Bonneville had no transmission lines going directly to the five utilities in question. It, therefore, entered into negotiations with the City of Tacoma concerning the wheeling of power to these five systems.

While these negotiations have been long drawn out, it now appears that the parties are close to agreement on all aspects of a wheeling contract. The City of Tacoma has indicated that it is not opposed to the principle of wheeling. By letter dated March 29, 1974, to the Administrator of Bonneville, the Director of Utilities of the City of Tacoma indicated agreement with basic policy objec-

tives and proposals to implement such objectives that had been proposed by Bonneville relating to electrical service for the Pierce County customers.

All indications are that Bonneville and the City of Tacoma will soon enter into a wheeling agreement which will enable the members of the PCCPA to have direct access to Bonneville power. On the assumption that the City of Tacoma will promptly implement its commitment to engage in wheeling of power to PCCPA members, we conclude that an antitrust hearing will not be necessary with respect to the instant application.

[FR Doc.74-9762 Filed 4-29-74;8:45 am]

[Docket Nos. 50-416, 50-417]

MISSISSIPPI POWER & LIGHT CO.

Order Ruling on Applicant's Motion; Evidentiary Hearing

In the matter of Grand Gulf nuclear station units 1 and 2.

Upon consideration of Applicant's "Motion for the Making of Findings Pursuant to 10 CFR 50.10(e)(2) and for Expedited Decisional Procedure Pursuant to 10 CFR 2.761," and the AEC Regulatory Staff's response in support of this motion, it is

Ordered, That the motion be and it hereby is granted insofar as it requests the Atomic Safety and Licensing Board to reconvene the evidentiary hearing to receive evidence relating to the findings required to be made pursuant to 10 CFR 50.10(e)(2), particularly the finding that there is reasonable assurance that the proposed site is a suitable location for nuclear power reactor of the general size and type proposed from the standpoint of radiological health and safety considerations.

Accordingly, notice is hereby given that the evidentiary hearing in the above captioned proceeding will be reconvened for the above stated purpose at 9:30 a.m. on Wednesday, May 1, 1974 in the Atomic Safety and Licensing Board Panel Hearing Room, 12th floor, Landow Building, Bethesda, Maryland 20014.

That portion of the Applicant's motion which requests an expedited decision procedure pursuant to 10 CFR 2.761 is being taken under advisement and the Board will expect to hear oral argument with regard thereto at the evidentiary hearing on May 1, 1974.

Dated this 26th day of April, 1974, at Washington, D.C.

By order of the Atomic Safety and Licensing Board.

DANIEL M. HEAD,
Chairman.

[FR Doc.74-10008 Filed 4-29-74;10:50 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25397]

AMERICAN AIRLINES, INC. AND FRONTIER AIRLINES, INC.

Route Exchange Agreement; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that the hearing in the above-entitled proceeding will be reconvened [1] on May 28, 1974, to consider the environmental aspects of the rute exchange agreement pursuant to the provisions of the National Environmental Policy Act (42 U.S.C. 4321 et seq.).[2] This public hearing will convene on that date, at 10:00 a.m. (local time) in Room 911, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before the undersigned Administrative Law Judge.

Dated at Washington, D.C., April 24, 1974.

[SEAL] THOMAS P. SHEEHAN,
Administrative Law Judge.

[FR Doc.74-9827 Filed 4-29-74;8:45 am]

[Docket No. 25398; Agreement C.A.B. 24277; Order 74-4-126]

AIR CARRIER DISCUSSIONS AND AGREEMENT

Air Freight Credit Billing and Collection Practices

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 24th day of April, 1974.

By Order 73-6-8, June 1, 1973, the Board authorized joint carrier discussions for the purpose of developing new interstate and overseas air freight credit billing and collection practices.[1] During a series of meetings ending September 28, 1973, the direct air carriers reached the subject agreement which was filed with the Board on March 11, 1974, by the Air Transport Association (ATA) on behalf of the carrier parties to the agreement.[2] The agreement would, inter alia, require:

1. Continuation of the present airline agreement [3] on credit billing within 10 days of the shipment and collection within 10 days after billing, with a proposal for shipper participation in a new Air Freight Settlement Plan (Plan); [4]

2. Airline participation in the new Plan whereby all billings to all domestic air freight forwarders shall:

(a) Continue to be billed direct to the forwarder by the airline on a 10-day billing cycle (10th, 20th, and last day of each month);

(b) Be recapped by each carrier to a Settlement Bank, who shall regroup by shipper (forwarder) account all of the Carrier Recaps, and furnish a Settlement Recap of all carrier billings to each forwarder within 10 days from the date of receipt of Carrier Recaps; and

(c) Require payment by the forwarder on the total due all carriers within 10 days from the date of the Settlement Recaps.

No collective sanctions in the event of non-payment are embraced in the proposed agreement, although a Shipper (forwarder) Delinquency List will be generated and distributed for such individual carrier action as may be appropriate. A similar Shipper Delinquency List will be disseminated by the Bank on non-forwarder commercial shippers, based on individual carrier inputs.

Although the Board generally favors the standardization of industry credit billing and collection practices, as the agreement would appear to do, at this point in time the Board believes it appropriate to afford interested persons an opportunity to submit views on the matter prior to final action by the Board. Without limiting the scope of comments relevant to the issues presented by the agreement, the Board would be particularly interested in comments upon such matters as:

1. Should all commercial (non-forwarder) shippers be eligible to participate in the Plan with or without delay or limitation based on annual air freight billings;

2. Should forwarders—in their role as carriers for commercial shippers—be permitted to participate in the Plan for their own billings; and

3. Inasmuch as the carriers participating in new Agreement C.A.B. No. 24277 are not the same carriers participating in Agreement C.A.B. 6150-A32, how do the participants in only one or both agreements intend to resolve conflicts between the new agreement's provisions and the 10-day billing/10-day collection or monthly billing/10-day collection provisions in the prior agreement (and the current tariff).[5]

Accordingly, pursuant to the Federal Aviation Act of 1958 and particularly Sections 412 and 414 thereof,

It is ordered, That:

1. Action on Agreement C.A.B. No. 24277 is deferred;

2. All interested parties are invited to submit comments to the Board in support of or in opposition to the agreement; and

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[1] All other aspects of the agreement were considered in the initial hearing which was held on October 30 through November 9, 1973.

[2] A draft environmental assessment by the staff was circulated on March 5, 1974. Comments thereon were due on April 19. A final staff environmental assessment will be circulated on May 7, with comments thereon due in exhibit form on May 21, 1974.

[1] See also Order 73-7-117 dated July 24, 1973.

[2] See Appendix A for list of carriers party to the Agreement. Filed as part of the original document.

[3] Agreement C.A.B. 6150-A32 (see also Appendix A).

[4] Initially, "shipper" would mean only air freight forwarders; the Plan would be open one year later to commercial shippers, upon request, providing they have $1 million in aggregate domestic scheduled freight billings.

[5] The Board is cognizant of Article XIII of the proposed agreement dealing with the above question, but it is not clear as to what provisions of the instant agreement will modify or supersede the prior agreement, particularly for carriers participating in only one of the two agreements (see Appendix A for list of carrier participants in the two agreements), e.g., which agreement prevails on interline traffic between parties to different agreements, and would the billing and collection provisions change depending upon whether prepaid or collect?

3. Such comments shall be filed with the Board's Docket Section (original and 19 copies), making reference to Docket 25398 and Agreement C.A.B. No. 24277, within 15 days of the date of this Order, and a copy of such comments shall be served upon the ATA at the time of filing with the Board.[6]

4. This order will be served upon all parties listed in the Certificate of Service accompanying Agreement C.A.B. No. 24277.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-9829 Filed 4-29-74;8:45 am]

[Docket No. 26386; Order 74-4-116]

AIR TRANSPORT ASSOCIATION OF AMERICA

Order Authorizing Discussions

Issued under delegated authority April 23, 1974.

An application has been filed by 22 of the air carrier members of the Air Transport Association of America (ATA),[1] for Board authorization of discussions concerning the question of the elimination of their absorption of credit card discounts on non-air transportation charges (principally third-party vendor tour packages) accepted by ATA members. This authorization is requested for six months.

In support of this request, the air carriers say that for some years they have been accepting a number of travel and entertainment credit cards not only for air transportation, but for the purchase of package tours, including hotels, car rentals, sightseeing and many other miscellaneous land services associated with the tour package. These charges of land services are said to represent a substantial portion of the total package tour costs. Under the present method of charging tours to credit cards, the carriers say they are absorbing the discount fee assessed by the credit card company against the total cost of the tour, and they contend that the discount fee expense for the land portion of such tours is substantial. The carriers wish to enter into discussion seeking a means of resolving this problem.

The applicants submitted further information about their request. They say that it is contemplated that only those air carriers which joined in the application may attend the discussions and participate in them; and that competitive considerations prevent individual carriers from unilaterally refusing to absorb the credit card discount on non-air transportation tour charges; and that joint action is necessary.

ATA has also indicated that the types of proposals which might be considered at these discussions include (1) a refusal of airlines to honor credit cards for purchase of third-party tour packages where the credit card company insists upon charging the carrier a credit-card discount on the ground portions of the tour package; (2) an agreement to honor credit cards for purchase of third-party tour packages only where the credit card company specifically agrees not to charge the carrier a credit card discount on the ground portions of the tour package; (3) an agreement to permit specific third-party tour packages to be charged on credit cards honored by the carriers where the tour operator agrees to pay the credit card discount on the ground portions either directly to the credit card company or to the airline; (4) a prohibition against charging specific third-party tour packages on credit cards honored by the carriers where the tour operator refuses to agree to pay the credit card discount on the ground portion; (5) an agreement with vendors of the tour components (hotels, car rentals, etc.) to pay the credit card discount on the ground portion either directly to the credit card company or to the airline; or (6) some other type of agreement, the end result of which is that the airlines do not absorb the ground portion of the credit car discount on third-party tour packages, or absorb only part of the discount.

Upon the request of the Board's staff, the application and the additional information supplied by ATA were served on February 12, 1974 on more than a dozen credit card companies, travel agent organizations, hotel/motel and tour operator trade associations, who were believed to have an interest in this subject, and on the United States Department of Justice. The only response was a letter sent to the Board from the American Society of Travel Agents, Inc. (ASTA), which requests that if the ATA carriers are authorized to engage in discussions the Board's authorization be conditioned upon ATA's permitting third parties to attend and participate at any meetings where such discussions take place, and that the Board require that a transcript be kept of these meetings.

Upon consideration of the information filed with the Board in this docket, it appears that the requested discussions may have a beneficial purpose. Also, the lack of responsive filings (other than ASTA's, on procedure) seems to indicate that these discussions may not have adverse effects on others. However, the applicants have not made a showing that the Board's usual discussion conditions[2] should not be attached to this authorization, and the spirit of ASTA's request will, therefore, be granted.

Therefore, pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.13 and 385.3, it is found that the request in this docket is not adverse to the public interest and should be granted.

Accordingly, it is ordered, That:

1. The ATA request in this docket be and it hereby is granted, subject to the following conditions:

(a) All scheduled certificated air carriers shall be invited and permitted to be participants in these discussions;

(b) Representatives of the Board shall be permitted to attend the discussions as observers, and all other interested persons shall be permitted to attend the discussions as observers and to express their views within such guidelines as the discussants establish;

(c) The discussions shall take place in Washington, D.C., at a date, time and place determined by the discussants;

(d) The discusants shall file notices and agenda of the discussion meetings with the Board's Docket Section, and shall send such notices and agenda to those listed on ATA's service list for this docket, and to all other persons who so request, at least 7 calendar days before each meeting;

(e) The discussants shall keep complete and detailed minutes of the discussions, including a summary of each proposal presented, the opinions expressed by the discussants and any others permitted to do so on each proposal, and complete details of all actions agreed to by the discussants, and shall file such minutes with the Board's Docket Section, and shall send such minutes to those listed on ATA's service list for this docket, and to all other persons who so request, within 7 calendar days after each meeting;

(f) Any agreement or agreements reached as a result of these discussions shall be filed with the Board for prior approval, in accordance with section 412(a) of the Act and 14 CFR Parts 261 and 302, Subpart P.

(g) This authorization shall expire after 180 days from the date of service of this order; and

(h) This authorization may be extended, modified, or revoked at any time by the Board or by the undersigned;

2. Except to the extent granted herein, all requests in this docket be and they hereby are denied; and

3. This order shall be served on all scheduled certificated air carriers, and on all those listed on the applicants' service list attached to their February 14, 1974 filing in this docket.

Persons entitled to petition the Board for review of this order, pursuant to the

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[6] Notwithstanding the provisions of sec. 302.1608 of the Board's Procedural Regulations, the Board will permit the ATA to file a consolidated response to all comments within 30 days from the date of this order. This Order will moot the requests dated March 29, 1974 filed by the National Industrial Traffic League for an extension of time to file comments on the ATA agreement.

