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PART I



HIGHLIGHTS OF THIS ISSUE

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

LOW SULPHUR PETROLEUM PRODUCTS—FEO establishes priorities for use 15137

FERROUS SCRAP—Commerce Department establishes quota system for export licenses; effective 4–11–74 15112

HONEY PRICE SUPPORTS—USDA loan and purchase rates; effective 5–1–74 15098

DICAMBA—EPA establishes tolerances; effective 5–1–74 15126

SCHOOL BUS OPERATORS—FCC permits broader use of radio channels; effective 5–31–74 15129

VETERANS—VA authorizes certain clothing allowance payments; effective 8–1–72 15126

MINIMUM WAGES—Labor Department increases rates for learners and apprentices in certain certificate categories (2 documents); effective 5–1–74 ..... 15122, 15185

CONFLICT OF INTEREST—HEW proposal on grants and contracts, comments by 5–31–74 15141

(Continued inside)

PART II:

CHILDREN'S SLEEPWEAR—CPSC flammability standard for sizes 7–14 (2 documents); effective 5–1–75 ..... 15210, 15228

PART III:

MEDICAL INSURANCE FOR AGED AND DISABLED—HEW proposes requirements for skilled nursing facilities and discharge planning (2 documents); comments by 5–31–74 ..... 15230, 15232

PART IV:

PESTICIDES AND CONTAINERS—EPA regulations concerning acceptance of certain substances and recommended disposal and storage procedures; effective 5–1–74 15235

May 1, 1974—Pages 15087–15241

PETROLEUM AND PETROLEUM PRODUCTS—Commerce Department establishes quota controls for individual exporters; effective 4–18–74 15112

MOTOR VEHICLE SAFETY—
NHTSA rules on lamps, reflective devices and associated equipment, effective 5–1–74 15130
NHTSA proposes installation of truck-type mirror systems in passenger vehicles; comments by 7–1–74 15143

MEETINGS—
Agriculture Department: California Regional Forester's Road Committee, 5–22 and 5–23–74 15150
CSC: Federal Prevailing Rate Advisory Committee, 5–2, 5–9, 5–16, 5–23 and 5–30–74 15156
Commerce Department: Electronic Instrumentation Technical Advisory Committee, 5–9–74 15193
National Advisory Committee on Oceans and Atmosphere, 5–13 and 5–14–74 15177
National Advisory Committee on Oceans and Atmosphere and Marine Fisheries Advisory Committee Subcommittee on the National Fisheries Plan, 5–20, 5–21, 5–22 and 5–23–74 15194
GSA: National Health Resources Advisory Committee, 5–23 and 5–24–74 15177
Geological Survey: Earthquake Studies Advisory Panel, 6–6 and 6–7–74 15192
Interior Department: Lignite Advisory Committee, 5–9–74 15193
General Technical Advisory Committee, 5–21–74 15193
National Science Foundation: Advisory Panel for Social Psychology, 5–16 and 5–17–74 15178
State Department: International Telegraph and Telephone Consultative Committee, 5–23–74 15149
Treasury Department: Regional Advisory Committee on Banking Policies and Practices of the Thirteenth National Bank Region, 5–24–74 15149
Regional Advisory Committee on Banking Policies and Practices of the Fourth National Bank Region, 5–24–74 15149
Technical Subcommittee of the Advisory Committee on Explosives Tagging, 5–15, 5–16 and 5–17–74 15149
SBA: National Investment Company Advisory Council, 5–7–74 15184
Citizen's Advisory Committee on Environmental Quality: Subcommittee on Energy, 5–7–74 15156
AEC: Advisory Committee on Reactor Safeguards Subcommittee on St. Lucie Plant, Units 1 and 2, 5–16–74 15152

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Contents

AGRICULTURAL MARKETING SERVICE

Rules

Limes grown in Florida; limitation of shipments 15097

Proposed Rules

Lime regulations; withdrawal of proposal and termination of proceeding 15141

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Commodity Credit Corporation; Forest Service; Soil Conservation Service.

AIR FORCE DEPARTMENT

Notices

Family housing project; public hearing 15150

ALCOHOL, TOBACCO AND FIREARMS BUREAU

Notices

Technical Subcommittee of the Advisory Committee on Explosives Tagging 15149

ATOMIC ENERGY COMMISSION

Notices

Advisory Committee on Reactor Safeguards Subcommittee on St. Lucie Power Plant; meeting 15152

Antitrust hearings:

Duke Power Co 15152

Toledo Edison Co., et al 15154

Pacific Gas & Electric Co.; order lifting suspension of certain construction activities 15153

CITIZENS ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

Notices

Subcommittee on energy; meeting 15156

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:

Aeroperu, et al 15154

International Air Transport Association 15154

Pan American World Airways, Inc 15156

National Airlines, Inc 15155

Transportes Aereos Nacionales, S.A 15155

CIVIL SERVICE COMMISSION

Rules

Programs for specific positions and examinations (miscellaneous); waiving the road test requirement 15110

Notices

Federal Prevailing Rate Advisory Committee; meeting 15156

COAL RESEARCH OFFICE

Notices

General Technical Advisory Committee; meeting 15193

COMMERCE DEPARTMENT

See also Domestic and International Business Administration; National Oceanic and Atmospheric Administration; National Technical Information Service; Social and Economic Statistics Administration.

Notices

Room air conditioners; voluntary energy conservation; testing and labeling 15196

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Notices

Cotton textiles and textile products from Mexico; levels of agreement 15206

COMMODITY CREDIT CORPORATION

Rules

Honey; 1974 crop loan and purchase program 15098

COMPTROLLER OF THE CURRENCY

Notices

Insured banks; joint call for report of condition; cross reference 15149

Regional Advisory Committees on Banking Policies and Practices; meetings (2 documents) 15149

CONSUMER PRODUCT SAFETY COMMISSION

Notices

Children's sleepwear; flammability standard for sizes 7 through 14 (2 documents) 15210, 15228

CUSTOMS SERVICE

Rules

Customs warehouses, container stations, and control of merchandise therein; reimbursable charge for temporary employees 15117

Vessels in foreign and domestic trades; exemption from entry and clearance requirements and Customs charges for yachts of the St. Christopher-Nevis-Anguilla Islands 15116

Notices

Tuna fish; tariff rate quota 15149

DEFENSE DEPARTMENT

See Air Force Department.

DISEASE CONTROL CENTER

Proposed Rules

Certification of personal protective devices; extension of comment period 15141

Notices

Immunization Practices Advisory Committee; meeting; corrections 15151

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Rules

Short supply controls:

Ferrous scrap, licensing exports in second quarter, 1974 15112

Petroleum and petroleum products, method of licensing exports in second quarter, 1974 15112

Notices

Electronic Instrumentation Technical Advisory Committee; meeting 15193

ENVIRONMENTAL PROTECTION AGENCY

Rules

Acceptance of certain pesticides and recommended procedures for disposal and storage of pesticides and pesticide containers 15235

Tolerances and exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities; dicamba 15126

Proposed Rules

Fuels and fuel additives; extension of comment period 15145

Notices

Receipt of applications for pesticide registration; data to be considered in support of application 15157

FEDERAL AVIATION ADMINISTRATION

Rules

Control zone and transition area; alteration 15099

Proposed Rules

Airworthiness directive; General Electric CF6-6 engines 15143

Control zone and transition area; alteration (2 documents) 15143

FEDERAL COMMUNICATIONS COMMISSION

Rules

Commercial radio operators; deletion of certain limitations on scope of operating authority of ship radiotelephone operator permits 15128

Public safety radio services; licensing of school bus operators 15129

Proposed Rules

FM broadcast stations; table of assignments, certain cities; extension of time for comments 15145

Notices

Jurisdictional separations and rate structures; inquiry; correction 15160

Public utility meters; inquiry 15162

Hearings, etc.:

Columbia Broadcasting System, Inc. and First Delaware Valley Citizens Television, Inc 15157

Post-Newsweek Stations of Florida, Inc. and Tropical Florida Broadcasting Co 15160

(Continued on next page)

FEDERAL DEPOSIT INSURANCE CORPORATION

Notices

Insured banks; joint call for report of condition 15163

FEDERAL ENERGY OFFICE

Rules

Low sulfur petroleum products 15137
Petroleum allocation; extension of current propane allocation program 15138
Petroleum price regulations:
Adjustment to refiner's price formulae to reflect volume of covered products 15139
Corrective amendments to refiner's cost calculations 15138
Rent charged for real property used in retailing of gasoline 15139
Rulings:
Changes in credit terms 15140
Minimum rent provisions in leases of real property used in retailing of gasoline 15140

FEDERAL HOME LOAN BANK BOARD

Rules

Savings and loan associations; principal supervisory agent (2 documents) 15111

FEDERAL INSURANCE ADMINISTRATION

Rules

National Flood Insurance Program:
Areas eligible for sale of insurance; status of participating communities (2 documents) 15100, 15101
Identification of special hazard areas; list of communities 15102

FEDERAL MARITIME COMMISSION

Notices

Agreements filed:
City of Oakland, et al 15163
City of Oakland and Matson Terminals, Inc 15164
Coordinated Caribbean Transport, Inc. et al 15164

FEDERAL POWER COMMISSION

Notices

Rate changes; order providing for hearing and suspension 15164
U.S. Forest Service, California; finding, determination and order 15176
Hearings, etc.:
Algonquin Gas Transmission Co. (3 documents) 15165, 15166
AMAX Petroleum Corp. et al 15166
Atlantic Richfield Co 15166
Cleveland Electric Illuminating Co 15167
Cliffs Electric Service Co 15167
Columbia Gas Transmission Corp 15167
Columbia Gulf Transmission Co 15168
Duke Power Co 15168
El Paso Natural Gas Co. (2 documents) 15168
El Paso Natural Gas Co. and Northwest Pipeline Corp 15168
Georgia Power Co 15168
Lawrenceburg Gas Transmission Corp. (2 documents) 15169
Louisville Gas & Electric Co 15169
Mississippi River Transmission Corp 15170
Missouri Public Service Co 15169
Natural Gas Pipeline Company of America (3 documents) 15170
NEPOOL Executive Committee 15171
NEPOOL Power Pool Agreement 15171
New York Power Pool and NEPOOL participants 15171
North Penn Gas Co 15171
Otter Tail Power Co 15172
Pacific Power & Light Co 15172
Pennsylvania Power Co 15172
Southern California Edison Co. (2 documents) 15172, 15173
Southwest Gas Corp 15173
Tennessee Gas Pipeline Co 15173
Terra Resources, Inc. et al 15174
Texas Eastern Transmission Corp 15175
Transcontinental Gas Pipe Line Corp 15175
Upper Peninsula Power Co 15176
Wisconsin Power & Light Co 15176

FEDERAL REGISTER OFFICE

Rules

CFR checklist 15097

FEDERAL RESERVE SYSTEM

Notices

Insured banks; joint call for report of condition; cross reference 15177

FEDERAL TRADE COMMISSION

Rules

Prohibited trade practices, cease and desist orders:
Al Fradkin Co. and Ronald Fradkin 15115
M. B. Johnson Development Co. 15116

FISH AND WILDLIFE SERVICE

Notices

Charles M. Russell Wildlife Range; amended hearing 15192

FOREST SERVICE

Notices

California Regional Forester's Road Committee; meeting 15150
Final environmental statements (2 documents) 15150

GENERAL SERVICES ADMINISTRATION

Rules

Procurement by formal advertising; procurement forms; notification of proposed substantial awards, and awards involving Congressional interest 15126

Notices

National Health Resources Advisory Committee; meeting 15177
Secretary of Defense; revocation of delegation of authority 15177

GEOLOGICAL SURVEY

Notices

Earthquake Studies Advisory Panel; meeting 15192

HEALTH, EDUCATION, AND WELFARE DEPARTMENT

See also Disease Control Center; Social and Rehabilitation Service; Social Security Administration.

Proposed Rules

Prevention of conflicts of interest by former employees 15141

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

See Federal Insurance Administration.

INTERIOR DEPARTMENT

See also Coal Research Office; Fish and Wildlife Service; Geological Survey; Land Management Bureau; Mines Bureau.

Notices

Gila Project, Arizona; final environmental statement 15193

INTERSTATE COMMERCE COMMISSION

Rules

Car service:
Chicago and North Western Transportation Co. (2 documents) 15130, 15131

Notices

Assignment of hearings 15185
Burlington Northern, Inc.; rerouting or diversion of traffic 15185
Illinois Central Gulf Railroad Co.; exemption under mandatory car service rules 15186
Louisville & Nashville Railroad Co.; exemption under mandatory car service rules 15186
Motor carrier applications and certain other proceedings 15186
Motor carrier temporary authority applications 15188

LABOR DEPARTMENT

See Occupational Safety and Health Administration; Wage and Hour Division.

LAND MANAGEMENT BUREAU

Notices

California; order providing for opening of public lands; correction 15192
Outer Continental Shelf offshore Louisiana; possible oil and gas lease sale; availability of draft environment statement 15192
Phoenix, Ariz., Assistant District Manager; redelegation of authority 15192

MANAGEMENT AND BUDGET OFFICE

Notices

Clearance of reports; list of requests 15177

MINES BUREAU

Notices

Lignite Advisory Committee; meeting 15193

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Notices

Meeting ---------- 15177

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Rules

Federal motor carrier safety regulations; change in subchapter heading ---------- 15129

Federal motor vehicle safety standards; lamps, reflective devices, and associated equipment ---------- 15130

Proposed Rules

Motor vehicle safety standards; rearview mirrors ---------- 15143

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

Rules

Yellowfin tuna; miscellaneous amendments ---------- 15131

Notices

Joint National Advisory Committee on the Oceans and Atmosphere and Marine Fisheries Advisory Committee Subcommittee on the National Fisheries Plan; meeting ---------- 15194

NATIONAL SCIENCE FOUNDATION

Notices

Advisory Panel for Social Psychology; meeting ---------- 15178

NATIONAL TECHNICAL INFORMATION SERVICE

Notices

Government-owned inventions; availability for licensing (2 documents) ---------- 15194, 15195

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

Rules

Safety and health regulations regarding shipping; protection against drowning ---------- 15124

SECURITIES AND EXCHANGE COMMISSION

Proposed Rules

Intra-member commission rate schedules of registered national securities exchanges; public hearing ---------- 15145

Notices

Hearings, etc.:

Continental Vending Machine Corp ---------- 15178

Equitable Life Assurance Society of the United States and Separate Accounts A and E ---------- 15178

FML Growth Fund, Inc. et al ---------- 15180

Massachusetts Mutual Life Insurance Co ---------- 15181

Middle South Utilities, Inc. et al ---------- 15182

SMALL BUSINESS ADMINISTRATION

Notices

National Investment Company Advisory Council; meeting ---------- 15184

SOCIAL AND ECONOMIC STATISTICS ADMINISTRATION

Notices

Urbanized areas; designations ---------- 15202

SOCIAL AND REHABILITATION SERVICE

Proposed Rules

Medical assistance program utilization review; review of utilization of care and services ---------- 15232

SOCIAL SECURITY ADMINISTRATION

Proposed Rules

Federal health insurance for the aged and disabled; skilled nursing facilities ---------- 15230

SOIL CONSERVATION SERVICE

Notices

Draft environmental statements (2 documents) ---------- 15151

STATE DEPARTMENT

Notices

U.S. National Committee for the International Telegraph and Telephone Consultative Committee; Study Group 5; meeting ---------- 15149

TARIFF COMMISSION

Notices

Certain chapters of draft conversion of the Tariff Schedules of the United States into the format of the Brussels Tariff nomenclature; hearing ---------- 15184

Certain disposable catheters and cuffs therefor; hearing ---------- 15185

Certain eye testing instruments incorporating refractive principles; extension of time ---------- 15184

Certain hydraulic tappets; investigation and hearing ---------- 15184

TRANSPORTATION DEPARTMENT

See Federal Aviation Administration; National Highway Traffic Safety Administration.

TREASURY DEPARTMENT

See Alcohol, Tobacco, and Firearms Bureau; Comptroller of the Currency; Customs Service.

VETERANS ADMINISTRATION

Rules

Adjudication; pension, compensation and dependency and indemnity compensation; clothing allowance payments to dependents of deceased veterans ---------- 15125

WAGE AND HOUR DIVISION

Rules

Employment of full-time students at subminimum wages ---------- 15117

Employment of learners; changes reflecting the Fair Labor Standards Amendments of 1974 ---------- 15122

Notices

Apprentices; special certificates for employment ---------- 15185

List of CFR Parts Affected

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

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

1 CFR

CFR Checklist 15097

5 CFR

930 15110

7 CFR

911 15097
1434 15098

PROPOSED RULES:

944 15141

10 CFR

Rulings (2 documents) 15140
211 15138
212 (3 documents) 15138
215 15137

12 CFR

545 15111
581 15111

14 CFR

71 15099

PROPOSED RULES:

39 15143
71 (2 documents) 15143

15 CFR

377 (2 documents) 15112

16 CFR

13 (2 documents) 15115, 15116

17 CFR

PROPOSED RULES:

240 15145

19 CFR

4 15116
19 15117

20 CFR

PROPOSED RULES:

405 15230

24 CFR

1914 (2 documents) 15100, 15101
1915 15102

29 CFR

519 15117
522 15122
1915 15124
1916 15125
1917 15125

38 CFR

3 15125

40 CFR

165 15236
180 15126

PROPOSED RULES:

79 15145

41 CFR

5A–2 15126
5A–16 15126

PROPOSED RULES:

3–50 15141

42 CFR

PROPOSED RULES:

83 15141

45 CFR

PROPOSED RULES:

234 15232

47 CFR

13 15128
89 15129

PROPOSED RULES:

73 15145

49 CFR

Chapter III 15129
571 15130
1033 (2 documents) 15130, 15131

PROPOSED RULES:

571 15143

50 CFR

280 15131

REMINDERS

(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.)