[1] Those ATA members which joined in the application are Alaska, Allegheny, Aloha, American, Braniff, Continental, Delta, Eastern, Frontier, Hughes Air West, National North Central, Northwest, Ozark, Piedmont, Southern, Texas International, Trans World, United, Western, and Wien Air Alaska. The two ATA members which did not join in the application are Flying Tiger and Pan American.

[2] See Order 74-4-1 (April 1, 1974), at page 2.

Board's Regulations, 14 CFR 385.50, may file such petitions within 10 days after the date of service of this order.

This order shall be effective and become the action of the Civil Aeronautics Board upon expiration of the above period, unless within such period a petition for review thereof is filed or the Board gives notice that it will review this order on its own motion.

This order shall be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.74-9830 Filed 4-29-74;8:45 am]

[Dockets 26523, etc.; Order 74-4-108]

AMERICAN AIRLINES, INC., ET AL.

Order Dismissing Complaints

Correction

In FR Doc. 74-9358 appearing on page 14531 in the issue of Wednesday, April 24, 1974, in the third column, the sixth line of the first paragraph, delete "Docket 26571".

[Docket 26474; Order 74-4-127]

OZARK AIR LINES, INC.

Approval of a Corporate Reorganization; Order Deferring Action

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 24th day of April, 1974.

By application filed March 4, 1974, Ozark Air Lines, Inc. (Ozark) requests that the Board approve a plan of corporate reorganization designed to change the air carrier's state of incorporation from Missouri to Delaware.

The plan of reorganization contemplates the merger of Ozark into its wholly-owned subsidiary, Interim, incorporated in Delaware for the express purpose of accomplishing this change. Upon approval of the plan by Ozark's shareholders, the merged company will cease to exist and the surviving corporation will asume the name of Ozark Air Lines, Inc. The new certificate of incorporation will be essentially the same as the present articles of incorporation, differing only in respect to the broad language rather than detailed statements, of its purposes; the number of directors constituting the Board of Directors (the new articles have no specific limit); and the provision for cumulative voting rights (the new articles have no provision for cumulative voting rights). The stockholders' list of Ozark will become the stockholders' list of the surviving corporation. All shares of stock, subscriptions, warrants, options, and debentures of Ozark will maintain their corresponding status with the surviving corporation without surrender for exchange, notation, or endorsement. The same or substantially the same persons serving as officers and directors of Ozark will serve as officers and directors of the surviving corporation.

Upon consummation of the transaction, all of the assets of Ozark will become the assets of the surviving corporation which will thereupon assume and become responsible for all liabilities and obligations of Ozark. The applicant states that under the plan of reorganization there would be no substantive, beneficial or actual change in the control of Ozark.

No comments or requests for a hearing have been received.

Upon consideration, the Board tentatively concludes that the reorganization effecting a domiciliary change should be approved. The transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competition. Furthermore, no person disclosing a substantial interest in the proceeding is currently requesting a hearing, and we conclude that the public interest does not require a hearing. It appears that the domiciliary reorganization herein would not in any material manner affect the control or the operations of the air carrier. In addition, the reorganization is similar to others approved by the Board.[1] Under all the circumstances, it is not found that the transaction of reorganization will be inconsistent with the public interest or that the conditions of section 408(b) will be unfulfilled.

Further, in light of the circumstances that for all practical purposes Interim (New Ozark) will be the same company as the present Ozark, with the same officers, directors, shareholders, and liabilities, and that no issue of substance concerning Ozark's operating authority is involved, we tentatively conclude that the transfer to Interim (New Ozark) of the certificate of public convenience and necessity presently held by Ozark is consistent with the public interest and should be approved.[2]

Accordingly, it is ordered, That:

1. Board action with respect to the reorganization of Ozark Air Lines, Inc. (Missouri) into Interim/Ozark Air Lines, Inc. (Delaware), effecting a domiciliary change, be and it hereby is deferred;

2. Interested persons are hereby afforded a period of ten (10) days from date of service of this order within which to file comments or request a hearing with respect to the Board's proposed action on the application in Docket 26474;[3] and

3. The Attorney General of the United States shall be furnished a copy of this order within one day of publication.

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND, *Secretary.*

[FR Doc.74-9828 Filed 4-29-74;8:45 am]

[1] The Flying Tiger Line Inc., Order 69-12-121, December 29, 1969. See also Modern Air Transport, Inc. and GAC Corporation, Order 73-11-139, November 29, 1973.

[2] Since the transaction herein involves only a domiciliary change, it is concluded, consistent with the Board's practice in similar circumstances, that Interim, prior to accomplishing a change of name to "Ozark Air Lines, Inc." (Delaware), should be permitted to prosecute pending applications of Ozark (Missouri) without further action by the Board, subject to the filing of an appropriate notice of the substitution in the dockets of such proceedings.

[3] Comments shall conform to the requirements of the Board's Rules of Practice for filing comments. Further, since an opportunity to file comments is provided for, petitions for reconsideration of this order will not be entertained.

ENVIRONMENTAL PROTECTION AGENCY

[OPP-32000/48]

RECEIPT OF APPLICATIONS FOR PESTICIDE REGISTRATION

Data To Be Considered in Support of Applications

On November 19, 1973, the Environmental Protection Agency published in the FEDERAL REGISTER (38 FR 31862) its interim policy with respect to the administration of section 3(c)(1)(D) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 979), and its procedures for implementation. This policy provides that EPA will, upon receipt of every application, publish in the FEDERAL REGISTER a notice containing the information shown below. The labeling furnished by the applicant will be available for examination at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C. 20460.

On or before July 1, 1974, any person who (a) is or has been an applicant, (b) desires to assert a claim for compensation under section 3(c)(1)(D) against another applicant proposing to use supportive data previously submitted and approved, and (c) wishes to preserve his opportunity for determination of reasonable compensation by the Administrator must notify the Administrator and the applicant named in the FEDERAL REGISTER of his claim by certified mail. Every such claimant must include, at a minimum, the information listed in this interim policy published on November 19, 1973.

Applications submitted under 2(a) or 2(b) of the interim policy in regard to usage of existing supportive data for registration will be processed in accordance with existing procedures. Applications submitted under 2(c) will be held for the 60-day period before commencing processing. If claims are not received, the application will be processed in normal procedure. However, if claims are received within 60 days, the applicants against whom the particular claims are asserted will be advised of the alternatives available under the Act. No claims will be accepted for possible EPA adjudication which are received after July 1, 1974.

APPLICATIONS RECEIVED

EPA File Symbol 15887-E. Agricultural Chemical Co. of Dallas, 3707 East Kiest Boulevard, Dallas, Texas 75203. *Hi Brand SBP-1382 E. C. 3 percent.* Active ingredients: (5-Benzyl-3-furyl) methyl 2,2-dimethyl - 3 - (2-methylpropenyl) cyclopro-

panecarboxylate 3.000 percent; Related compounds 0.409 percent; Aromatic petroleum hydrocarbons 91.471 percent. Method of Support: Application proceeds under 2(c) of the interim policy.

EPA File Symbol 15887–G. Agricultural Chemical Co. of Dallas, 3707 East Kiest Boulevard, Dallas, Texas 75203. *Hi Brand SBP–1382 Plus Pyrethrins.* Active ingredients: (5-Benzyl - 3 - furyl)methyl 2,2-dimethyl - 3 - (2-methylpropenyl) cyclopropanecarboxylate 1.50 percent; Related compounds 0.20 percent; Pyrethrins 1.50 percent; Piperonyl butoxide technical 3.75 percent; Aromatic petroleum hydrocarbons 1.99 percent; Petroleum distillate 91.00 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 15887–R. Agricultural Chemical Co. of Dallas, 3707 East Kiest Boulevard, Dallas, Texas 75203. *Hi Brand SBP–1382 Oil Base 3 percent.* Active ingredients: (5-Benzyl-3-furyl)methyl 2,2-dimethyl - 3 - (2 - methylpropenyl) cyclopropanecarboxylate 3.000 percent; Related compounds 0.409 percent; Aromatic petroleum hydrocarbons 3.971 percent. Petroleum distillate 92,500 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5540–RNI. Angus Chemical Corporation, 2857 Chapman Street, P.O. Box 667, Oakland, California 94601. *Angus Fog Insecticide.* Active Ingredients: Pyrethrins 0.15 percent; Piperonyl Butoxide, Technical 1.50 percent; Petroleum Distillate 98.35 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5440–RNO. Angus Chemical Corporation, 2857 Chapman Street, P.O. Box 667, Oakland, California 94601. *Angus Super Fog Insecticide.* Active Ingredients: Pyrethrins 0.3 percent; Piperonyl Butoxide, Technical 3.0 percent; Petroleum Distillate 96.7 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 8329–RN. Clarke Outdoor Spraying Co., Inc., 200 Hayes Street, La-Grange, Illinois 60525. *Clarke Skeeter Slugs for Control of Mosquito Larvae.* Active Ingredients: Chlorpyrifos (O,O-diethyl 0-(3,5,6-trichloro-2-pyridyl) phosphorothioate) 1.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7273–RUN. Crown Chemicals, 4995 North Main Street, Rockford, Illinois 61101. *Crown Flyban 2–E Systemic Insecticide.* Active Ingredients: Dimethoate (O-O-dimethyl S-(N-methylcarbamoyl-methyl 1) phosphorodithioate) 23.4 percent; Xylene 38.4 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7273–RGI. Crown Chemicals, 4995 North Main Street, Rockford, Illinois 61101. *Crown "Woodtreat Gel".* Active Ingredients: Pentachlorophenol 8.69 percent; Other Chlorophenols & Related Compounds 1.01 percent; Pine Oil 10.10 percent; Aromatic Petroleum Solvent 62.85 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 464–LNL. The Dow Chemical Company, P.O.Box 1706, Midland, Michigan 48640. *Dow Dowicil S13A Antimicrobial Agent.* Active Ingredients: 2,3,5,6-Tetrachloro-4-(Methylsulfonyl) pyridine 82 percent; Other chlorinated pyridines 8 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 10163–AN. The Dune Company, Agricultural Chemicals, P.O. Box 458, 340 East Main Street, Calipatria, California 92233 *Prokil Sevimol 4 Carbaryl Insecticide.* Active Ingredients: Carbaryl (1-naphthyl methycarbamate) 40.38 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 279–EOTN. FMC Corporation, Agricultural Chemical Division, 100 Niagara Street, Middleport, New York 14105. *Omite 4 Dust Miticide.* Active Ingredients: 2-(p-tert-butylphenoxy) cyclohexyl 2-propynyl sulfide 4.000 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 10646–1. The State of Hawaii, Department of Agriculture, Honolulu, Hawaii 96822. *Zinc Phosphide.* Active Ingredients: Zinc Phosphide 1.88 percent. Method of Support: Application proceeds under 2 (c) of interim policy.

EPA File Symbol 1021–RGRR. McLaughlin Gormley King Company, 8810 Tenth Avenue North, Minneapolis, Minnesota 55427. *Pyrocide Intermediate 7215.* Active Ingredients: Pyrethrins 4.00 percent; Piperonyl butoxide, technical 6.00 percent; N-octyl bicycloheptene dicarboximide 10.000 percent; Chlorpyrifos (O,O,-diethyl O-(3,5,6-trichloro-2-pyridyl) phosphorothioate) 20.00 percent; 2,2-Dichlorovinyl dimethyl phosphate 9.49 percent; Related Compounds 0.71 percent; Petroleum distillate 35.30 percent; Aromatic Petroleum distillate 11.25 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 1553–28. Momar Incorporated, 1830 Ellsworth Industrial Drive, Atlanta, Georgia 30318. *Momar Butoxine, A Pyrenone Product.* Active Ingredients: Pyrethrins 0.056 percent; Piperonyl Butoxide 0.560 percent; Petroleum Distillate 99.174 percent. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 5967–RRT. Moyer Chemical Company, 1310 Bayshore Highway, P.O. Box 945, San Jose, California 95108. *Malathion-Perthane Dust 4–5.* Active Ingredients: Malathion 4.0 percent; Diethyl Diphenyl Dichloroethane 5.0 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 3509–RRR. Safe-Way Farm Products Co., 2519 East 5th Street, Austin, Texas 78762, *Safe-Way Brand Malathion 5 Percent Dust.* Active Ingredients: Malathion 5 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11273–RR. Sandoz-Wander, Inc., Crop Protection Department, P.O. Box 1489, Homestead, Florida 33030. *Sandoz Thuricide-16B Aqueous Concentrate for Low-Volume Aerial Application.* Active Ingredients: Bacillus thuringiensis Berliner potency of 3,430 International Units (at least 5 million viable spores) per milligram 0.69 percent; petroleum hydrocarbon solvent 3.00 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 12434–G. Springbok Chemcal Company, P.O. Box 398, Pendleton, Oregon 97801. *Springbok Brand Sevimol 4 Carbaryl Insecticide.* Active Ingredients: Carbaryl (1-naphthyl methylcarbamate) 40.38 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 22555–E. Stoller Chemical Company, Inc., 2211 South Whittier Avenue, Springfield, Illinois 62704. *That Flowable Sulfur.* Active Ingredients: Sulfur 52 percent. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 557–RONG. Swift Chemical Company, 111 West Jackson Street, Chicago, Illinois 60604. *Vigoro Insect Control Plus Fertilizer.* Active Ingredients: O,O-diethyl O-(3,5,6-trichloro-2-2-pyridyl) phosphorothioate 0.20 percent. Method of Support: Application proceeds under 2(c) of interim policy.