Rules Going Into Effect Today

This list includes only rules that were published in the FEDERAL REGISTER after October 1, 1972.

page no. and date

MAY 1

HUD—Mortgage insurance; revised processing procedures..... 12001; 4–2–74

CAB—Uniform system of accounts and reports for certificated air carriers; fuel consumption and inventories; reporting requirements..... 11530; 3–29–74; 12731; 4–8–74

DoT/Coast Guard—Special anchorage areas in Milwaukee Harbor, Wisconsin..... 12007; 4–2–74

Fish and Wildlife Service—Salt Meadow National Wildlife Refuge, Conn.; public access, use, and recreation. 6714; 2–22–74

HUD—Revision of the processing procedures in the insured multifamily mortgage, nursing home and group practice facility programs.... 12001; 4–2–74

HUD/Land Sales Registration Office—Exemptions and State filings. 9431; 3–11–74; 11181; 3–26–74

Next Week's Deadlines for Comments on Proposed Rules

MAY 6

FCC—Cabool, Missouri; FM broadcast station; table of assignments. 12036; 4–2–74

USDA/Agricultural Marketing Service—Dry peas; revision of U.S. standards. 10911; 3–22–74

Treasury Department/Customs Service—Customhouse brokers; filing time for license denial review. 12356; 4–5–74

FCC—FM broadcast stations; table of assignments.. 11932–11933; 4–1–74

CAB—Travel group charters; modification of availability requirements. 10915; 3–22–74

FDA—Proposed nutrition labeling for foods which are not meaningful sources of nutrients.... 8621; 3–6–74

FDA—Proposal to amend declaration of amounts of fat, protein and carbohydrate on labels..... 8620; 3–6–74

CASB—Proposed cost accounting standard for costs of compensated personal absence..... 8171; 3–4–74

EPA—Cooling water intake structures; minimizing adverse impact. 4487; 2–4–74

FCC—FM table of assignments; Gilroy, Ca..... 12872; 4–9–74

Immigration and Naturalization Service—Representation and appearance before service and Board of Immigration Appeals..... 13659; 4–16–74

FDA—Proposed rule on the financial responsibility of agents for fees for the certification of antibiotics and insulin from the companies they represent..... 9199; 3–8–74

MAY 8

EPA—Fertilizer manufacturing point source category; proposal on application of effluent limitations guidelines for existing sources to pretreatment standards for incompatible pollutants..... 12842; 4–8–74

Interior Department—Leasing of Osage reservation lands for oil and gas mining; leasing procedures and operations..... 12755; 4–8–74

HEW—Federal health insurance for the aged and disabled; limitation on liability of beneficiary where Medicare claims are disallowed..... 12763; 4–8–74

DoT/FAA—Transition area; proposed designation..... 12768; 4–8–74

DoT/FAA—Jet routes; proposed alteration..... 12769; 4–8–74

MAY 9

EPA—Washington state; schedules for air quality plan..... 12872; 4–9–74

EPA—Alaska; revisions to air quality implementation plan.. 12871; 4–9–74

DOT/FAA—Trenton, Tenn.; transition area 12871; 4–9–74

DOT/FAA—Granbury, Tex.; transition area 12871; 4–9–74

Labor Department/Wage and Hour Division—Puerto Rico, Virgin Islands and American Samoa; wage order procedures..... 14522; 4–24–74

DoT—Interstate highways; proposal on construction within incorporated city boundaries..... 14517; 4–24–74

MAY 10

SMALL BUSINESS ADMINISTRATION—Disaster Financial Assistance; size standards for small business engaged in raising livestock.. 14615; 4–25–74

DoT/FAA—Transport of animals aboard aircraft; stowage of containers. 9456; 3–11–74

USDA/Animal and Plant Health Inspection Service—Plant quality control programs; extension of comment period..... 10914; 3–22–74

SEC—Joint transaction involving registered investment companies, exemption from application requirements. 11312; 3–27–74

TREASURY DEPARTMENT—Estate and gift taxes; valuation of shares in an open-end investment company. 12869; 4–9–74

USDA/Food and Nutrition Service—WIC Program; modification and revisions of existing provisions..... 13166; 4–11–74

FAA—Wendover, Utah, transition area. 13556; 4–15–74

Next Week's Hearings

MAY 6

Interior Department/Fish and Wildlife Service—Wilderness proposal regarding Upper Mississippi River Wild Life and Fish Refuge to be held in Winona, Minnesota..... 12369; 4–5–74

Fish and Wildlife Service—Marine mammal; to be held in Washington, D.C. 13692; 4–16–74

MAY 10

USDA/ASCS—Mainland cane sugar area; proportionate shares for 1975 crop; to be held in New Orleans, Louisiana. 13792; 4–17–74

Next Week's Meetings

MAY 6

Commerce Department—Social and Economic Statistics Administration: Census Advisory Committee of the American Marketing Association to be held at Suitland, Maryland (open with restrictions).. 13794; 4–17–74

HEW—FDA: Radioactive Pharmaceuticals Advisory Committee to be held at Rockville, Maryland (open). 13795; 4–17–74

Respiratory and Anesthetic Drugs Advisory Committee to be held at Rockville, Maryland open with restrictions).. 13794; 4–17–74

FDA/NIDA: Drug Abuse Research Advisory Committee to be held at New York, New York (open with restrictions)..... 13794; 4–17–74

Health Resources Administration: National Advisory Council on Nurse Training to be held at Bethesda, Maryland (open with restrictions). 13980; 4–19–74

National Institute of Education: Office of Research Grants Proposals Review Panels to be held at Washington, D.C. (open with restrictions). 14526; 4–24–74

NIH: Animal Resources Advisory Committee to be held at Bethesda, Maryland (open with restrictions). 10461; 3–20–74

Biochemistry Study Section to be held at Bethesda, Maryland (open with restrictions). 12270; 4–4–74

Periodontal Diseases Advisory Committee to be held at Bethesda, Maryland (open). 10463; 3–20–74

State Department—AID: Research Advisory Committee to be held at Washington, D.C. 12902; 4–9–74

Treasury Department—Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices to be held at Boston, Massachusetts (closed). 14734; 4–26–74

MAY 7

Agriculture Department—Commodity Credit Corporation: Advisory Board to be held at Washington, D.C. (open). 14236; 4–22–74

Office of Equal Opportunity: Citizens Advisory Committee on Civil Rights to be held at Washington, D.C. (open). 13567; 4–15–74

Commerce Department—Social and Economic Statistics Administration: Census Advisory Committee of the American Marketing Association to be held at Suitland, Maryland (open with restrictions). 13794; 4–17–74

Defense Department—Defense Nuclear Agency: Scientific Advisory Group on Effects (closed). 12040; 4–2–74

HEW—FDA: Radioactive Pharmaceuticals Advisory Committee to be held at Rockville, Maryland (closed). 13795; 4–17–74

Health Resources Administration: National Advisory Council on Nurse Training to be held at Bethesda, Maryland (open with restrictions). 13980; 4–19–74

National Institute of Education: Office of Research Grants Proposals Review Panels to be held at Washington, D.C. (closed). 14526; 4–24–74

NIH: Animal Resources Advisory Committee to be held at Bethesda, Maryland (closed). 10461; 3–20–74

Biochemistry Study Section to be held at Bethesda, Maryland (closed). 12270; 4–4–74

Periodontal Diseases Advisory Committee to be held at Bethesda, Maryland (open with restrictions). 10463; 3–20–74

ICC—Pipeline Advisory Committee on Valuation to be held at Washington, D.C. (open). 12076; 4–2–74

State Department—AID: Research Advisory Committee to be held at Washington, D.C. 12902; 4–9–74

MAY 8

AEC—Advisory Committee on Reactor Safeguards, Subcommittee on Electrical Systems, Control and Instrumentation to be held at Washington, D.C. (closed). 14529; 4–24–74

Advisory Committee on Reactor Safeguards, Subcommittee on Regulatory Guides to be held at Washington, D.C. (closed). 14240; 4–22–74

Advisory Committee on Reactor Safeguards Working Group on Security of Nuclear Facilities (closed). 14371; 4–23–74

Agriculture Department—Office of Equal Opportunity: Citizens Advisory Committee on Civil Rights to be held at Washington, D.C. (open). 13567; 4–15–74

Commodity Credit Corporation: Advisory Board to be held at Washington, D.C. (open). 14236; 4–22–74

Commerce Department—Economic Advisory Board to be held at Washington, D.C. (open with restrictions). 13979; 4–19–74

National Bureau of Standards: Federal Information Processing Standards Coordinating, and Advisory Committee to be held at Gaithersburg, Maryland (open with restrictions). 14369; 4–23–74

DoD—Defense Nuclear Agency: Scientific Advisory Group on Effects (closed). 12040; 4–2–74

Defense Intelligence Agency Scientific Advisory Committee to be held at Washington, D.C. (closed). 13978; 4–19–74

HEW—Automation in the Medical Laboratories Sciences Review Committee to be held at Bethesda, Maryland (open with restrictions). 12270; 4–4–74

FDA: Panel on Review of Internal Analgesic including Antirheumatic Drugs to be held at Rockville, Maryland (open with restrictions). 14239; 4–22–74

Panel on Review of Topical Analgesics to be held at Rockville, Maryland (open with restrictions). 13795; 4–17–74

General Clinical Research Centers Committee to be held at Bethesda, Maryland (open with restrictions). 12271; 4–4–74

National Institute of Education: Office of Research Grants Proposals Review Panels to be held at Washington, D.C. (closed). 14526; 4–24–74

NIH: Biochemistry Study Section to be held at Bethesda, Maryland (closed). 12270; 4–4–74

Cell Biology Study Section to be held at Bethesda, Maryland (open with restrictions). 12270; 4–4–74

State Department—Northwest Atlantic Fisheries Advisory Committee to be held at Boston, Massachusetts (open with restrictions). 14616; 4–25–74

Study Group 1, U.S. National Committee for the International Telegraph Consultative Committee (CCITT) to be held at Washington, D.C. (open with restrictions). 13564; 4–15–74

Treasury Department—Internal Revenue Service: Commission on the Review of the National Policy on Gambling to be held at Washington, D.C. (open). 14536; 4–25–74

VA—Hematology Merit Review Board to be held at Atlantic City, New Jersey (open with restrictions). 12803; 4–8–74

MAY 9

AEC—Advisory Committee on Reactor Safeguards to be held at Washington, D.C. (open with restrictions). 14740; 4–26–74

Agriculture Department—Agriculture Marketing Service: Raisin Advisory Board to be held at Fresno, California (open). 13791; 4–17–74

Office of Equal Opportunity: Citizens Advisory Committee on Civil Rights to be held at Washington, D.C. (open). 13567; 4–15–74

Defense Department—Defense Nuclear Agency: Scientific Advisory Group on Effects (closed). 12040; 4–2–74

FCC—Cable Television Technical Advisory Committee Panel 3 to be held at Chicago, Illinois (open). 14755; 4–26–74

Federal Power Commission—Technical Advisory Committee on Finance to be held at Washington, D.C. (open with restrictions). 14763; 4–26–74