Dated: April 23, 1974.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.74–9713 Filed 4–29–74;8:45 am]

NATIONAL AIR POLLUTION MANPOWER DEVELOPMENT ADVISORY COMMITTEE

Notice of Meeting

Pursuant to Pub. L. 92–463, notice is hereby given that the National Air Pollution Manpower Development Advisory Committee Meeting will be held beginning at 1 p.m., May 23 and 9 a.m., May 24 and 25, 1974. The meeting will be held in the Maxmilian Room of the Driskill Hotel, 117 East 7th Street, Austin, Texas 78758.

This is the regular quarterly meeting of the Advisory Committee. Primarily the meeting will be devoted to Committee review and ranking of fellowship and training grant applications. Also, the review of current status of manpower development programs in air pollution control.

The meeting will be open to the public. Any member of the public wishing to attend or participate should contact Mr. Ronnie E. Townsend, Executive Secretary, National Air Pollution Manpower Development Advisory Committee, Research Triangle Park, North Carolina (919) 549–8411, extension 2492.

ROGER STRELOW,
Acting Assistant Administrator
for Air and Waste Management.

APRIL 25, 1974.

[FR Doc.74–9855 Filed 4–29–74;8:45 am]

FEDERAL CROP INSURANCE CORPORATION

[Notice 81]

SOYBEANS; ALABAMA

Extension of the Closing Date for Filing of Applications for the 1974 Crop Year

Pursuant to the authority contained in 7 CFR 401.103, the time for filing applications for soybean crop insurance for the 1974 crop year in the Alabama counties listed below is hereby extended until the close of business on May 15, 1974. Such applications received during this period will be accepted only after it is determined that no adverse selectivity will result.

ALABAMA

Baldwin
Escambia

[SEAL] M. R. PETERSON,
Manager, Federal Crop
Insurance Corporation.

[FR Doc.74–9796 Filed 4–29–74;8:45 am]

FEDERAL MARITIME COMMISSION

SEATRAIN LINES, CALIFORNIA AND MATSON TERMINALS, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the

Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, NW, Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before May 10, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

J. R. Kuykendall, Vice President
Matson Navigation Company
1725 K Street, N.W., Suite 1106
Washington, D.C. 20006

and

Neal M. Mayer, Attorney-at-Law
Coles & Goertner
1000 Connecticut Avenue, N.W.
Washington, D.C. 20036

Agreement No. T-2523-2 is an assignment under which Seatrain Lines, California, (Seatrain) assigns and transfers to Matson Terminals, Inc., (Matson), Seatrain's lease with the State of Hawaii covering terminal facilities at Sand Island, Honolulu Harbor, Oahu, Hawaii. Under the terms of the assignment, Matson agrees to assume and perform all of the terms, conditions and covenants of the lease on the part of Seatrain as Lessee, its performance being guaranteed by Matson Navigation Company.

By order of the Federal Maritime Commission.

Dated: April 25, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-9839 Filed 4-29-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8594]

AMERICAN PUBLIC POWER ASSOCIATION ET AL.

Order Denying Motion To Raise Interest Rates on Refunds

APRIL 23, 1974.

On January 10, 1974, the American Public Power Association, Ohio Municipal Electric Association and Indiana Municipal Electric Association filed a motion to raise the interest rate on refunds from 7 percent to 10.5 percent. The moving parties suggest that the Commission either (1) reopen Docket No. R-419, Rates of Interest on Amounts Subject to Refund and Procedures for Placing Rates or Changes in Effect Subject to Refund by Natural Gas Companies and Public Utilities, (2) issue a show cause order why interest paid on amounts held after a certain date should not be raised, (3) allow individual Presiding Law Judges at the termination of cases to set the refund interest level based on relevant economic conditions, or (4) review any rate set periodically. Notice of this filing was issued by the Commission on January 28, 1974, requiring any protests and petitions to intervene to be submitted on or before February 7, 1974. In response to this notice, the Commission has received protests and interventions from some fifty-seven (57) parties.[1]

In support of their motion, the moving parties state that since the Commission set the 7 percent interest rate on refunds (Docket No. R-419, Order No. 442, issued December 3, 1971) the prime rate has risen as high as 10 percent and changes in short-term interest rates have occurred. The movants also point out that because funds subject to refund are actually a source of short-term capital which can be used by companies for investment purposes until replaced with long-term financing, consumer dollars are being substituted for investor-contributed capital, and to the extent that companies can invest these funds at rates greater than 7 percent, companies are profiting on consumer dollars derived from excess rate collections. The movants further assert that a 7 percent refund interest rate acts to encourage utilities to continue litigation and avoid any good faith efforts to settle.

Responses to the motion have generally taken one or more of five approaches, summarized as follows:

(1) The motion should be dismissed or considered in a formal rulemaking because it is procedurally deficient, in that it is an improper vehicle with which to seek a change in the Commission's regulations.

(2) Present financial conditions do not warrant a refund interest rate increase, and therefore, any increase is punitive.

(3) A precise definition of what costs the interest rate is designed to reflect is necessary before the rate should be changed.

(4) Commission precedent (specifically, Order No. 442 and Docket No. E-7929, Toledo Edison Company) and the allegation that long-term conditions do not yet justify a change dictate that no change in the refund interest rate is warranted.

(5) Miscellaneous equitable considerations must be taken into account in setting the refund interest rate. Such considerations include; the burden of income taxes on revenues ultimately refunded, costs to the company of losses due to suspension of rates, whether the rate should be raised prospectively only, etc.

In light of the issues raised by both the moving parties and the large number of respondents, and due to the fact that economic conditions have fluctuated since the 7 percent refund interest rate was established in December, 1971, the Commission believes that the public interest would best be served by setting a formal rulemaking for the purpose of considering all issues relevant to the question of whether the refund interest rate should be changed. Accordingly, by separate order issued this day, we are instituting a rulemaking proceeding for the purpose of reexamining the present 7 percent interest rate level and to prescribe any changes in that level that may be appropriate. As such a proceeding will serve to resolve the issue raised in the motion of the moving parties, we shall deny said motion.

The Commission finds. Good cause exists to deny the subject motion.

The Commission orders. (A) The motion of January 10, 1974, of The American Public Power Association, Ohio Municipal Electric Association, and Indiana Municipal Electric Association, to raise the interest rate on refunds is denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-9792 Filed 4-29-74;8:45 am]

[Docket No. RP74-23]

EL PASO NATURAL GAS CO. ET AL.

Order Rejecting Settlement and Remanding for Further Proceeding

APRIL 22, 1974.

By order of December 21, 1973, in Docket Nos. RP74-22 and RP74-23, we granted rehearing of a prior order which had rejected alternate tariff amendments proposed by El Paso Natural Gas Company (El Paso). The amendments would permit El Paso to collect from its customers, subject to refund, increased overriding royalty payments associated with company owned production while El Paso's ultimate liability therefore is being litigated. The December 21, 1973 order set for immediate hearing the question of whether the provisions of §§ 154.38(d)(3) and 154.63(b)(3) of the Commission's Regulations should be waived as well as the merits of the tariff amendments as proposed.

At the hearing February 19, 1974, El Paso and Northwest Pipeline Corporation (Northwest) moved for certification to the Commission of a proposed "Stipulation and Agreement in Settlement of Rate Proceeding" (Settlement) relating to the issues in Docket No. RP74-23, along with portions of the record containing the testimony and exhibits of El Paso, Northwest, and the Commission staff. The Settlement would permit Northwest, by an adjustment of its jurisdictional rates, to amortize the jurisdic-

[1] See Appendix, filed as part of original document.

tional portion of $4,921,357 over the period October 1, 1974, through September 30, 1974 and recover, on an annualized basis, the jurisdictional portion of $1,611,108. The Settlement further indicates that Northwest, upon collection of the amortized charge, would pay over to El Paso, without interest, the jurisdictional portion of $3,867,110, an amount applicable to El Paso's potential liability for the period prior to divestiture. These amounts are proposed to be retained as part of general corporate funds pending final court decision as to liability for the overriding royalty payments. Any portions not ultimately determined to be payable would be refunded with interest at a rate of 7 percent per annum. The Administrative Law Judge's Certification of the Settlement, dated February 22, 1974, indicates that all participants present at the hearing, with the exception of the Commission staff, either supported, consented to, or did not oppose the proposed Settlement. The Certification, however, notes that "Although several state regulatory commissions have intervened in this matter, no state regulatory commission is party to the proposed settlement or was represented at the February 19, 1974 hearing on this matter. The parties at the hearing who either support, consent to, or do not oppose the proposed settlement, consist of parties who will suffer no financial detriment from this settlement, but who will be able to pass through to their customers the respective provisions of rate increases which are encompassed in this proposed settlement."

The certification of the Settlement was noticed on February 28, 1974, with comments due on or before March 11, 1974. Comments in support of the settlement were timely filed El Paso and Northwest. Mobil Oil Corporation filed timely comments taking no position on the Settlement but requesting that any order approving the Settlement be without prejudice to the positions of parties in pending litigation.

On March 11, 1974, the Commission staff filed comments in opposition to the Settlement. The staff requests that the Settlement be rejected and the proceeding terminated, or alternatively, that the matter be remanded for hearing in accordance with a proposed expedited schedule. Staff's comments make the following allegations, among others:

(1) The Commission does not have the authority under the Natural Gas Act to authorize unsupported rate increases or to insure that El Paso, Northwest, or their respective stockholders will be saved harmless from the risks of doing business. The staff states that, should the Commission authorize the Settlement, if should make clear that it will examine the extent to which such settlement may effect the cost of capital by insulating El Paso from risks and adjust the return allowed on equity investment in its pending rate case accordingly;

(2) Approval of the settlement would not only require waiver of the applicable regulations governing filing requirements, but more importantly would signify Commission waiver of the standards enunciated in those regulations for determining the propriety of proposed rate increases;

(3) The Settlement eliminates any incentive for the Company to reduce costs through active and good faith litigation and would set a precedent for other companies to avoid Section 4 requirements;

(4) El Paso has failed to file the necessary supporting cost data required by the Commission's Regulations, particularly Sections 154.38(d)(3) and 154.63(b)(3) and the Commission has consistently rejected increases not supported by cost data. The Staff cites North Penn Gas Company [1] wherein the Commission rejected a proposal to increase rates based upon the Company's estimate of possible future tax liability. Staff contends that the only difference in this docket is that the dollar amount of North Penn's potential liability was more certain;

(5) There is none of the additional data required by the Regulations to enable the Commission to analyze the proposed increases as they relate to other cost items which may experience decreases, and the rate increase is based upon mere speculation as to prospective cost increases;

(6) The Settlement is only between collecting parties who will suffer no financial detriment because they are able to pass on costs;

(7) The Settlement cures none of the objections addressed in the staff's testimony;

Our review of the instant Settlement proposal and Staff's comments thereto, raise serious questions as to the propriety of approving the subject Settlement as a basis for resolution of the issues in this proceeding. Accordingly, we shall reject the proposed Settlement and remand this proceeding for development of a complete evidentiary record immediate hearing and decision by the Administrative Law Judge.

The Commission finds. The resolution of this proceeding on the basis of the Settlement submitted by El Paso and Northwest on February 19, 1974, may not be in the public interest and should be rejected and the matter remanded to the Administrative Law Judge for immediate hearing and decision.

The Commission orders. (A) The Settlement submitted by El Paso and Northwest on February 19, 1974, is rejected.

(B) The issues presented in Docket No. RP74-23 are remanded to the Administrative Law Judge for immediate hearing and decision as hereinafter ordered.

(C) On or before April 30, 1974, Intervenor evidence shall be served. Any rebuttal evidence by El Paso or Northwest or the Commission Staff shall be served on or before May 20, 1974. The public hearing originally directed in the Commission's December 21, 1974, order shall be held at 10:00 A.M. on June 4, 1974, in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426.

(D) The Commission Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.[1]

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

[FR Doc.74-9790 Filed 4-29-74;8:45 am]

[1] Docket No. RP74-59.

[Docket Nos. RP74-22 and RP74-23]

EL PASO NATURAL GAS CO.

Order Denying Motion To Consolidate and Remanding for Further Proceeding

APRIL 22, 1974.

By order of December 21, 1973, in Docket Nos. RP74-22 and RP74-23, we granted rehearing of a prior order which had rejected alternate tariff amendments proposed by El Paso Natural Gas Company (El Paso). The amendments would permit El Paso to collect from its customers, subject to refund, increased overriding royalty payments associated with company owned production while El Paso's ultimate liability therefore is being litigated. The December 21, 1973 order set for immediate hearing the question of whether the provisions of §§ 154.38(d)(3) and 154.63(b)(3) of the Commission's Regulations should be waived as well as the merits of the tariff amendments as proposed.

On February 13, 1974, El Paso filed a motion to consolidate the proceedings in Docket No. RP74-22 with those in Docket No. RP74-57, which is El Paso's most recently filed general rate increase case. El Paso's motion also sought to place into effect, on July 10, 1974, subject to refund, the change in rates proposed in Docket No. RP74-22. By notice issued February 27, 1974, we deferred the procedural dates in this case pending our decision on the Company's motion to consolidate.

The People of the State of California and the Public Utilities Commission of the State of California filed an answer to El Paso's motion dated February 22, 1974, which stated that it is California's understanding that the motion is procedural in nature and does not dispose of matters related to substantive rights. With such understanding, California states that it does not object to the granting of El Paso's motion, but reserves the right to take any position it deems appropriate with respect to the substantive matters involved.

On February 25, 1974, the Commission Staff filed comments in opposition to El Paso's motion. The Staff requests that the motion be denied and that the matter be remanded for hearing in accordance with a proposed expedited schedule. Staff's comments make the following allegations, among others:

(1) The granting of El Paso's motion would serve to delay the proceedings in Docket No. RP74-22, possibly as much as one year;

(2) El Paso's motion is not purely procedural in that it would allow collection, subject to refund, of millions of dollars based upon rate changes that had once

[1] Commissioners Brooke and Moody, dissenting; filed with original document.

been rejected by the Commission,[1] are prospective in nature and are based upon El Paso's liability which cannot yet be measured with certainty;

(3) The Commission order of December 21, 1973, granting rehearing established hearing procedures to determine whether acceptance for filing would be proper, and El Paso has made no amendments or supplemental filings which warrant our allowing the proposed tariff changes to take effect.

El Paso, in support of its motion, alleges that Docket No. RP74–57 provides the most current and accurate determination of El Paso's potential liability in that its test year is reflective of near term future conditions and it takes into account the effects upon El Paso of divestiture of its Northwest Division. El Paso implicitly recognizes, however, the delays inherent in consolidating the overriding royalty issue with a general rate increase filing by requesting an effective date of July 10, 1974, for its proposed charges.

El Paso has failed to convince us that consolidation of Docket No. RP74–22 with the proceedings in Docket No. RP74–57 would be in the public interest. Therefore, we shall deny its motion of February 15, 1974.

The issues presented by Docket No. RP74–22 are currently consolidated with the proceedings in Docket No. RP74–23. We have this day issued an order establishing expedited hearing procedures in Docket No. RP74–23. The proceedings established in that case will afford a final decision on the issues far earlier than would be possible under a major rate case. Under such circumstances it would not be necessary to place the proposed charges into effect subject to refund.

The Commission finds. Good cause has not been shown for the granting of El Paso's February 15, 1974 motion in this docket.

The Commission orders. (A) El Paso's motion of February 15, 1974, in this docket is denied.

(B) The issues presented in Docket No. RP74–22 are remanded to the Administrative Law Judge for further proceedings consonant with the Commission's order issued this day in Docket No. RP74–23.

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

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–9791 Filed 4–29–74;8:45 am]

[1] El Paso Natural Gas Company, Docket Nos. RP74–22, RP74–23, Order Rejecting Proposed Tariff Changes issued October 24, 1973.

[Docket No. E–8365]

KANSAS CITY POWER AND LIGHT CO.

Notice of Further Extension of Time and Postponement of Prehearing Conference and Hearing

APRIL 23, 1974.

On April 15, 1974, Staff Counsel requested an extension of the procedural dates fixed by notice issued April 5, 1974 in the above-designated matter. All parties participating in the settlement conference agreed to support this motion.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Staff Service of Testimony, April 26, 1974.
Interveners' service of Testimony, May 10, 1974.
Company Rebuttal Testimony, May 24, 1974.
Prehearing Conference, June 3, 1974 (10:00 a.m. e.d.t.).
Hearing, June 3, 1974 (At the conclusion of the Prehearing Conference).

KENNETH L. PLUMB,
Secretary.

[FR Doc.74–9786 Filed 4–29–74;8:45 am]

[Docket No. RP73–49]

SOUTH GEORGIA NATURAL GAS CO.

Notice of Revision to Tariff

APRIL 22, 1974.

Take notice that on April 3, 1974, South Georgia Natural Gas Company (South Georgia) tendered for filing as part of its FPC Gas Tariff, Original Volume No. 1, the following Substitute Revised Tariff Sheets.

Substitute Fifth Revised Sheet No. 3A
Substitute Thirteenth Revised Sheet No. 5
Substitute Twenty-Ninth Revised Sheet No. 6
Substitute Twenty-First Revised Sheet No. 9
Substitute Twentieth Revised Sheet No. 11
Substitute Twenty-Fourth Revised Sheet No. 12B

South Georgia states the said Revised Sheets represent a substitute rate change under the PGA clause of its tariff. South Georgia further states that this revision will increase its rates by $88,758 for the purpose of tracking a rate increase by its supplier.

South Georgia requests an effective date of April 6, 1974, for said Revised sheets.

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 29, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–9787 Filed 4–29–74;8:45 am]

[Docket Nos. RP73–64, RP72–91 (Phase II), et al.]

SOUTHERN NATURAL GAS CO.

Notice of Proposed Changes in FPC Gas Tariff

APRIL 22, 1974.

Take notice that Southern Natural Gas Company (Southern) on April 4, 1974 tendered for filing proposed changes in its FPC Gas Tariff, Sixth Revised Volume No. 1 to become effective April 6, 1974. Such filing is pursuant to the Commission's order issued March 29, 1974 in United Gas Pipe Line Company, et al., Docket Nos. RP72–75, et al. rejecting the proposed PGA rate increase filings of several companies, including Southern's filing of February 20, 1974 in Docket Nos. RP73–64 and RP72–91 (Phase II).

The proposed tariff sheet refiled herewith eliminates the impact of the increased Louisiana severance taxes upon Southern's proposed April 6, 1974 rate increase and, as such, the proposed rate increase reflects only the increased cost of gas purchased by Southern from United Gas Pipe Line Company (United) as reflected in United's revised filing made by it in compliance with the above Commission order. Since Southern has only reflected the increase in cost of gas purchased from United, Southern's proposed increase is reduced from $14,554,772 to $3,189,304.

Copies of the filing are being served upon the company's jurisdictional customers and interested state commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 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 26, 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.74-9789 Filed 4-29-74;8:45 am]

[Docket No. RP72-98]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Proposed Changes in FPC Gas Tariff

APRIL 23, 1974.

Take notice that Texas Eastern Transmission Corporation (Texas Eastern) on April 5, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1, the following sheets:

Sixth Revised Sheet No. 13
Sixth Revised Sheet No. 13A
Sixth Revised Sheet No. 13B
Sixth Revised Sheet No. 13C
Sixth 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. The change in Texas Eastern's rates proposed by this filing reflects a cost of gas adjustment to track rate increases filed by two of its pipeline suppliers.

Texas Eastern proposes an effective date of April 6, 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, 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 May 13, 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.74-9788 Filed 4-29-74;8:45 am]

FEDERAL RESERVE SYSTEM

CITIZENS AND SOUTHERN NATIONAL BANK AND CITIZENS AND SOUTHERN HOLDING CO.

Order Approving Acquisition of Ison Finance Corp.

The Citizens and Southern National Bank and Citizens and Southern Holding Company, its subsidiary, both of Atlanta, Georgia, and both bank holding companies within the meaning of the Bank Holding Company Act, have 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 shares of Ison Finance Corporation ("Company"), Atlanta, Georgia.

Notice of the applications, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 7996). The time for filing comments and views has expired, and none has been timely received.

The Citizens and Southern National Bank ("Bank") is the largest banking organization in the State of Georgia and in the Atlanta market area, with total deposits of $1.8 billion.[1]

Company is engaged in consumer finance and consumer sales finance activities, operating seven offices in Florida, seven in Alabama, two in North Carolina, two in Georgia, one in South Carolina, and one in Louisiana. It had outstandings amounting to $12.6 million as of year-end 1972. Company's activities are of the type determined by the Board to be closely related to banking (12 CFR 225.4(a)(1)).

By order of January 2, 1974, the Board denied applications by applicants to acquire shares of Company. In that order, the Board expressed concern as to the effect consummation of the proposed transaction would have upon existing and probable future competition in various consumer lending product markets in the Macon, Georgia area. In order to eliminate any possible adverse effect upon competition in markets presently served both by operating offices of applicants and of company, applicants have now modified the proposal by undertaking to sell Company's operating offices located in Atlanta and Macon as soon as practicable after consummation of the proposed acquisition, but in no event, later than two years after the date of such consummation. In order to ensure both that the offices will be completely divested and that they will be divested as viable going concerns, the Board expects that such offices will be sold as going concerns and holding substantially the same quality and type of assets as those offices held on January 2, 1974 and in an amount not less than that amount held by those offices on that date. In view of the above, it appears that consummation of the proposed transaction would not have a significant adverse effect on competition in either the Atlanta or Macon markets.

As applicants presently do not compete in any geographic market in which Company competes outside the State of Georgia, consummation of the proposed transaction would not adversely affect existing competition in those markets; nor would future competition in those markets be adversely affected as a substantial number of competitors are represented in each of those markets, and the proposed transaction may properly be characterized as a "foothold entry" into those markets.

In its order of January 2, 1974, the Board concluded that certain post-employment covenants contained in employment agreements between applicants and certain shareholders of Company were in restraint of trade and therefore constituted a significant adverse factor in its consideration of the prior applications. The parties have amended all employment agreements between applicants and shareholders of Company to remove all covenants not to compete. There neither now exists nor will exist any agreement, written or oral, under which shareholders of Company are or would be bound to refrain from competition with applicants or Company.

There is no evidence in the record indicating that consummation of the proposed transaction would result in any unfair competition, conflicts of interests, or unsound banking practices. It is anticipated that Company's affiliation with applicants would result in the removal of certain limitations that the management of Company has imposed upon the amounts that may be loaned to individual consumers in single transactions and upon the types of loans made by Company. Applicants have stated that, as their subsidiary, Company would make loans to individual credit-worthy customers up to the legal limits permitted by State law and would provide mobile home, small appliance, and second mortgage loans, in addition to the types of consumer loans presently made by Company. These increases in service and the indirect increase in competition that would result therefrom, as well as the increased availability of financial resources, and thereby lendable funds, that the proposed affiliation is expected to provide, constitute benefits to the public.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of the public interest factors the Board is required to consider under § 4(c)(8) is favorable. Accordingly, the applications are hereby approved on the condition that the operating offices of Company that are located in Atlanta and Macon will be sold as going concerns and holding substantially the same quality and type of assets as those offices respectively held on January 2, 1974 and in an amount not less than the amount of such assets held by those offices respectively on that date. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Atlanta.

[1] Banking data are as of June 30, 1973.

By order of the Board of Governors,[2] effective April 22, 1974.

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

[FR Doc.74-9771 Filed 4-29-74;8:45 am]

COMMERCIAL BANKSHARES, INC.

Formation of Bank Holding Co.

Commercial Bankshares, Inc., Grand Island, Nebraska, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 88 percent or more of the voting shares of Commercial National Bank & Trust Company of Grand Island, Grand Island, Nebraska. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Kansas City. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 22, 1974.

Board of Governors of the Federal Reserve System, April 24, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-9774 Filed 4-29-74;8:45 am]

FIRST BANC GROUP, INC.

Order Approving Acquisition of Bank

First Banc Group, Inc., Creve Coeur, Missouri ("Applicant") a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of The Hermann Bank, Hermann, Missouri ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the application and comments received have been considered in light of factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant controls two banks with aggregate deposits of $52.2 million,[1] representing less than 1 percent of total commercial bank deposits in Missouri. Applicant's acquisition of Bank (deposits of $10.4 million) would not result in any significant increase in the concentration of banking resources in the State.

Bank is the largest of six banks competing in its market area,[2] controlling 37.4 percent of total bank deposits in that market. Applicant's nearest subsidiary is located 31 miles from Bank in another banking market. No significant competition exists between these two banks and due to Missouri's restrictive branching laws, it is unlikely that any significant competition would develop between Bank and any of Applicant's present or proposed subsidiaries. The prospect of Applicant entering Bank's market de novo is unlikely in view of the relatively low population density and below average growth rate in Bank's market area.