HEW—Automation in the Medical Laboratories Sciences Review Committee to be held at Bethesda, Maryland (closed). 12270; 4–4–74

FDA: Panel on Review of Contraceptives and Vaginal Drug Products to be held at Rockville, Maryland (open with restrictions). 13795; 4–17–74

Panel on Review of Dentifrices and Dental Care Agents to be held at Rockville, Maryland (open with restrictions). 13795; 4–17–74

Panel on Review of Internal Analgesic including Antirheumatic Drugs to be held at Rockville, Maryland (closed). 14239; 4–22–74

Panel on Review of Topical Analgesics to be held at Rockville, Maryland (closed). 13795; 4–17–74

Pulmonary-Allergy and Clinical Immunology Advisory Committee to be held at Rockville, Maryland (open with restrictions). 13795; 4–17–74

General Clinical Research Centers Committee to be held at Bethesda, Maryland (closed). 12271; 4–4–74

NIH: Allergy and Immunology Study Section to be held at Chevy Chase, Maryland (open with restrictions). 12270; 4–4–74

Cancer Special Program Advisory Committee to be held at Bethesda, Maryland (open with restrictions). 13981; 4–19–74

Cell Biology Study Section to be held at Bethesda, Maryland (closed). 12270; 4–4–74

Mental Retardation Research Committee to be held at Bethesda, Maryland (open with restrictions). 13982; 4–19–74

Toxicology Study Section to be held at Bethesda, Maryland (open with restrictions) 12270; 4–4–74

Social Security Administration: Economics Committee of HIBAC to be held at Washington, D.C. (open). 13301; 4–12–74

Home Health Care Committee of HIBAC to be held at Washington, D.C. (open)..... 13301; 4–12–74

Mental Health Committee of HIBAC to be held at Washington, D.C. (open)..... 13301; 4–12–74

Nurse Anesthetist Committee of HIBAC to be held at Washington, D.C. (open)... 13301; 4–12–74

HUD—Housing Problems of Spanish-Speaking Americans to be held at Miami, Florida (open)..... 12274; 4–8–74

National Commission for the Review of Federal and State Laws Relating to Wiretapping and Electronic Surveillance to be held at Washington, D.C. (open)..... 14773; 4–26–74

VA—Veterans Administration Wage Committee to be held at Washington, D.C. (closed).... 10949; 3–22–74

MAY 10

AEC—Advisory Committee on Reactor Safeguards to be held at Washington, D.C. (open with restrictions). 14740; 4–26–74

Defense Department—Defense Nuclear Agency: Scientific Advisory Group on Effects (closed)..... 12040; 4–2–74

HEW—Board of Scientific Counselors to be held at Triangle Park, North Carolina (open with restrictions). 12270; 4–4–74

FDA: Panel on Review of Bacterial Vaccines and Bacterial Antigenes to be held at Bethesda, Maryland (open with restrictions). 13795; 4–17–74

Panel on Review of Contraceptives and Vaginal Drug Products to be held at Rockville, Maryland (closed)..... 13795; 4–17–74

Panel on Review of Dentifrices and Dental Care Agents to be held at Rockville, Maryland (open with restrictions)..... 13795; 4–17–74

NIH: Allergy and Immunology Study Section to be held at Chevy Chase, Maryland (closed)..... 12270; 4–4–74

Biophysics and Biophysical, Chemistry B Study Section to be held at Bethesda, Maryland (open with restrictions)..... 12270; 4–4–74

Cancer Special Program Advisory Committee to be held at Bethesda, Maryland (closed). 13981; 4–19–74

Cell Biology Study Section to be held at Bethesda, Maryland (closed)..... 12270; 4–4–74

Immunobiology Study Section to be held at Bethesda, Maryland (open with restrictions). 12270; 4–4–74

Mental Retardation Research Committee to be held at Bethesda, Maryland (closed)..... 13982; 4–19–74

Physiological Chemistry Study Section to be held at Bethesda, Maryland (open with restrictions)..... 12270; 4–4–74

Toxicology Study Section to be held at Bethesda, Maryland (closed) 12270; 4–4–74

Virology Study Section to be held at Bethesda, Maryland (open with restrictions)..... 12270; 4–4–74

Social Security Administration: Advisory Committee on Medicare Administration, Contracting, and Subcontracting to be held at Washington, D.C. (open). 13983; 4–19–74

HUD—Housing Problems of Spanish-Speaking Americans to be held at Miami, Florida (open)..... 12274; 4–8–74

National Advisory Council on the Education of Disadvantaged Children to be held at Washington, D.C. (open with restrictions) ... 14773; 4–26–74

State Department—National Review Board for the Center for Cultural and Technical Interchange Between East and West, Executive Committee to be held at San Francisco, California (open)..... 14734; 4–26–74

MAY 11

AEC—Advisory Committee on Reactor Safeguards to be held at Washington, D.C. (open with restrictions). 14740; 4–26–74

HEW—Board of Scientific Counselors to be held at Triangle Park, North Carolina (closed)..... 12270; 4–4–74

FDA: Panel on Review of Bacterial Vaccines and Bacterial Antigenes to be held at Bethesda, Maryland (closed)..... 13795; 4–17–74

Panel on Review of Orthopaedic Devices to be held at Salt Lake City, Utah (open with restrictions)..... 14239; 4–22–74

NIH: Allergy and Immunology Study Section to be held at Chevy Chase, Maryland (closed)..... 12270; 4–4–74

Biophysics and Biophysical, Chemistry B Study Section to be held at Bethesda, Maryland (closed). 12270; 4–4–74

Immunobiology Study Section to be held at Bethesda, Maryland (closed)..... 12270; 4–4–74

Mental Retardation Research Committee to be held at Bethesda, Maryland (closed)..... 13982; 4–19–74

Physiological Chemistry Study Section to be held at Bethesda, Maryland (closed)..... 12270; 4–4–74

Pulmonary Diseases Advisory Committee to be held at Cincinnati, Ohio (open) .. 13982; 4–19–74

Virology Study Section to be held at Bethesda, Maryland (closed). 12270; 4–4–74

Social Security Administration: Advisory Committee on Medicare Administration, Contracting, and Subcontracting to be held at Washington, D.C. (open)..... 13983; 4–19–74

Interior Department—National Park Service: Golden Gate National Recreation Area Advisory Commission to be held at Mill Valley, California (open)..... 14363; 4–23–74

National Advisory Council on the Education of Disadvantaged Children to be held at Washington, D.C. (open with restrictions)..... 14773; 4–26–74

Weekly List of Public Laws

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

S. 1745..... Pub. Law 93–270
Sudden Infant Death Syndrome Act of 1974
(April 22, 1974; 88 Stat. 90)

H.R. 12109..... Pub. Law 93–272
D.C., advisory neighborhood councils, referendum clarification
(April 24, 1974; 88 Stat. 93)

H.R. 13542..... Pub. Law 93–271
Fish and Wildlife Act of 1956, amendments
(April 22, 1974; 88 Stat. 92)

Rules and Regulations

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

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

Title 1—General Provisions

CHAPTER I—ADMINISTRATIVE COMMITTEE OF THE FEDERAL REGISTER

CFR CHECKLIST

1974 Issuances

This checklist, prepared by the Office of the Federal Register, is published in the first issue of each month. It is arranged in the order of CFR titles, and shows the revision date and price of the volumes of the Code of Federal Regulations issued to date for 1974. New units issued during the month are announced on the back cover of the daily FEDERAL REGISTER as they become available.

The rate for subscription service to all revised volumes issued for 1974 is $350 domestic, $75 additional for foreign mailing.

Order from Superintendent of Documents, Government Printing Office, Washington, D.C. 20402.

CFR Unit (Rev. as of Jan. 1, 1974):

Title	Price
1	$1.10
2 [Reserved]	
4	1.75
5	3.55
7 Parts:	
0–45	4.65
46–51	3.45
52	4.80
700–749	3.55
750–899	2.35
900–944	3.60
945–980	1.80
981–999	2.00
1000–1059	3.55
1120–1199	2.80
8	2.05
9	4.75
10 Parts 0–199	3.90
11	1.10
12 Parts:	
300–end	4.95
13	2.50
14 Parts:	
1–59	4.80
16 Parts:	
0.149	5.05

1973 CFR volumes previously announced are available from the Superintendent of Documents at the prices listed below:

CFR Unit (Rev. as of April 1, 1973):

Title	Price
17	$5.50
18 Parts:	
1–149	4.00
150–end	4.00
19	5.00
20 Parts:	
01–399	2.25
400–end	7.00
21 Parts:	
1–9	2.25
10–129	5.50
130–140	3.00
141–169	5.50
170–299	2.25
300–end	1.50
22	4.25
23 (Rev. June 20, 1973)	1.50
24	6.50
25	3.75
26 Parts:	
1 (§§ 1.0–1–1.300)	9.75
1 (§§ 1.301–1.400)	2.50
1 (§§ 1.401–1.500)	3.00
1 (§§ 1.501–1.640)	3.75
1 (§§ 1.641–1.850)	4.00
1 (§§ 1.851–1.1200)	4.50
1 (§ 1.1201–end)	6.50
2–29	2.75
30–39	3.00
40–169	4.75
170–299	6.75
300–499	3.00
500–599	3.50
600–end	1.50
27	1.25

CFR Unit (Rev. as of July 1, 1973):