The financial and managerial resources and future prospects of Applicant, its present subsidiaries, and Bank are all regarded as generally satisfactory, particularly in view of applicant's commitment to add capital to Bank. There is no evidence to suggest that the major banking needs of Bank's service area are not presently being met by existing financial institutions; however, applicant intends to make trust services and computerized payroll services available to Bank's customers and will provide an independent auditing service to Bank. Considerations relating to convenience and needs are consistent with approval of the application. It is the Reserve Bank's judgment that the proposed acquisition is in the public interest and that the application should be approved.

Through subsidiary companies formed or acquired prior to December 31, 1970, applicant is also engaged in the nonbanking activities of owning land and providing data processing services. In making a determination herein, it was determined that the combination of an additional subsidiary bank with applicant's existing nonbanking subsidiaries is unlikely to have an adverse effect upon the public interest at the present time. However, applicant's banking and nonbanking activities remain subject to Board review and the Board retains the authority to require applicant to modify or terminate its nonbanking activities or holdings if the Board at any time determines that the combination of applicant's banking and nonbanking activities is likely to have adverse effects on the public interest.

On the basis of the record as summarized above, the Federal Reserve Bank of St. Louis approves the application, provided that the transaction shall not be consummated (a) before the thirtieth calendar day following the date of this Order or (b) later than three months after the date of this Order, unless such period is extended for good cause by the Board or by this Reserve Bank pursuant to delegated authority.

By order of the Federal Reserve Bank of St. Louis, acting pursuant to delegated authority for the Board of Governors of the Federal Reserve System, effective April 17, 1974.

[SEAL] HAROLD E. UTHOFF,
Vice President.

[FR Doc.74-9773 Filed 4-29-74;8:45 am]

FIRST CITY BANCORP. OF TEXAS, INC.

Acquisition of Bank

First City Bancorporation of Texas, Inc., Houston, Texas, has applied for the Board's approval under Section 3(a)(3) of the Bank Holding Company Act (12 U.S.C. 1842(a)(3)) to acquire 100 percent of the voting shares (less directors' qualifying shares) of Central National Bank, Arlington, Texas, a proposed new bank. The factors that are considered in acting on the application are set forth in Section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Dallas. Any person wishing to comment on the application should submit views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, to be received not later than May 18, 1974.

Board of Governors of the Federal Reserve System, April 24, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-9768 Filed 4-29-74;8:45 am]

GAINESVILLE BANCSHARES, INC.

Formation of Bank Holding Company and Proposed Acquisition of Insurance Agency Activities

Gainesville Bancshares, Inc., Gainesville, Missouri, has applied for the Board's approval under Section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of Bank of Gainesville, Gainesville, Missouri. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Gainesville Bancshares, Inc., has also applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to engage in the activity of selling, as agent, credit life, credit accident and health insurance related to extensions of credit by Applicant's proposed bank subsidiary. Notice of the application was published on March 7, 1974, in Ozark County Times, a newspaper circulated in Gainesville, Missouri. The proposed activity has been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably

[2] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, Holland, and Wallich. Absent and not voting: Chairman Burns.

[1] Banking data are as of June 30, 1973, adjusted to reflect holding company formations and acquisitions through March 11, 1974.

[2] Bank's market extends 15 miles in all directions from Hermann, Missouri.

be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of St. Louis.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 20, 1974.

Board of Governors of the Federal Reserve System, April 22, 1974.

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

[FR Doc.74-9775 Filed 4-29-74;8:45 am]

NBC CO.

Order Approving Acquisition of Nebraska Securities Co.

NBC Co., Lincoln, Nebraska, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval, under Section 4(c)(8) of the Act and § 225.4(b)(2) of the Board's Regulation Y, to acquire all of the voting shares of Nebraska Securities Company, Scottsbluff, Nebraska ("Company"), a company that engages in the business of an industrial loan company in the manner authorized by Nebraska law and neither accepts demand deposits nor makes commercial loans. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(2)).

Notice of the application, affording opportunity for interested persons to submit comments and views on the public interest factors, has been duly published (39 FR 7997). The time for filing comments and views has expired, and none has been timely received. The Board has considered the application in light of the factors set forth in Section 4(c)(8) of the Act (12 U.S.C. 1843(c)(8)).

Applicant, the fifth largest banking organization in Nebraska, controls one bank with deposits of $162 million, representing 3.4 percent of total deposits in commercial banks in the State.[1] Applicant also controls an industrial loan company, Mutual Savings Company, Lincoln, Nebraska ("Mutual"), which holds deposits of approximately $775,000.[2]

Company operates as an industrial loan company and issus two types of "certificates of indebtdness", fully-paid certificates and installment certificates which are similar to time certificates of deposits and savings accounts, respectively. In its lending capacity, company makes consumer installment loans, real estate and second mortgage loans.

Company is located in Scotts Bluff County, the relevant market, where it competes for deposits and loans with nine commercial banks, three savings and loan associations and three finance companies. Applicant's subsidiary bank and Mutual are located 350 miles from Company in Lincoln, Nebraska and do not compete with Company. Applicant's bank is affiliated through common ownership with a number of other commercial banks in Nebraska, the closest of which is located 150 miles from Company in North Platte. Thus, the Board concludes that consummation of the proposed acquisition would have no adverse effects on existing or potential competition; nor is there any evidence in the record indicating that Company's acquisition by applicant would lead to an undue concentration of resources, conflicts of interests, unsound banking practices or other adverse effects on the public interest. Further, it is expected that Company's acquisition by applicant will result in an expansion of the types of loans offered by Company.

Based upon the foregoing and other considerations reflected in the record, the Board has determined that the balance of public interest factors the Board is required to consider under § 4(c)(8) is favorable. Accordingly, the application is hereby approved. This determination is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require such modification or termination of the activities of a holding company or any of its subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder, or to prevent evasion thereof.

The transaction shall be made not later than three months after the effective date of this order, unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City.

By order of the Board of Governors,[3] effective April 22, 1974.

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

[FR Doc.74-9772 Filed 4-29-74;8:45 am]

SHAWMUT ASSOCIATION, INC.

Proposed Acquisition of Cenco Medical/Health Supply Corp.

Shawmut Association, Inc., Boston, Massachusetts, has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Cenco Medical/Health Supply Corp., Great Neck, New York. Notice of the application was published on March 4, 1974, in The Wall Street Journal, a newspaper circulated in the City and County of New York and in the City and County of Dallas, Texas; on March 5, 1974, in The Wall Street Journal edition published in the City of Chicago, Cook County, Illinois; and on March 6, 1974, in The Wall Street Journal edition published in the City of Palo Alto, Santa Clara County, California.

Applicant states that the proposed subsidiary would engage in the activities of full payout leasing of general equipment, including medical and health services related equipment and acting as agent, broker or adviser in leasing of such property. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices."

Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Boston.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System Washington, D.C. 20551, not later than May 20, 1974.

Board of Governors of the Federal Reserve System, April 22, 1974.

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

[FR Doc.74-9769 Filed 4-29-74;8:45 am]

SOCIETY CORP.

Proposed Acquisition of Society Life Insurance Co.

Society Corporation, Cleveland, Ohio, has applied, pursuant to Section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.4(b)(2) of the Board's Regulation Y, for permission to acquire voting shares of Society Life Insurance Company, Phoenix, Arizona. Notice of the application was published on (1) February 22, 1974, in The Plain

[1] Unless otherwise indicated, all banking data are as of June 30, 1973, and reflect holding company acquisitions and formations approved through March 30, 1974.

[2] Annual Report for 1972 submitted by Applicant.

[3] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan, Bucher, Holland and Wallich. Absent and not voting: Chairman Burns.

Dealer, a newspaper circulated in Cleveland, Ohio, and (2) February 22, 1974, in The Phoenix Gazette, a newspaper circulated in Phoenix, Arizona.

Applicant states that the proposed subsidiary would engage in the activity of acting as a reinsurer of credit life, credit accident and health insurance issued in connection with loans and extensions of credit of Society Corporation and its subsidiaries. Such activities have been specified by the Board in § 225.4(a) of Regulation Y as permissible for bank holding companies, subject to Board approval of individual proposals in accordance with the procedures of § 225.4(b).

Interested persons may express their views on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question should be accompanied by a statement summarizing the evidence the person requesting the hearing proposes to submit or to elicit at the hearing and a statement of the reasons why this matter should not be resolved without a hearing.

The application may be inspected at the offices of the Board of Governors or at the Federal Reserve Bank of Cleveland.

Any views or requests for hearing should be submitted in writing and received by the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551, not later than May 20, 1974.

Board of Governors of the Federal Reserve System, April 22, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-9770 Filed 4-29-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

[Wildlife Order 117]

PORTION, TWIN CITIES ARMY AMMUNITION PLANT

Transfer of Property

Pursuant to section 2 of Pub. L. 537, Eightieth Congress, approved May 19, 1948 (16 U.S.C. 667c), notice is hereby given that:

1. By letter from the General Services Administration, Chicago, Illinois, Regional Office, dated April 3, 1974, the property, which consists of approximately 151.95 acres of fee-owned land improved with a dam, floodgate, and barbed wire fencing, and 7.45 acres of easements and which is identified as a portion of the Twin Cities Army Ammunition Depot, New Brighton, Ramsey County, Minnesota, D-Minn-427D, has been transferred to the Department of the Interior.

2. The above described property was conveyed for a migratory bird refuge in accordance with the provisions of section 1 of said Pub. L. 537 (16 U.S.C. 667b), as amended, by Pub. L. 92-432.

Dated: April 22, 1974.

L. F. ROUSH,
Commissioner,
Public Buildings Service.

[FR Doc.74-9800 Filed 4-29-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

CLEARANCE OF 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 25, 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

EXECUTIVE OFFICE OF THE PRESIDENT

Office of Management and Budget, Federal Planning Evaluation Questionnaire, Form ____, Single time, Lowry, Planning officers of local governments.

Office of Telecommunications Policy, Subscription Television Demand Questionnaire, Form ____, Single time, Wann, Households in community with pay cable TV.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control, Tuberculosis Statistics and Program Evalaution Activity, Forms CDC 5.1393, 5.1394, f.4018-1, 5.4018-5, HRD/Reese, Annual, State and local health departments.

Departmental, Assessment of Innovation in Higher Education Survey, Form OS 20-74, Single time, Planchon, Colleges and University with innovative programs.

DEPARTMENT OF LABOR

Bureau of Labor Statistics, Retail Prices Collection—Test Pricing of New Collection Methodologies, Forms BLS 3046, BLS 2902, Monthly, Raynsford, Retail establishment in 8 SMSA's or pricing areas.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Local Area Wage Survey, Form ____, Semi-annual, Raynsford, 25 technical service firms.

NATIONAL SCIENCE FOUNDATION

Dimensions of Quality in Graduate Education, Form ____, Single time, Planchon, Faculty, students.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Departmental, Baseline Interview—Health Insurance Study, Form OS 21-74, Single time, Reese, Households in Dayton SMSA and other SMSAs.

Study of Medicaid Enrollment in Health Maintenance Organizations, Form OS 74-88, Single time, Reese, AFDC and OA enrolled in HMOs and like group not enrolled in HMOs.

VETERANS ADMINISTRATION

Application for Cash Surrender Values, Form 29-1546, Occasional, Caywood, Insured veterans.

EXTENSIONS

FEDERAL RESERVE BOARD

Domestic Finance Company Report of Consolidated Assets and Liabilities, Form 248, Monthly, Evinger (x).

Domestic Finance Company Report of Consolidated Assets and Liabilities, Form 248-A, Monthly, Evinger (x).

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Alcohol, Drug Abuse, and Mental Health Administration, Funding Summary Admission and Case sample Report Census Report, Form MH 427-1, 2, 3, Monthly, Reese, Federal drug treatment programs.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management, Application for Insurance Benefits, Fiscal Data, and General Assignment, Form FHA 2777, Occasional, CVA (x).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Housing Management, Schedule of Tax Information, Form FHA 2779, Occasional, CVA (x).

Waste and Damage Report Assignment of Home Mortgage (1 to 4 Family), Form FHA 2783, Occasional, CVA (x).

Highlights of Loan Provisions and Project Reporting Requirements, Form HUD 5510, Annual, CVA (x).

Annual Operating Budget, Form 5511, Annual, CVA (x).

Annual Report of Income and Expenses, Form HUD 5512, Annual, CVA (x).

Comparative Balance Sheet, Form HUD 5513, Annual, CVA (x).

Annual Incumbency Report, Form HUD 5514, Annual, CVA (x).

Requirements for Preparation of Financial Reports, Form HUD 92408, Occasional, CVA (x).

Statement of Profit and Loss (Nursing Homes), Form HUD 92410NH, Annual, CVA (x).

Comparative Analysis of Utility Costs—Summary—General Information, Forms HUD 51994A, 51994B, Annual, CVA (x).

Comparative Analysis of Utility Cost—Fuel and Energy Heating Supplies, Heating Labor, Form HUD 51994C, Annual, CVA (x).

Comparative Analysis of Utility Cost—Initial Costs and Annual Repair, Maintenance and Replacement Expense Per Dwelling Unit, Form HUD 51994D, Annual, CVA (x).
Monthly Report of Cooperative Housing Corporations, Form HUD 93211, Annual, CVA (x).

U.S. CIVIL SERVICE COMMISSION

Supplemental Qualifications Statement—Nurse, Form CSC 991, Occasional, Evinger (x), Job applicants.
Declaration of Appointee, Form SF 61B, Occasional, Evinger (x), Individuals.
Minority Group Employment Census as of May 31, 1974, Form CSC 1058, Occasional, Evinger (x), Government agencies.

PHILLIP D. LARSEN,
Budget and Management Officer.

[FR Doc.74-9844 Filed 4-29-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 1057]

CALIFORNIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of March, because of the effects of a certain disaster, damage resulted to property located in the State of California;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of Section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Shasta County, California, and adjacent affected areas, suffered damage or destruction resulting from heavy rains and flooding, which occurred on or about March 29, 1974.

Applications will be processed under the provisions of Public Law 93-24.

Office: Small Business Administration, Regional Office, 450 Golden Gate Avenue, Box 36044, San Francisco, California 94102.

2. Application for disaster loans under the authority of this declaration will not be accepted subsequent to JUNE 18, 1974.

THOMAS S. KLEPPE,
Administrator.

APRIL 17, 1974.

[FR Doc.74-9779 Filed 4-29-74;8:45 am]

(License No. 06/06-0171)

FIRST OKLAHOMA VENTURE CORP.

Notice of Issuance of License To Operate as a Small Business Investment Company

On March 22, 1974, a notice was published in the Federal Register (39 FR 10948) stating that First Oklahoma Venture Corporation, 120 North Robinson Avenue, Oklahoma City, Oklahoma 73102, had filed an application with the Small Business Administration (SBA) pursuant to § 107.102 (38 FR 30836 November 7, 1973) of the SBA Rules and Regulations governing small business investment companies for a Licensee to operate as a small business investment company (SBIC).

Interested parties were given to the close of business on April 8, 1974, to submit their written comments to SBA.

Notice is hereby given that, having considered the application and all other pertinent information, SBA has issued License No. 06/06-0171 to First Oklahoma Venture Corporation, pursuant to Section 301(c) of the Small Business Investment Act of 1958, as amended.

JAMES THOMAS PHELAN,
Deputy Associate Administrator for Investment.

APRIL 23, 1974.

[FR Doc.74-9776 Filed 4-29-74;8:45 am]

[Declaration of Disaster Loan Area 1056]

GEORGIA

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of March, because of the effects of a certain disaster, damage resulted to property located in the State of Georgia;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of Section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Macon, Washington, Wayne, Murray, Clarke, Richmond, Jackson, Cobb, Douglas, Barrow, Wilkes, Newton, Fayette, Clayton, Butts, Bibb, Gwinnett, Madison, Meriwether, Oglethorpe, Rockdale, Ware, Bartow, Troup, Monroe, Coweta, DeKalb, Hall, Upson, Floyd and Walton Counties, and adjacent affected areas, suffered damage or destruction resulting from high winds which occurred on or about March 21, 1974.

Applications will be processed under the provisions of Public Law 93-24.

Office: Small Business Administration, Regional Office, 1401 Peachtree Street, N.E., Atlanta, Georgia 30309.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to June 18, 1974.

Dated: April 17, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-9780 Filed 4-29-74;8:45 am]

[License No. 09/14-5086]

LA RAZA INVESTMENT CORP.

Notice of Filing of Application for Transfer of Control

Notice is hereby given that an application has been filed with the Small Business Administration pursuant to 13 CFR 107.701 (1974) for the transfer of control of La Raza Investment Corporation (licensee), a small business investment company licensed by the Small Business Administration on December 9, 1971, and operating under the provisions of Section 301(d) of the Small Business Investment Act of 1958, as amended (the Act).

Licensee, an Arizona Corporation with its principal place of business located at 3001 W. Indian School Road, Phoenix, Arizona 85017, is presently owned by the following stockholders:

Name	Shares	Percent of Ownership
Colorado Economic Development Association (CEDA) 735 Curtis St., Denver, Colo. 80204	349,500	56.8
National Council of La Raza (Council), 3001 W. Indian School Rd. Phoenix, Ariz. 85017	210,000	34.3
Home Education Livelihood Program (HELP), 933 San Pedro, SE., Albuquerque, N. Mex. 87108	40,000	6.5
Valley National Bank (Valley Bank) 241 No. Central Ave., Phoenix, Ariz. 85003	15,000	2.4

Under a plan of reorganization, licensee will acquire all 349,500 shares of its stock from CEDA in exchange for certain portfolio investments made by the licensee in the following small business concerns:

Alta Vista Academy, Inc.
7900 Poplar Street
Commerce City, Colorado 80022

Ambassador 70 Development Corporation
11930 W. 44th Place
Wheatridge, Colorado 80003

A. B. C. Market
3304 Dahlia Street
Denver, Colorado 80211

Builders Hardware Supply, Inc.
7752 Webster Way
Arvada, Colorado 80002

Bustaz, Inc.
1360 So. Wadsworth
Lakewood, Colorado 80226

Colorado Curb & Gutter, Inc.
5410 Morrison Road
Denver, Colorado 80226

Condor Development Corp.
5410 Morrison Road
Denver, Colorado 80226

Custom Ford Service Fabrications
2357 So. Garrison Ct.
Denver, Colorado 80227

Los Panchos Food, Inc.
4780 Tejon
Denver, Colorado 80211

D. C. Steward
10200 E. Colfax Avenue
Aurora, Colorado 80110

The basis for the exchange will be the net worth of licensee's stock. The portfolio securities to be exchanged will be valued at licensee's cost.

Upon consummation of the reorganization, the paid-in capital and paid-in surplus of the licensee will be reduced from $614,500 to $265,000 and control over the licensee will be transferred to the Council.

The only change to be made in the management of the licensee as a result of the reorganization is the resignation of Edward R. Lucero, financial vice president and director.

Notice is further given that any person may submit comments on the proposed transfer of control to the Associate Administrator for Finance and Investment, Small Business Administration, 1441 L Street, NW, Washington, D.C. 20416 on or before May 9, 1974.

A similar notice shall be published by the licensee in a newspaper of general circulation in Denver, Colorado, and also in Phoenix, Arizona.

Dated: April 24, 1974.

JAMES THOMAS PHELAN,
Deputy Associate Administrator, for Investment.

[FR Doc.74-9777 Filed 4-29-74;8:45 am]

[Notice of Disaster Loan Area 1058]

MISSISSIPPI

Notice of Disaster Relief Loan Availability

As a result of the President's declaration of the State of Mississippi as a major disaster area following heavy rains and flooding beginning on or about April 12, 1974, applications for disaster relief loans will be accepted by the Small Business Administration from flood victims in the following Counties: Covington, Forrest, Greene, Jones, Marion, Perry, Simpson, and Smith, and adjacent affected areas.

Applications may be filed at the:

Small Business Administration
District Office
Petroleum Building, 6th Floor
Pascagoula and Anite Streets
Jackson, Mississippi 39205

and at such temporary offices as are established. Such addresses will be announced locally. Applications will be processed under the provisions of Public Law 93-24.

Applications for disaster loans under this announcement must be filed not later than June 18, 1974.

Date: April 22, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-9778 Filed 4-29-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 497]

ASSIGNMENT OF HEARINGS

APRIL 25, 1974.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC-107583, Sub 54, Salem Transportation Co., Inc., continued to June 12, 1974 (3 days), in Room 3240 William J. Green, Jr., Federal Bldg., Philadelphia, Pa.

F. D. 27630, Lyons Transportation Lines, Inc., Securities, now being assigned hearing June 19, 1974 (3 days), at Columbus, Ohio, in a hearing room to be later designated.

MC-139186, Morgillo's Motor Livery Service, Inc., DBA Morgillo's Livery Service, now being assigned hearing June 24, 1974 (2 days), at Hartford, Conn., in a hearing room to be later designated.

MC-109649 Sub 18, L. P. Transportation, Inc., now being assigned hearing June 26, 1974 (3 days), at New York, N.Y., in a hearing room to be later designated.

MC-139208, Port Terminal Transportation, Inc., application is Dismissed.

MC 133777 Sub-8, Metal Carriers, Inc., now being assigned June 17, 1974, at Kansas City, Mo., in a hearing room to be later designated.

MC 135874 Sub-31, LTL Perishables, Inc., now being assigned June 19, 1974 (3 days), at Kansas City, Mo., in a hearing room to be later designated.

I&S No. 8930, Export Rates To Gulf Ports, Burlington Northern Inc., now being assigned June 24, 1974 (1 week), at Kansas City, Mo., in a hearing room to be later designated.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-9840 Filed 4-29-74;8:45 am]

[No. 35986]

ARIZONA INTRASTATE FREIGHT RATES AND CHARGES—1974

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D.C., on the 8th day of April 1974.

By joint petition filed March 12, 1974, under the provisions of section 13 of the Interstate Commerce Act, The Atchison, Topeka and Santa Fe Railway Company and Southern Pacific Transportation Company, which are the two class I railroad common carriers performing intrastate and interstate transportation in Arizona, seek increases in their intrastate rates from and to points in Arizona corresponding to certain authorized and pending interstate increases, namely, the interim increase which is authorized in Ex Parte No. 303, Increased Freight Rates and Charges, 1974, Nationwide, and the pending increases in Ex Parte No. 299, Increases in Freight Rates and Charges to Offset Retirement Tax Increases—1973, and the fuel increase in Ex Parte No. 301, The Energy Crisis and the Need for Emergency Transportation Legislation;

It appearing, that Ex Parte No. 301 was instituted for the purpose of aiding this Commission in formulating its legislative plans in connection with the current energy shortage and the proceeding did not involve an investigation of increased interstate rates; that interstate rail rate increases to offset fuel cost increases were filed in tariff X-301, pursuant to Special Permission Order No. 74-1825, Common Carriers of Passengers, Express and Property and Freight Forwarders-Rate Increases Account Increases in Fuel Cost, dated December 13, 1973, and subsequently amended; and that, therefore, petitioners' request to increase their intrastate rates to the level of interstate rail rates increased to cover fuel costs, will be treated as the interstate rate level authorized by Special Permission No. 74-1825 and will be hereinafter so referred to;

It further appearing, that the present level of intrastate rates in Arizona does not include these increases; that petitioners requested authority from the Arizona Corporation Commission to increase their intrastate rates; and that the Arizona Commission has not granted the requests and has specifically denied their request for an increase to the Ex Parte No. 303 level, on the grounds that petitioners did not submit a separation of their interstate and intrastate capital investments, revenues, and expenses;

It further appearing, that petitioners contend that the denial of or failure to act on their requests by the Arizona Commission causes undue and unreasonable advantage, preference, and prejudice as between persons or localities in intrastate commerce on the one hand and interstate or foreign commerce on the other hand, and an undue, unreasonable and unjust discrimination against, and undue burden on, interstate or foreign commerce, which is prohibited by the provisions of section 13(4) of the Act;

It further appearing, that petitioners request that this Commission institute an investigation into the rates, fares, charges, classifications, regulations and practices applicable to Arizona intrastate commerce, including the necessity for removing any unlawfulness therein on account of the Arizona Commission's failure or refusal to increase the rates to the levels authorized or pending in the proceedings in Ex Parte Nos. 299 and 303, and authorized by Special Permission No. 74-1825; and to prescribe rates and charges to remove any discrimination and burden found to exist;

It further appearing, that a petition for an increase in intrastate rates and charges to offset increased retirement taxes must pursuant to section 15a(4)(d) of the Act be filed with the State having jurisdiction over the intrastate rates and if the State denies or fails to act on the petition within 60 days petitioners may then seek relief from this Commission; that the instant petition does not state that they have complied with the statute in connection with their request to have intrastate rates in Arizona increased by an amount commensurate with the current level of interstate increase authorized in Ex Parte No. 299; and, therefore, that the petition should be denied in this respect;

And it further appearing, that insofar as concerns authorized interstate increases in Ex Parte No. 303 and by Special Permission No. 74–1825, but not pending or proposed increases, there has been brought in issue by the said petition matters sufficient to require an investigation into the lawfulness of the intrastate rates and charges made or imposed by the State of Arizona to the extent said increases are not reflected therein;

Wherefore, and good cause appearing therefor:

It is ordered, That, to the extent indicated, the petition be, and it is hereby granted, and that an investigation be, and it is hereby, instituted under section 13 of the Interstate Commerce Act to determine whether the said rates and charges of carriers by railroad, or any of them, operating in the State of Arizona cause or will cause, by reason of the failure of such rates and charges to include increases corresponding to the interstate increases authorized in Ex Parte No. 303 and by Special Permission No. 74–1825, any undue or unreasonable advantage, preference or prejudice as between persons or locations in intrastate commerce, on the one hand, and those in interstate or foreign commerce, on the other, or any unjust discrimination against or undue burden on interstate or foreign commerce, and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum charges shall be prescribed to remove the unlawful advantage, preference, discrimination, or undue burden, if any, that may be found to exist; and, in all other respects, the petition be, and it is hereby, denied.