Title	Price
28 (Rev. July 10, 1973)	1.70
29 Parts:	
0–499	4.00
500–1899	4.95
1900–end	6.05
30	4.15
31	4.75
32 Parts:	
1–8	5.45
9–39	3.70
40–399	4.35
400–589	4.50
590–699	2.05
700–799	5.90
800–999	4.05
1000–1399	1.60
1400–1599	3.25
1600–end	1.65
32A	2.80
33 Parts:	
1–199	4.35
200–end	3.05
34 [Reserved]	
35	3.40
36	2.50
37	1.75
38	5.25
39 (Rev. Aug. 1, 1973)	3.40
40	7.30
41 Chapters:	
1–2	$4.50
3–5D	3.90
6–9	4.10
10–17	2.55
18	5.70
19–100	2.30
101–end	4.55
General Index Supplement	1.35
CFR Unit (Rev. as of Oct. 1, 1973):	
42	2.85
43 Parts:	
1–999	2.85
1000–end	4.20
44 [Reserved]	
45 Parts:	
1–99	2.15
100–199	3.55
200–499	2.40
500–end	2.35
46 Parts:	
1–65	4.00
66–145	4.10
146–149	5.80
150–199	4.05
200–end	4.70
47 Parts:	
0–19	3.40
20–69	4.05
70–79	4.35
80–end	4.55
48 [Reserved]	
49 Parts:	
1–99	1.30
100–199	5.60
200–999	4.30
1000–1199	2.50
1200–1299	5.60
1300–end	2.20
50	2.55

Title 7—Agriculture

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

[Lime Reg. 34, Amdt. 2]

PART 911—LIMES GROWN IN FLORIDA

Limitation of Shipments

The amendment to Lime Regulation 34 continues on and after May 1, 1974, the same grade and size requirements for the handling of fresh Florida limes as are currently in effect through April 30, 1974. The amendment reflects the composition of the currently available supply of limes and is necessary to provide consumers with acceptable size and quality fruit. The amended regulation is issued pursuant to Marketing Order No. 911. This program is effective under the agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

On April 18, 1974, notice of a proposed amendment to said regulation was pub-

lished in the FEDERAL REGISTER (39 FR 13889). As proposed, the amendment would have continued the same grade requirement for Persian type limes to 2 but would have raised the minimum size requirement for Persian type limes to 2 inches in diameter effective on May 1, 1974.

The notice allowed interested persons until April 23, 1974, to submit written data, views, or arguments for consideration in connection with the proposed amended regulation. None were received. However, the committee met on April 24, and recommended that the currently effective minimum size of 1⅞ inches in diameter for Persian type limes be continued, as the current supply of limes 2 inches in diameter and larger is insufficient. Reports indicate that there has been inadequate rainfall throughout much of the production area. As a result there is only a limited quantity of limes that have attained a minimum diameter of two inches. Such quantity is insufficient to supply the demand. Weekly shipments this season are about 3,000 to 4,000 bushels below weekly shipments last season. Limes 1⅞ inches in diameter, which have a juice content of at least 42 percent, are available and if placed on the market would provide satisfaction to consumers. Therefore, it is concluded that the minimum size for Persian limes should be 1⅞ inches instead of 2 inches as proposed in the notice so as to provide a sufficient volume of limes for the fresh market.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the recommendation and information submitted by the Florida Lime Administrative Committee, and other available information, it is hereby found and determined that the amended regulation, as hereinafter set forth, is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared policy of the act.

It is hereby further found that it is impracticable and contrary to the public interest to give additional notice and engage in further public rulemaking procedure with respect to a minimum size of 1⅞ inches instead of 2 inches as set forth in the notice published in the FEDERAL REGISTER (39 FR 13889), and good cause exists for not postponing the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which it is based became available and the time when it must become effective in order to effectuate the declared policy of the act is insufficient; and a reasonable time is permitted, under the circumstances, for preparation for such effective time. Shipments of Florida limes are presently subject to regulation by grade, size, pack and container, pursuant to the amended marketing agreement and order; the recommendation and supporting information for regulation were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on April 10, 1974; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting and thereafter with respect to the April 18, 1974, notice of proposed rulemaking; the committee met on April 24, 1974, to reappraise the situation and recommended that the 1⅞ inches minimum size be continued; it is necessary, in order to effectuate the declared policy of the act, to make the amended regulation effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of Florida limes, and compliance with the amended regulation will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

The amended regulation is based upon an appraisal of current and prospective crop and market conditions for Florida limes. Florida lime production for the 1974–75 season is estimated at 1.84 million bushels, 4.5 percent larger than the previous record. Fresh shipments for the 1974–75 season, began on April 1, 1974, and shipments in limited volume are now being made. Total fresh shipments are expected to require about 770,000 bushels of such production. Ample supplies of desirable sizes and grades of limes are available to fill fresh market demands. The amended regulation is designed to prevent the handling of lower grade and smaller limes which do not provide consumer satisfaction and to promote orderly marketing in the interest of producers and consumers, consistent with the objectives of the act.

The provisions of § 911.336 (Lime Regulation 34; 38 FR 12324; 13385) are hereby amended to read as follows:

§ 911.336 Lime Regulation 34.

(a) Order: During the period May 1, 1974, through April 30, 1975, no handler shall handle:

(1) Any limes of the group known as true "seeded" limes (also known as Mexican, West Indian, and Key limes and by other synonyms), grown in the production area, which do not meet the requirements of at least U.S. No. 2 Grade for Persian (Tahiti) limes, except as to color: *Provided,* That true limes which fail to meet the requirements of such grade may be handled within the production area, if such limes meet all other applicable requirements of this section and minimum juice content requirement prescribed in the U.S. Standards for Persian (Tahiti) limes, and are handled in containers other than the containers prescribed in § 911.329 for the handling of limes between the production area and any point outside thereof;

(2) Any limes of the group known as large-fruited or Persian "seedless" limes (including Tahiti, Bearss, and similar varieties) which do not grade at least U.S. Combination, Mixed Color: *Provided,* That stem length shall not be considered a factor of grade, and tolerances for fruit affected by decay and for fruit failing to meet the requirements set forth in the U.S. Standards for Persian (Tahiti) limes shall apply: *Provided further,* That Persian limes which fail to meet the requirements of such grade may be handled within the production area, if such limes meet all other applicable requirements of this section and meet the same minimum juice content requirement prescribed in the U.S. Standards for such limes and are handled in containers other than the containers prescribed in § 911.329 for the handling of limes between the production area and any point outside thereof; or

(3) Any limes of the group known as large-fruited or Persian "seedless" limes (including Tahiti, Bearss, and similar varieties) which are of a size smaller than 1⅞ inches in diameter.

(b) Notwithstanding the provisions of paragraph (a)(3) of this section, not more than 10 percent, by count, of the limes in any lot of containers, other than master containers of individual bags, may fail to meet the applicable minimum size requirement: *Provided,* That no individual container of limes having a net weight of more than four pounds may have more than 15 percent, by count, of the limes which fail to meet such applicable size requirement.

(c) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order; and terms relating to grade and diameter, as used herein, shall have the same meaning as is given to the respective term in the United States Standards for Persian (Tahiti) limes (§§ 51.1000–51.1016).

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

Dated April 26, 1974, to become effective May 1, 1974.

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

[FR Doc.74-10038 Filed 4-29-74;12:26 pm]

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

PART 1434—HONEY

Subpart—1974 Crop Honey Loan and Purchase Program

On January 17, 1974, notice of proposed rulemaking regarding loan and purchase rates for 1974-crop honey and detailed operating provisions to carry out the 1974 honey loan program were published in the FEDERAL REGISTER (39 FR 2104). Two responses were received one from an interested individual honey producer and the other from a marketing association. The responses recommended an increase in loan and purchase rates.

It has been determined that such an increase is not warranted and the loan and purchase rate has been set at 60% parity which is the legal minimum. Other operating procedures will remain the same as for the 1973 program. The Honey Price Support Regulations for 1970 and Subsequent Crops (35 FR 11773), as amended, which contain regulations of a general nature with respect to loan and purchase operations, are supplemented for the 1974 crop of honey as herein stated. The material previously appearing in this subpart in §§ 1434.40 through 1434.44 remains in full force and effect as to the crops to which it was applicable.

Sec.
1434.40 Purpose.
1434.41 Availability.
1434.42 Maturity of loans.
1434.43 Loan and purchase rates.
1434.44 Discounts.

AUTHORITY: Sec. 4, 62 Stat. 1070, as amended (15 U.S.C. 714b). Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, 1054 (15 U.S.C. 714c, U.S. 1446, 1421).

§ 1434.40 Purpose.

This subpart contains program provisions which, together with (a) the Honey Price Support Regulations for 1970 and Subsequent Crops, (b) the Cooperative Marketing Association Eligibility Requirements for Price Support in part 1425 of this chapter, and (c) any amendments to such regulations, set forth the requirements with respect to loans and purchases for 1974-crop honey.

§ 1434.41 Availability.

(a) *Loans.* Producers must request a loan on 1974 crop eligible honey on or before March 31, 1975.

(b) *Purchases.* Producers desiring to offer eligible honey not under loan for purchase must complete a purchase agreement at the county ASCS office on or before June 30, 1975.

§ 1434.42 Maturity of loans.

Unless demand is made earlier, loans on honey will mature on June 30, 1975.

§ 1434.43 Loan and purchase rates.

(a) *Table and nontable honey.* The rate for the quantity of 1974-crop honey placed under loan or acquired under loan or purchase shall be the rate for the respective class and color set forth below:

Class and color: Table honey:	*Cents per pound*
1. White and lighter	21.4
2. Extra light amber	20.4
3. Light amber	19.4
4. Other table honey	17.4
Nontable honey	17.4

(b) *Objectionable flavor, fermentation, or caramelization.* The settlment value for a lot of honey delivered under loan or for purchase which grades substandard on account of objectionable flavor, fermentation, or caramelization shall be the lower of its market value as determined by CCC or a value determined on the basis of the loan and purchase rate for nontable honey.