It is further ordered, That all carriers by railroad operating in Arizona, subject to the jurisdiction of this Commission be, and they are hereby, made respondents in this proceeding.

It is further ordered, That all persons who wish actively to participate in this proceeding and to file and receive copies of pleadings shall make known that fact by notifying the Office of Proceedings, Room 5342, Interstate Commerce Commission, in writing on or before May 27, 1974. Although individual participation is not precluded, to conserve time and to avoid unnecessary expense, persons having common interests should endeavor to consolidate their presentations to the greatest extent possible. The Commission desires participation only of those who intend to take an active part in the proceeding.

It is further ordered, That as soon as practicable after the date of indicating a desire to participate in the proceeding has passed, the Commission will serve a list of the names and addresses of all persons upon whom service of all pleadings must be made.

It is further ordered, That a copy of this order be served upon each of the said petitioners; that the State of Arizona be notified of the proceeding by sending copies of this order and of said petition by certified mail to the Governor of Arizona and to the Arizona Corporation Commission, Phoenix, Arizona; and that further notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register for publication in the FEDERAL REGISTER.

And it is further ordered, That this proceeding be assigned for hearing as may hereafter be designated.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

By the Commission, Division 2.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74–9844 Filed 4–29–74;8:45 am]

IRREGULAR-ROUTE MOTOR COMMON CARRIERS OF PROPERTY-ELIMINATION OF GATEWAY LETTER NOTICES

APRIL 25, 1974.

The following letter-notices of proposals to eliminate gateways for the purpose of reducing highway congestion, alleviating air and noise pollution, minimizing safety hazards, and conserving fuel have been filed with the Interstate Commerce Commission under the Commission's Gateway Elimination Rules (49 CFR 1065(a)), and notice thereof to all interested persons is hereby given as provided in such rules.

An original and two copies of protests against the proposed elimination of any gateway herein described may be filed with the Interstate Commerce Commission on or before May 10, 1974. A copy must also be served upon applicant or its representative. Protests against the elimination of a gateway will not operate to stay commencement of the proposed operation.

Successively filed letter-notices of the same carrier under these rules will be numbered consecutively for convenience in identification. Protests, if any, must refer to such letter-notices by number.

No. MC–25798 (Sub-No. E9), filed April 16, 1974. Applicant: Clay Hyder Trucking, Inc., P.O. Box 1186, Auburndale, Fla. 33823. Applicant's representative: Tony G. Russell (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, in containers, in vehicles equipped with mechanical refrigeration, from points in Michigan, Minnesota, Ohio, West Virginia, and Wisconsin to points in Georgia. The purpose of this filing is to eliminate the gateway of Hendersonville, N.C.

No. MC–52657 (Sub-No. E1), filed April 12, 1974. Applicant: Arco Auto Carriers Inc., 2140 West 79th Street, Chicago, Illinois 60620. Applicant's representative: S. J. Zangri (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: (1) *New Foreign-Made Automobiles*, in secondary movements, in truckaway service, from Franklin Park, Ill., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kansas, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Virginia, Wyoming, and the District of Columbia; (2) *New Foreign-Made Automobiles*, in secondary movements, in truckaway service, from Chicago, Ill., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Kansas, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Montana, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Pennsylvania, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Virginia, Wyoming, and the District of Columbia; (3) *Truck Bodies and Trailer Bodies*, from Minneapolis, Minn., to points in Arizona, California, Nevada, New Mexico, Utah, Maine, New Hampshire, Vermont, and that part of Colorado, on and west of U.S. Highway 87 (Interstate Highway 25) commencing at the Colorado-Wyoming State line near Norfolk, Colo., thence south over U.S. Highway 87 to the Colorado-New Mexico State line near Trinidad, Colo., excluding Fort Collins, Colo.;

(4) *Truck Bodies and Trailer Bodies*, from Minneapolis, Minn., to points in Maine, New Hampshire, and Vermont; (5) *Commercial Vehicle Bodies*, from Galion and Marion, Ohio, to points in Alabama; (6) *Truck Bodies*, from Galion and Marion, Ohio, to points in Florida and Mississippi; (7) *Hydraulic Hoists*, from Galion and Marion, Ohio, to Birmingham, Ala., and points within 65 miles thereof, restricted against the transportation of hydraulic hoists which require special equipment; (8) *Materials, Supplies, and Parts* used in the manufacture, assembly and servicing of bodies, hoists, lift gates, trailers, and containers, when moving in mixed loads with such commodities (to the extent presently authorized) from Galion, Cardington, Marion, and Bucyrus, Ohio, to Birmingham, Ala., and points within 65 miles thereof; (9) *Lift-Type Containers* (except containers having a capacity of 5 gallons or less or having a capacity of 9 cubic feet or less) from Bucyrus, Ohio, to points in Birmingham, Ala., and points within 65 miles thereof, restricted against the transportation of containers which because of size or weight require special equipment or special handling;

(10) *Storage Containers* (except containers having a capacity of 5 gallons or less or having a capacity of 9 cubic feet or less) from Galion, Ohio, to Birmingham, Ala., and points within 65 miles thereof, restricted against the transportation of containers which because of size or weight require special equipment or special handling; (11) *Truck Bodies and Refuse Containers* (except refuse containers having a capacity of 5 gallons or less, or those having a capacity of 9 cubic feet or less) only when moving in mixed

shipments with bodies or hoists, or both, from Fort Payne, Ala., to points in Massachusetts and Rhode Island; and (12) *Trailer Bodies, Cargo Containers and Materials, Supplies and Parts* (except commodities in bulk or in bags) used in the manufacture, assembly and servicing of trailer bodies and cargo containers when moving in mixed loads with such commodities, from Fort Payne, Ala., to points in Massachusetts and Rhode Island.

The purpose of this filing is to eliminate the gateway of Kenosha, Wis., in (1) and (2); Cedar Rapids, Iowa, in (3); Michigan City, Ind., in (4); Wapakoneta, Ohio, in (5); Cardington, Ohio, in (6); Buck Township, Hardin County, Ohio, in (7), (8), (9), and (10); Exeter, Pa., in (11); and Parkersburg, W. Va. in (12).

No. MC–95540 (Sub-No. E12), filed April 12, 1974. Applicant: Watkins Motor Lines, Inc., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration (except hides and commodities in bulk, in tank vehicles), from Lexington, Nebr., to points in Mississippi. The purpose of this filing is to eliminate the gateway of Union City, Tenn.

No. MC–95540 (Sub-No. E14), filed April 12, 1974. Applicant: Watkins Motor Lines, Inc., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212–5299 Roswell Rd. NE., Atlanta, Ga. 31342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, and *articles* distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with mechanical refrigeration (except hides and commodities in bulk, in tank vehicles) from Lexington, Nebr., points in Louisiana on and east of the Louisiana-Mississippi State line along U.S. Highway 61 to Baton Rouge, thence along Interstate Highway 10 to intersection with Louisiana Highway 1, thence along Louisiana Highway 1 to White Castle, thence along Louisiana Highway 69 to Grand Bayou, thence along Louisiana Highway 70 to Morgan City, thence along U.S. Highway 90 to the Lower Atchafalaya River and thence south along the Lower Atchafalaya River to the Gulf of Mexico. The purpose of this filing is to eliminate the gateway of Union City, Tenn.

No. MC–95540 (Sub-No. E17), filed April 12, 1974. Applicant: Watkins Motor Lines, Inc., P.O. Box 1636, Atlanta, Ga. 30301. Applicant's representative: Clyde W. Carver, Suite 212, 5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, (except hides and pelts, and commodities in bulk, in tank vehicles), from Madison, S.Dak., to points in Florida. The purpose of this filing is to eliminate the gateway of Union City, Tenn.

No. MC–95540 (Sub-No. E22), filed April 15, 1974. Applicant: Watkins Motor Lines, Inc., P.O. Box 1636, Atlanta, Georgia 30301. Applicant's representative: Clyde W. Carver, Suite 212–5299 Roswell Rd. NE., Atlanta, Ga. 30342. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen meats* and *frozen meat products* (except commodities in bulk, in tank vehicles), from Dade City, Fla., to points in Wisconsin. The purpose of this filing is to eliminate the gateways of Tifton, Ga., and Florence, Ala.

No. MC–100666 (Sub-No. E18), filed April 11, 1974. No. MC–100666 (Sub No. E23), filed April 11, 1974. Applicant: Melton Truck Lines, Inc., 1129 Grimmet Dr., P.O. Box 7666, Shreveport, La. 71107. Applicant's representative: Paul L. Caplinger, Richard W. May (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

In No. MC–100666 (Sub-No. E18):

(1) *Mineral fibre sheathing and insulating boards*, from Pensacola, Fla., to points in North Dakota and South Dakota. The purpose of this filing is to eliminate the gateway of Miami, Okla. (2) The commodities described in (1) above from Pensacola, Fla., to Beaumont, Dallas, Fort Worth, and Houston, Texas. The purpose of this filing is to eliminate the gateway of Marrero, La.

In No. MC–100666 (Sub-No. E23):

(1) *Fencing, Wire, Gates, Nails and Posts* from Greenville, Miss., to points in Colorado, New Mexico, and points in that part of Kansas on, south, and west of a line beginning at the junction of U.S. Highway 183 and the Nebraska-Kansas State line, thence south on U.S. Highway 183 to the junction of U.S. Highway 183 and Kansas Highway 96, thence east on Kansas Highway 96 to the junction of Kansas Highway 96 and U.S. Highway 281, thence south on U.S. Highway 281 to the Kansas-Oklahoma State line. The purpose of this filing is to eliminate the gateway of Duke, Okla. (2) The commodities described in (1) above, from Greenville, Miss., to points in that part of Nebraska on and west of U.S. Highway 183. The purpose of this filing is to eliminate the gateway of Acme, Tex.

No. MC–118831 (Sub-No. E8), filed April 18, 1974. Applicant: Central Transport, Inc., P.O. Box 5044, High Point, N.C. 27262. Applicant's representative: R. E. Shaw (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (except petrochemicals, anhydrous ammonia, fertilizer, and fertilizer materials and vegetable oils), in bulk, in tank vehicles, from points in North Carolina in and east of the counties of Cleveland, Catawba, Caldwell, Wilkes, and Ashe to points in Alabama and Mississippi, restricted against the transportation of caustic soda from Acme, N.C., and points within 5 miles thereof. The purpose of this filing is to eliminate the gateways of Charlotte, N.C. and Lanett, Ala.

No. MC–119443 (Sub-No. E1), filed April 17, 1974. Applicant: P. E. Kramme, Inc., Monroeville, N.J. 08343. Applicant's representative: Gerald A. Kramme (same as above). Authority sought to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Liquid chocolate, liquid chocolate coating, liquid chocolate liquor*, and *liquid cocoa butter*, in bulk, in tank vehicles, from Elizabethtown, Pa., to:

1. Points in Florida, Mississippi, and Louisiana;

2. Points in that part of North Carolina on and south of a line beginning at Wilmington, thence west over U.S. Highway 74–76 to the junction of U.S. Highway 74–76 and U.S. Highway 17, thence south over U.S. Highway 17 to the junction of U.S. Highway 17 and South Carolina Highway 90, and the North Carolina-South Carolina State line;

3. Points in that part of South Carolina on and south of a line beginning at the junction of U.S. Highway 17 and South Carolina Highway 90 and the North Carolina-South Carolina State line, thence over South Carolina Highway 90 to the junction of South Carolina Highway 90 and U.S. Highway 501, thence over U.S. Highway 401 to Conway and the junction of U.S. Highway 378, thence over U.S. Highway 501 to Conway junction of U.S. Highway 378 and U.S. Highway 76, thence over U.S. Highway 76–378 to Columbia, thence over U.S. Highway 378 to the junction of U.S. Highway 378 and South Carolina Highway 28, thence north over South Carolina Highway 28 to the junction of South Carolina Highway 28 and South Carolina Highway 72, thence west over South Carolina Highway 72 to the junction of South Carolina Highway 72 and the South Carolina-Georgia State line;

4. Points in that part of Georgia on and south of a line beginning at the junction of the Georgia-South Carolina State line and Georgia Highway 72, thence west on Georgia Highway 72 to the junction of Georgia Highway 72 and Georgia Highway 17, thence north on Georgia Highway 17 to the junction of Georgia Highway 17 and Interstate 85, thence south over Interstate Highway 85 to the junction of Interstate Highway 85 and Georgia Highway 51, thence west over Georgia Highway 51 to the junction of Georgia Highway 51 and U.S. Highway

23, thence over U.S. Highway 23 to the junction of U.S. Highway 23 and Georgia Highway 52, thence over Georgia Highway 52 to the junction of U.S. Highway 52 and Georgia Highway 9, thence south over Georgia Highway 9 to the junction of Georgia Highway 9 and Georgia Highway 20, thence over Georgia Highway 20 to Rome, thence north over U.S. Highway 27 to the junction of U.S. Highway 27 and Georgia Highway 48, thence over Georgia Highway 48 to the junction of Georgia Highway 48 and the Alabama State line and Alabama Highway 117;

5. Points in that part of Alabama on and south of a line beginning at the junction of the Alabama State line and Alabama Highway 117, thence over Alabama Highway 117 to the junction of Alabama Highway 117 and Alabama Highway 40, thence over Alabama Highway 40 to the junction of Alabama Highway 40 and U.S. Highway 72, thence over U.S. Highway 72 to the junction of U.S. Highway 72 and Alabama Highway 65, thence over Alabama Highway 65 to the junction of Alabama Highway 65 and the Tennessee State line and Tennessee Highway 97;

6. Points in that part of Tennessee on and south of a line beginning at the junction of Tennessee Highway 97 and the Tennessee State line, thence over Tennessee Highway 97 to the junction of Tennessee Highway 97 and U.S. Highway 64, thence north over U.S. Highway 64 to the junction of U.S. Highway 64 and U.S. Highway Alternate 41, thence north over U.S. Highway Alternate 41 to the junction of U.S. Highway Alternate 41 and U.S. Highway 231, thence over U.S. Highway 231 to Murfreesboro, thence over U.S. Highway 41–70S to Nashville, thence west over U.S. Highway 70N to the junction of U.S. Highway 70N and U.S. Highway 70, thence over U.S. Highway 70 to the junction of U.S. Highway 70 and U.S. Highway Alternate 70, thence over U.S. Highway Alternate 70 to the junction of U.S. Highway Alternate 70 and Tennessee Highway 104–77, thence over Tennessee Highway 104–77 to Trenton, thence over Tennessee Highway 104 to the junction of Tennessee Highway 104 and Tennessee Highway 78, thence over Tennessee Highway 78 to the junction of Tennessee Highway 78 and Tennessee Highway 21, thence over Tennessee Highway 21 to the Mississippi River. The purpose of this filing is to eliminate the gateways of Camden, N.J., and Dover, Del.

No. MC–119777 (Sub-No. E2), filed April 9, 1974. Applicant: Ligon Specialized Hauler, Inc., P.O. Drawer L, Madisonville, Ky. 42431. Applicant's representative: Ronald E. Butler (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe*, from St. Louis, Mo., to points in Alabama, Arizona, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, and South Carolina. The purpose of this filing is to eliminate the gateway of Sparta, Ill.

No. MC–124211 (Sub No. E12), filed April 8, 1974. Applicant: Hilt Truck Line, Inc., P.O. Box 988 D.T.S., Omaha, Nebr. Applicant's representative: Thomas L. Hilt (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Groceries* (except commodities in bulk and frozen foods) and *Grain products*, from points in Nebraska to points in Louisiana and Mississippi. (2) *Groceries* (except meat, meat products and meat byproducts and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, and frozen foods, dairy products, coffee and confectionary), from points in Nebraska to points in Kentucky and Ohio. (3) *Groceries* (except comodities in bulk, dairy products, frozen foods, and meats, meat products and meat byproducts and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), from points in Nebraska to points in Indiana, Michigan, Ohio, and Pennsylvania.

(4) *Grain Products and Groceries* (except commodities in bulk, frozen foods and meats, meat products, meat by-products, dairy products and articles distributed by meat packinghouses as described in Sections A, B, and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), from points in Nebraska to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Bells, Humboldt, Jackson, Milan, and Memphis, Tenn. (5) *Feed grain and Groceries* (except commodities in bulk, frozen foods, meats, meat products, meat by-products and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766), from points in Nebraska to points in Ohio, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine, and the District of Columbia. (6) *Grain products and Groceries* (except frozen foods, potato products, and meat and packinghouse products) from points in Nebraska to points in Tennessee (except Bells, Humboldt, Jackson, Milan, and Memphis and points in its Commercial Zone, as defined by the Commission). The purpose of this filing is (in 1–6) to eliminate the gateway of Lincoln, Nebr. (7) *Groceries* (except dairy products, frozen foods, edible meats and meat products, and commodities in bulk) from points in Nebraska to points in Illinois (except points south of U.S. Highway 136). The purpose of this filing is to eliminate the gateway of Omaha, Nebr.

No. MC–124211 (Sub No. E13), filed April 8, 1974. Applicant: Hilt Truck Line, Inc., P.O. Box 988 D.T.S., Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (A) *Groceries* (except frozen foodstuffs and commodities in bulk), between points in that part of Nebraska on and east of U.S. Highway 281, on the one hand, and, on the other, points in Arizona, California, Nevada, New Mexico, and Utah (except fresh foods from points in California). The purpose of this filing is to eliminate the gateways of Fairbury, Grand Island, and Lincoln, Nebr. (B) *Groceries* (except candy and confectionery, dairy products, frozen foods, and potato products, and commodities in bulk) from points in that part of Nebraska on and east of U.S. Highway 281 to points in Oregon and Washington. The purpose of this filing is to eliminate the gateway of Lincoln, Nebr.

No. MC–124211 (Sub No. E14), filed April 8, 1974. Appliacnt: Hilt Truck Line, Inc., P.O. Box 988, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (Same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour and food products* (except commodities in bulk, dairy products, frozen foods, and meats, meat products, and articles distributed by meat packinghouses, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766) from points in Texas to points in Minnesota. The purpose of this filing is to eliminate the gateway of Lincoln, Nebr.

No. MC–124211 (Sub-No. E15), filed April 8, 1974. Applicant: Hilt Truck Line, P.O. Box 988, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel plumbing supplies* (except oil field commodities and commodities which, because of size and weight, require the use of special equipment and/or handling) from Sterling and Rock Falls, Ill., to points in California, Colorado, Kansas (except points east of U.S. Highway 75), North Dakota (except points east of North Dakota Highway 3), Oklahoma (except points east of South Dakota Highway 37 and North of U.S. Highway 12), and Texas (except points east of U.S. Highway 69). The purpose of this filing is to eliminate the gateway of the sites of the plant and warehouses of William H. Harvey Company at Omaha, Nebr.

No. MC–124211 (Sub-No. E16), filed April 8, 1974. Applicant: Hilt Truck Line, P.O. Box 988, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plumbing Supplies*, from the sites of the plant and warehouses of William H. Harvey Company at Omaha, Nebr., to points in Delaware, Maine, New Hamp-

shire, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. The purpose of this filing is to eliminate the gateway of Ottumwa, Iowa.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-9843 Filed 4-29-74;8:45 am]

[Notice 71]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before May 20, 1974.

Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied up by petitioners must be specified in their petitions with particularity.

No. MC-FC-75077. By order of April 24, 1974, the Motor Carrier Board approved the transfer to John Metzler and Clement Finn, a partnership, doing business as Finn & Metzler, Maspeth, N.Y., of Certificate No. MC-126614 issued September 25, 1967, to Leo S. Urbanski, Brooklyn, N.Y., authorizing the transportation of homing pigeons, in seasonal operations, from New York, N.Y., to Woodbridge, Rahway, Elizabeth, Trenton, Princeton, and New Brunswick, N.J. Mr. Morris Honig, Attorney at Law, 150 Broadway, New York, N.Y. 10038.

No. MC-FC-75095. By order of April 22, 1974, the Motor Carrier Board approved the transfer to Rutgers Express, Inc., New Brunswick, N.J., of the operating rights in Certificate No. MC-40896 issued August 11, 1952, to Walter Ardeiter and Carl Solomon, a partnership, doing business as Rutgers Express, New Brunswick, N.J., authorizing the transportation of various commodities between specified points and areas in New York and New Jersey. S. Michael Richards, 44 North Ave., Webster, N.Y., 14580, Representative for applicants.

No. MC-FC-75096. By order entered April 22, 1974, the Motor Carrier Board approved the transfer to Baggstrom's Bus Service, Inc., Frenchtown, N.J., of the operating rights set forth in Certificate No. MC-88929 (Sub-No. 1), issued December 10, 1962, to William H. Kluge, doing business as Baggstrom's Bus Service, Frenchtown, N.J., authorizing the transportation of passengers and their baggage restricted to traffic originating in the territory indicated in charter operations, from points in Hunterdon County, N.J., to New York, N.Y., and points in a defined area in Pennsylvania; and from points in Hunterdon County, N.J., to Bushkill, Palms, and Mt. Rose, Pa., and return; and passengers and their baggage, in special and charter service, between Frenchtown, N.J., on the one hand, and, on the other, points in Pennsylvania within ten miles of Frenchtown. Edward F. Bowes, 744 Broad Street, Newark, N.J. 07102, attorney for applicants.

No. MC-FC-75097. By order of April 23, 1974, the Motor Carrier Board approved the transfer to Oswald Tower, Jr., doing business as Connors Bros., Williamstown, Mass., of the operating rights in Certificate No. MC-98245 (Sub-No. 1), issued November 28, 1955 to John P. Connors, doing business as Connors Bros., Williamstown, Mass., authorizing the transportation of various commodities between specified points and areas in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, and the District of Columbia. Lawrence B. Urbani, 79 Spring St., Williamstown, Mass., 01267, Attorney for applicants.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-9841 Filed 4-29-74;8:45 am]

[Ex Parte No. 293 (Sub No. 1)]

NORTHEASTERN RAILROAD INVESTIGATION

Notice of Public Hearing

Pursuant to Section 205(d)(1) of the Rail Reorganization Act of 1973, notice is hereby given that the Rail Services Planning Office will conduct a hearing beginning on June 10, 1974 and ending on June 12, 1974, in Akron, Ohio at Morley Health Center, 177 South Broadway, Akron, Ohio.

The hearing will commence at 9:30 a.m. on each day. An evening session, commencing at 7 p.m., will be held on the first day for the convenience of persons unable to attend during the day. Additional evening sessions, based upon need, may be held at the discretion of the presiding officer.

Persons interested in speaking at the hearing should contact Carolyn Halloran, Interstate Commerce Commission, 181 Federal Building, 1240 East 9th Street, Cleveland, Ohio 44199; Phone (216) 522-4001.

The following uniform rules, procedures and practices for the hearings are established:

(1) All oral presentations will be limited to 10 minutes. Appearance times can only be obtained prior to the hearing by contacting the designated contact person for each city on a first-come, first-served basis. Persons waiting until the hearing commences to seek an opportunity to speak will be given the next available time on a first-come, first-served basis. Any person, whether appearing at the hearing or not, may supply for the record any written materials and exhibits by no later than June 26, 1974. All written materials for the record must be on 8½" x 11" paper and submitted in 6 copies.

(2) Persons requesting an appearance time will be asked: their name, address, telephone number, for whom they work, whether they are representing a group, to indicate whether or not they wish aid from the Office of Public Counsel. If assistance is requested, an attorney from the Office of Public Counsel will contact the party prior to the hearing.

(3) The proceeding is legislative, not judicial in nature. It is designed to elicit as many public views as possible on present and future rail service needs in the region. Witnesses will not be required to testify under oath and there will be no cross-examination or rebuttal testimony. Only questions from the presiding officer and the representatives of the Office of Public Counsel will be permitted.

(4) One purpose of the hearings is to inform the public of the pendency of the statutory restructuring plan, and of the opportunities for public participation. Therefore, the usual Interstate Commerce Commission limitations on radio and television news coverage during the hearing will be relaxed. The presiding officer will permit live news coverage in the hearing room, provided that the conduct of the media representatives and the presence of radio and television equipment does not disturb the orderly conduct of the proceeding. The customary rules of the Commission prohibiting smoking and talking during the hearing will apply.

(5) Written testimony or correspondence which is not submitted at the hearing should be mailed, identified as Akron hearing, directly to:

Rail Services Planning Office
1900 L Street, NW.
Washington, D.C. 20036
(202) 254-3900

It is further ordered that notice of this order shall be given to the general public by depositing a copy thereof in Office of the Secretary of the Commission at Washington, D.C., and by filing a copy with the Director, Office of the Federal Register.

Issued in Washington, D.C., this 12th day of April 1974.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-9842 Filed 4-29-74;8:45 am]

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