(c) *Grade not certified.* The settlement value for a lot of honey, delivered under loan or for purchase, on which the grade cannot be certified shall be the lower of its market value as determined by CCC or a value as determined on the basis of the loan and purchase rate for nontable honey.

(d) *Substandard.* The rate for a lot of honey delivered under a loan or for purchase which grades substandard on account of defects or moisture or a combination of defects and moisture shall be adjusted by the discounts in § 1434.44.

§ 1434.44 Discounts.

(a) *Defects.* The loan and purchase rate for a lot of honey delivered under a loan or for purchase which grades substandard on account of defects shall be adjusted by the following discount:

Substandard account of:	*Discount (cents per pound)*
Defects	2

(b) *Moisture.* The loan and purchase rate for a lot of honey delivered under a loan or for purchase which contains moisture in excess of 18.5 percent shall be adjusted by the following discounts which shall be in addition to the discount for defects:

Moisture (percent):	*Discount (cents per pound)*
18.5	$0.0
19.0	0.5
19.5	1.0
20.0	1.5
20.5	2.0
21.0	2.5
21.5	3.0
22.0	3.5
22.5	4.0
23.0	4.5
23.5	5.0
24.0	5.5
24.5	6.0

(c) *Commingled storage.* The loan and purchase rate for a lot of honey tendered for loan or purchase by CCC while stored commingled in a warehouse, or delivered to a warehouse in bulk in satisfaction of a form storage loan, shall be adjusted by the following discount:

	Discount (cents per pound)
Bulk commingled	1.5

Effective date: May 1, 1974.

Signed at Washington, D.C. on April 19, 1974.

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

[FR Doc.74-9883 Filed 4-30-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-SW-7]

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

Alteration of Control Zone and Transition Area

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Tulsa, Okla. (Riverside Airport), control zone and the Tulsa, Okla., transition area.

On March 14, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 9837) stating the Federal Aviation Administration proposed to alter the Tulsa, Okla. (Riverside Airport), control zone and the Tulsa, Okla., transition area.

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

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 G.m.t., July 18, 1974, as hereinafter set forth.

(1) In § 71.171 (39 FR 354), the Tulsa, Okla. (Riverside Airport), control zone is amended to read:

TULSA, OKLA. (RIVERSIDE AIRPORT)

Within a 5-mile radius of Riverside Airport (latitude 36°02'19" N., longitude 95°59'00" W.) and within 2 miles each side of the Riverside TVOR 349° radial extending from the 5-mile radius zone to the TVOR. This control zone is effective during specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airman's Information Manual.

(2) In § 71.181 (39 FR 440), the Tulsa, Okla., transition area is amended to read:

TULSA, OKLA.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of Tulsa International Airport (latitude 36°12'00" N., longitude 95°53'15" W.); within 8 miles west and 5 miles east of the Tulsa ILS localizer north course extending from the OM to 12 miles north; and within 8 miles north and 5 miles south of the Tulsa VORTAC 088° radial extending from the 9-mile radius area to 33 miles east of the VORTAC.

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

Issued in Fort Worth, Tex., on April 22, 1974.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.74-9902 Filed 4-30-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER X—FEDERAL INSURANCE ADMINISTRATION, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI 254]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 Status of participating communities.

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Alabama	Sumter	Livingston, city of				Apr. 26, 1974, Emergency.
Illinois	St. Clair	Alorton, village of				Do.
Iowa	Ida	Ida Grove, city of				Do.
Minnesota	Carlton	Cloquet, city of				Do.
Do	Cass	Unincorporated areas.				Do.
Do	Jackson	do				Do.
Do	Lake	Two Harbors, city of.				Do.
Do	Marshall	Stephen, city of				Do.
Do	Perley	Perley, city of				Do.
Do	Pine	Willow River, city of.				Do.
Do	Pipestone	Pipestone, city of				Do.
Do	Roseau	Unincorporated areas.				Do.
Do	do	Roseau, city of				Do.
New York	Chenango	Norwich, city of				Do.
Do	Suffolk	Northport, village of.				Do.
Do	Ulster	Kingston, city of				Do.
Ohio	Hocking	Murray City, village of.				Do.
Oklahoma	Tulsa	Owasso, city of				Do.
Oregon	Columbia	Vernonia, city of				Do.
Pennsylvania	Adams	Latimore, township of.				Do.
Do	do	Tyrone, township of.				Do.
Do	Allegheny	Kennedy, township of.				Do.
Do	do	South Park, township of.				Do.
Do	do	West View, borough of.				Do.
Do	Columbia	Mifflin, township of.				Do.
Do	Lebanon	West Lebanon, township of.				Do.
Do	Mifflin	Derry, township of.				Do.
Tennessee	Hamblen	Morristown, city of.				Do.
Texas	Hidalgo	Weslaco, city of				Do.
Utah	Carbon	Price, city of				Do.
Washington	Yakima	Grandview city of.				Do.
Wisconsin	Douglas	Unincorporated areas.				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: April 19, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–9808 Filed 4–30–74;8:45 am]

[Docket No. FI 255]

PART 1914—AREAS ELIGIBLE FOR THE SALE OF INSURANCE

Status of Participating Communities

Section 1914.4 of Part 1914 of Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended by adding in alphabetical sequence a new entry to the table. In this entry, a complete chronology of effective dates appears for each listed community. Each date appearing in the last column of the table is followed by a designation which indicates whether the date signifies the effective date of the authorization of the sale of flood insurance in the area under the emergency or the regular flood insurance program. The entry reads as follows:

§ 1914.4 **Status of participating communities.**

* * * * * * *

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
*	*	*	*	*	*	*
Kansas	Republic	Scandia, city of				Apr. 24, 1974, Emergency.
Minnesota	Chippewa	Unincorporated areas.				Do.
Do	Fillmore	Lanesboro, city of.				Do.
Do	do	Spring Valley, city of.				Do.
Do	Lake	Unincorporated areas.				Do.
Do	Marshall	Argyle, city of				Do.
Do	Pennington	Thief River Falls, city of.				Do.
Do	Scott	Savage, city of				Do.
New Hampshire.	Cheshire	Keene, city of				Do.
Oregon	Josephine	Grants Pass, city of.				Do.
Pennsylvania	Adams	Berwick, township of.				Do.
Do	Beaver	North Sewickley, township of.				Do.
Washington	Clark	Camas, city of				Do.
Do	Grays Harbor	Unincorporated areas.				Do.
Do	Okanogan	Riverside, town of.				Do.
Do	Lewis	Chehalis, city of				Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: April 17, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–9809 Filed 4–30–74;8:45 am]

[Docket No. FI 256]

PART 1915—IDENTIFICATION OF SPECIAL HAZARD AREAS

List of Communities With Special Hazard Areas

The Federal Insurance Administrator finds that comment and public procedure and the use of delayed effective dates in identifying the areas of communities which have special flood or mudslide hazards, in accordance with 24 CFR Part 1915, would be contrary to the public interest. The purpose of such identifications is to guide new development away from areas threatened by flooding. Since this publication is merely for the purpose of informing the public of the location of areas of special flood hazard and has no binding effect on the sale of flood insurance or the commencement of construction, notice and public procedure are impracticable, unnecessary, and contrary to the public interest. Inasmuch as this publication is not a substantive rule, the identification of special hazard areas shall be effective on the date shown. Accordingly, § 1915.3 is amended by adding in alphabetical sequence a new entry to the table, which entry reads as follows:

§ 1915.3 List of communities with special hazard areas.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Alabama	Jackson	Stevenson, city of	H 01 071 2850 01 through H 01 071 2850 10.	Alabama Development Office, Office of State Planning, State Office Bldg., 501 Dexter Ave., Montgomery, Ala. 36104. Alabama Insurance Department, Room 453 Administrative Bldg., Montgomery, Ala. 36104.	Mayor, City Hall, Stevenson, Ala. 35772.	May 10, 1974.
Do	Jefferson	Brighton, town of	H 01 073 0490 01 through H 01 073 0490 02	do	Mayor, City Hall, Brighton, Ala. 35020.	Do.
Do	do	Vestavia Hills, town of	H 01 073 3125 01 through H 01 073 3125 02	do	Mayor, City Hall, Vestavia, Ala. 35216.	Do.
Do	Marion	Winfield, city of	H 01 093 3300 01 through H 01 093 3300 07	do	Mayor, City of Winfield, Winfield, Ala. 35594.	Do.
Do	Morgan	Hartselle, city of	H 01 103 1590 01 through H 01 103 1590 10	do	Municipal Building Department, 200 North Sparkman St., Hartselle, Ala. 35640.	Do.
Arkansas	Benton	Bentonville, city of	H 05 007 0340 01 through H 05 007 0340 04	do	Mayor, Bentonville, Ark. 72712	Do.
Do	do	Siloam Springs, city of	H 05 007 3610 01 through H 05 007 3610 02	do	Mayor, Siloam, Springs, Ark. 72761	Do.
Do	Dallas	Sparkman, city of	H 05 039 3660 01 through H 05 039 3660 02	do	Mayor, City Hall, Sparkman, Ark. 71763.	Do.
Do	Desha	Arkansas City, city of	H 05 041 0140 01	do	Mayor, Arkansas City, Ark. 71630	Do.
Do	do	Dumas, city of	H 05 041 1150 01	do	Mayor, City Hall, Dumas, Ark. 71639.	Do.
Do	Jefferson	Altheimer, city of	H 05 069 0080 01	do	Mayor, City Hall, Altheimer, Ark. 72004.	Do.
Do	do	Wabbaseka, city of	H 05 069 3970 01	do	Mayor, City Hall, Wabbaseka, Ark. 72175.	Do.
Do	Lawrence	Hoxie, city of	H 05 075 1930 01 through H 05 075 1930 02	do	Mayor, City Hall, Hoxie, Ark. 72433	Do.
Do	do	Walnut Ridge, city of	H 05 075 4010 01	do	Mayor, City Hall, Walnut Ridge, Ark. 72476.	Do.
Do	Lincoln	Grady, city of	H 05 079 1550 01	do	Mayor, Grady, Ark. 71644	Do.
Do	Lonoke	England, city of	H 05 085 1250 01	do	Mayor, England, Ark. 72046	Do.
Do	Monroe	Brinkley, city of	H 05 095 0550 01 through H 05 095 0550 02	do	Mayor, City Hall, Brinkley, Ark. 72021.	Do.
Do	Poinsett	Harrisburg, city of	H 05 111 1740 01	do	Mayor, City Hall, Harrisburg, Ark. 72432.	Do.
Do	Sebastian	Lavaca, town of	H 05 131 2230 01 through H 05 131 2230 02	do	Mayor, Lavaca, Ark. 72941	Do.
California	Fresno	Orange Cove, city of	H 06 019 2570 01	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012.	Mayor, City Hall, 555 6th St., Orange Cove, Calif. 93646.	Do.
Do	do	San Joaquin, city of	H 06 019 3330 01	do	Mayor, City Hall, Colorado and 9th Sts., San Joaquin, Calif. 93660.	Do.
Do	Kern	Shafter, city of	H 06 029 3600 01	do	Mayor, City Hall, 320 James St., Shafter, Calif. 93263.	Do.
Do	Napa	Calistoga, city of	H 06 055 0540 01 through H 06 055 0540 02	do	Mayor, City Hall, 1232 Washington St., Calistoga, Calif. 94515.	Do.
Do	Orange	San Juan Capistrano, city of	H 06 059 3351 01 through H 06 059 3351 05	do	Mayor, City Hall, 32400 Paseo Adelanto, San Juan Capistrano, Calif. 92675.	Do.
Do	Riverside	Blythe, city of	H 06 065 0410 01	do	Mayor, City Hall, 220 North Spring St., Blythe, Calif. 92225.	Do.
Colorado	Arapahoe	Cherry Hills Village, city of	H 08 005 0380 01 through H 08 005 0380 02	Colorado Water Conservation, Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80230.	Village Center, Office of City Clerk, 2450 East Quincy Ave., Englewood, Colo. 80110.	Do.
Do	Phillips	Haxton, town of	H 08 095 1140 01	do	Mayor, Haxton, Colo. 80731	Do.
Do	Weld	Eaton, town of	H 08 123 0690 01	do	Mayor, Eaton, Colo. 80615	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Connecticut	Hartford	Southington, town of.	H 09 003 0680 01 through H 09 003 0680 11	Department of Environmental, Protection, Division of Water and Related Resources, Room 207, State Office Bldg., Hartford, Conn. 06155. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, Conn. 06155.	Town Manager, Town Office Bldg., Southington, Conn. 06489.	Do.
Do	Middlesex	East Hampton, town of.	H 09 007 0220 01 through H 09 007 0220 03	do	Mayor, City Hall, East Hampton, Conn. 06424.	Do.
Do	New London	Sprague, town of	H 09 011 0020 01 through H 09 011 0020 02	do	Mayor, Town Hall, Sprague, Conn.	Do.
Do	Windham	Willimantic, city of.	H 09 015 0840 01 through H 09 015 0840 03	do	Mayor, Willimantic, Conn. 06226	Do.
Delaware	Kent	Smyrna, city of	H 10 001 0450 01	Division of Soil and Water Conservation, Department of Natural Resources and Environmental Control, Tatnall Bldg., Capital Complex, Dover, Del. 19901. Delaware Insurance Department, 21 The Green, Dover, Del. 19901.	Mayor, City Hall, Smyrna, Del. 19977	Do.
Georgia	Bryan	Pembroke, city of.	H 13 029 4300 01 through H 13 029 4300 02	Department of Natural Resources, Office of Planning and Research, 270 Washington St. SW., Room 707, Atlanta, Ga. 30334. Georgia Insurance Department, State Capitol, Atlanta, Ga. 30334.	City Clerk, City Hall, Pembroke, Ga. 31321.	Do.
Do	Clayton	Mountain View, city of.	H 13 063 3824 01	do	Mayor, City Hall, Mountain View, Ga. 30070.	Do.
Do	Heard	Franklin, town of	H 13 149 2230 01 through H 13 149 2230 02	do	Mayor, City Hall, Franklin, Ga. 30217.	Do.
Do	Jefferson	Wrens, city of	H 13 163 6070 01 through H 13 163 6070 02	do	Mayor, City Hall, Wrens, Ga. 30883	Do.
Do	Liberty	Riceboro, city of	H 13 179 4640 01 through H 13 179 4640 02	do	Liberty County Board of Supervisors Courthouse, city of Riceboro, Hinesville, Ga. 31313.	Do.
Do	McIntosh	Darien, city of	H 13 191 1560 01 through H 13 191 1560 02	do	City Council, City Hall, Darien, Ga. 31305.	Do.
Do	Worth	Sylvester, city of	H 13 321 5340 01 through H 13 321 5340 02	do	Mayor, City Hall, Sylvester, Ga. 31791.	Do.
Idaho	Latah	Troy, city of	H 16 057 1820 01	Department of Water Administration, State House—Annex 2, Boise, Idaho 83707. Idaho Department of Insurance, Room 206—Statehouse, Boise, Idaho 83707.	Mayor, City Hall, Troy, Idaho 83871	Do.
Illinois	Alexander	Tamms, village of.	H 17 003 8490 01	Governor's Task Force on Flood Control, P.O. Box 475, Lisle, Ill. 60532. Illinois Insurance Department, 509 State Office Bldg., Springfield, Ill. 62702.	Mayor, City Hall, Tamms, Ill. 62988	Do.
Do	Cook	Summit, village of.	H 17 031 8410 01	do	President, Village Hall, 5810 South Archer Rd., village of Summit, Argo, Ill. 60501.	Do.
Do	Du Page	Winfield, village of.	H 17 043 9440 01	do	President, OS 165 Church St., Winfield, Ill. 60190.	Do.
Do	Gallatin	Omaha, village of	H 17 059 6530 01	do	President of Village Board, Village Hall, Omaha, Ill. 62871.	Do.
Do	Lake	Deerfield, village of.	H 17 097 2270 01 through H 17 097 2270 03	do	President, 850 Waukegan Rd., Deerfield, Ill. 60015.	June 15, 1973. May 10, 1974.
Do	Ogle	Byron, city of	H 17 141 1230 01	do	Mayor, City Hall, Byron, Ill. 61010	Do.
Do	Rock Island	Milan, village of	H 17 161 5560 01 through H 17 161 5560 04	do	Mayor, City Hall, Milan, Ill. 61264	Do.
Indiana	Clinton	Frankfort, city of	H 18 023 1640 01 through H 18 023 1640 02	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	Mayor, Courthouse, Frankfort, Ind. 46041.	Do.
Do	De Kalb	Garrett, city of	H 18 033 1720 01	do	City Plan Commission, City Hall, Garrett, Ind. 46738.	Do.
Do	Gibson	Oakland City, city of.	H 18 051 3690 01	do	City Council, City Bldg., Oakland City, Ind. 47660.	Do.
Do	Kosciusko	Warsaw, city of	H 18 085 5110 01 through H 18 085 5110 03	do	Warsaw Plan Commission, West Center Bldg., Warsaw, Ind. 46580.	Do.
Do	Wayne	Fountain City, city of.	H 18 177 1590 01	do	Town Board, City Bldg., Walnut St., Fountain City, Ind. 47341.	Do.
Do	do	Richmond, city of.	H 18 177 4120 01 through H 18 177 4120 07	do	City Council, Richmond, Ind. 47374	Do.
Iowa	Audubon	Exira, town of	H 19 009 2820 01	Iowa Natural Resources Council, James H. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, City Hall, Exira, Iowa 50076	Do.
Do	Buena Vista	Sioux Rapids, town of.	H 19 021 7860 01	do	Mayor, City Hall, Sioux Rapids, Iowa 50585.	Do.
Do	Johnson	Oxford, town of	H 19 103 6510 01	do	Mayor, Town Hall, Oxford, Iowa 52322.	Do.
Do	Lee	Donnellson, town of.	H 19 111 2370 01	do	Mayor, City Hall, Donnellson, Iowa 52625.	Do.
Do	Worth	Northwood, town of.	H 19 195 6200 01 through H 19 195 6200 02	do	Mayor, City Hall, Northwood, Iowa 50459.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Kansas	Butler	El Dorado, city of.	H 20 015 1540 01 through H 20 015 1540 03	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612. Kansas Insurance Department, 1st floor, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, El Dorado, Kans. 67042.	May 10, 1937.
Do	Dickinson	Herington, city of.	H 20 041 2420 01	do	City Manager, 715 South Broadway, Herington, Kans. 67449.	Do.
Do	Republic	Scandia, city of.	H 20 157 4950 01	do	Mayor, City Hall, Scandia, Kans. 66966.	Do.
Kentucky	Bourbon	Millersburg, city of.	H 21 017 2240 01	Division of Water, Kentucky Department of Natural Resources, Capitol Plaza, Office Tower, Frankfort, Ky. 40601. Kentucky Insurance Department, Old Capitol Annex, Frankfort, Ky. 40601.	Mayor, Millersburg, Ky. 40348	Do.
Do	Clinton	Albany, city of	H 21 053 0040 01 through H 21 053 0040 02	do	Mayor, Albany, Ky. 42602	Do.
Do	Floyd	Prestonburg, city of.	H 21 071 2670 01 through H 21 071 2670 02	do	Mayor, Prestonburg, Ky. 41653	Do.
Do	Grayson	Caneyville, town of.	H 21 085 0550 01	do	Mayor, Caneyville, Ky. 42721	Do.
Do	do	Leitchfield, town of.	H 21 085 1940 01	do	Mayor, Leitchfield, Ky. 42754	Do.
Do	Harlan	Lynch, city of	H 21 095 2120 01 through H 21 095 2120 02	do	Judge, Lynch, Ky. 40831	Do.
Do	Madison	Richmond, city of.	H 21 151 2750 01 through H 21 151 2750 04	do	Mayor, Richmond, Ky. 40475	Do.
Do	Marion	Bradfordsville, city of.	H 21 155 0358 01	do	Chairman, Bradfordsville, Ky. 40009	Do.
Do	Marshall	Hardin, town of	H 21 157 1400 01	do	Mayor, Hardin, Ky. 42048	Do.
Do	Mercer	Burgin, city of	H 21 167 0440 01 through H 21 167 0440 02	do	Chairman, Burgin, Ky. 40330	Do.
Do	do	Harrodsburg, city of.	H 21 167 1430 01	do	Chairman, Harrodsburg, Ky. 40330	Do.
Do	Montgomery	Mount Sterling, city of.	H 21 173 2320 01 through H 21 173 2320 03	do	Mayor, Mount Sterling, Ky. 40353	Do.
Do	Nelson	Bloomfield, city of.	H 21 179 0320 01 through H 21 179 0320 03	do	Mayor, Bloomfield, Ky. 40008	Do.
Do	Perry	Vicco, city of	H 21 193 3368 01 through H 21 193 3368 02	do	Chairman, Vicco, Ky. 41773	Do.
Do	Russell	Jamestown, city of.	H 21 207 1730 01 through H 21 207 1730 02	do	Mayor, Jamestown, Ky. 42629	Do.
Louisiana	Richland Parish	Rayville, town of.	H 22 083 1990 01	State Department of Public Works, P.O. Box 44155, Capitol, Station, Baton Rouge, La. 70804. Louisiana Insurance Department, Box 44214, Capitol Station, Baton Rouge, La. 70804.	Town of Rayville, corner U.S. 80 and Julia St., Rayville, La. 71269.	Do.
Maryland	Washington	Hagerstown, city of.	H 24 043 0730 01 through H 24 043 0730 03	Department of Resources, State Office Bldg., Annapolis, Md. 21401. Maryland Insurance Department, 301 West Preston St., Baltimore, Md. 21201.	Washington County Court House, 24 Summit Ave., City Hall, 1 East Franklin St., Hagerstown, Md. 21740.	Do.
Massachusetts	Berkshire	Pittsfield, city of	H 25 003 1030 01 through H 25 003 1030 11	Division of Water Resources, Water Resources Commission, State Office Bldg., 100 Cambridge St., Boston, Mass. 02202. Massachusetts Division of, 100 Cambridge St., Boston, Mass. 02202.	Planning Board, City Hall, 66 Allen St., Pittsfield, Mass.	Do.
Michigan	Gratiot	Alma, city of	H 26 057 0100 01 through H 26 057 0100 02	Water Resources Commission, Bureau of Water Management, Stevens T. Mason Bldg., Lansing, Mich. 48926. Michigan Insurance Bureau, 111 North Mosmer St., Lansing, Mich. 48913.	City Commission, Alma, Mich. 48801	Do.
Do	Kalamazoo	Parchment, city of.	H 26 077 3820 01	do	Mayor, Parchment, Mich. 49004	Do.
Do	Kent	Lowell, city of	H 26 081 2860 01	do	Mayor, Lowell, Mich. 49331	Do.
Do	Lapeer	Almont, village of.	H 26 087 0110 01 through H 26 087 0110 02	do	Village Administrator, Almont, Mich. 48003.	Do.
Do	Oakland	Milford, village of.	H 26 125 3260 01 through H 26 125 3260 02	do	President, Milford, Mich. 48042	Do.
Minnesota	Anoka	Columbia Heights, city of.	H 26 003 1440 01 through H 26 003 1440 05	Division of Waters, Soils and Minerals, Department of Natural Resources, Centennial Office Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	City Manager, Columbia Heights, Minn. 55421.	Do.
Do	do	Spring Lake Park, city of.	H 27 003 6672 01	do	Mayor, Spring Lake Park, Minn. 55432.	Do.
Do	Chisago	North Branch, city of.	H 27 025 5260 01	do	Mayor, North Branch, Minn. 55056	Do.
Do	do	Rush City, city of.	H 27 025 6110 01 through H 27 025 6110 02	do	Mayor, Rush City, Minn. 55069	Do.
Do	Clay	Barnesville, city of.	H 27 027 0360 01 through H 27 027 0360 02	do	Mayor, Barnesville, Minn. 56514	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Dakota	South St. Paul, city of.	H 27 037 6620 01 through H 27 037 6620 03	do	Mayor, South St. Paul, Minn. 55075	Do.
Do	Faribault	Elmore, village of.	H 27 043 2160 01	do	Mayor, Elmore, Minn. 56027	Do.
Do	do	Kiester, village of.	H 27 043 3800 01	do	Mayor, Kiester, Minn. 56051	Do.
Do	do	Wells, city of	H 27 043 7460 01	do	Mayor, Wells, Minn. 56097	Do.
Do	Fillmore	Preston, city of	H 27 045 5750 01 through H 27 045 5750 02	do	Mayor, Preston, Minn. 55965	Do.
Do	Goodhue	Wanamingo, city of.	H 27 049 7320 01	do	Mayor, Wanamingo, Minn. 55983	Do.
Do	Lake	Two Harbors, city of.	H 27 075 7030 01 through H 27 075 7030 02	do	Mayor, Two Harbors, Minn. 55616	Do.
Do	Le Sueur and Scott.	New Prague, city of.	H 27 079 5160 01	do	Mayor, New Prague, Minn. 56058	Do.
Do	Martin	Welcome, city of	H 27 091 7450 01	do	Mayor, Welcome, Minn. 56181	Do.
Do	Mille Lacs	Milaca, city of	H 27 095 4700 01 through H 27 095 4700 02	do	Zoning Administrator, Milaca, Minn. 56353.	Do.
Do	do	Onamia, city of	H 27 095 5410 01	do	Mayor, Onamia, Minn. 56359	Do.
Do	do	Princeton, city of	H 27 095 5760 01	do	Planning Commission, Princeton, Minn. 55371.	Do.
Do	Mower	Brownsdale, city of.	H 27 099 0870 01	do	Mayor, Brownsdale, Minn. 55918	Do.
Do	Norman	Ada, city of	H 27 107 0010 01	do	Mayor, Ada, Minn. 56510	Do.
Do	Olmsted	Oronoco, city of	H 27 109 5424 01	do	Mayor, Oronoco, Minn. 55960	Do.
Do	Pine	Sandstone, city of	H 27 115 6400 01 through H 27 115 6400 02	do	Mayor, Sandstone, Minn. 55072	Do.
Do	Ramsey	Lauderdale, city of.	H 27 123 4080 01	do	Mayor, Lauderdale, Minn. 55113	Do.
Do	Redwood	Sanborn, city of	H 27 127 6370 01	do	Mayor, Sanborn, Minn 56083	Do.
Do	Stevens	Morris, city of	H 27 149 4930 01 through H 27 149 4930 02	do	City Manager, Morris, Minn. 56267	Do.
Do	Traverse	Browns, city of	H 27 155 0880 01	do	Mayor, Browns, Minn. 56219	Do.
Mississippi	Bolivar	Cleveland, city of.	H 28 011 0480 01 through H 28 011 0480 04	Mississippi Research and Development Center, P.O. Box Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department, 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	City Clerk, City Hall, Cleveland, Miss. 38732.	Do.
Do	Sunflower	Drew, city of	H 28 133 0710 01	do	City Hall, Drew, Miss. 38737	Do.
Do	do	Moorhead, city of	H 28 133 1660 01	do	City Clerk's Office, Moorhead, Miss. 38761.	Do.
Do	do	Ruleville, town of.	H 28 133 2200 01	do	City Clerk, Town of Ruleville, Ruleville, Miss. 38771.	Do.
Missouri	Atchinson	Fairfax, town of	H 29 005 2620 01	Water Resources Board, P.O. Box 271, Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, City Hall, Fairfax, Mo. 64445	Do.
Do	Bollinger	Lutesville, city of.	H 29 017 4780 01 through H 29 017 4780 02	do	Mayor, City Hall, Lutesville, Mo. 63762.	Do.
Do	do	Marble Hill, town of.	H 29 017 4910 01	do	Mayor, City Hall, Marble Hill, Mo. 63764.	Do.
Do	Daviess	Pattonsburg, town of.	H 29 061 6140 01 through H 29 061 6140 02	do	Mayor, City Hall, Pattonsburg, Mo. 64670.	Do.
Do	Gasconade	Owensville, city of.	H 29 073 6010 01 through H 29 073 6010 02	do	Mayor and City Council, Owensville, Mo. 65066.	Do.
Do	Howell	Mountain View, city of.	H 29 091 5490 01	do	Mayor, Mountain View, Mo. 65548	Do.
Do	Laclede	Conway, town of	H 29 105 1850 01	do	Mayor, City Hall, Conway, Mo. 65632	Do.
Do	Lawrence	Aurora, city of	H 29 109 0420 01	do	Mayor and City Council, City Hall, Aurora, Mo. 65605.	Do.
Do	Lincoln	Elsberry, city of	H 29 113 2520 01	do	Mayor, city of Elsberry, Elsberry, Mo. 63343.	Do.
Do	St. Louis	Ellsville, city of	H 29 189 2460 01	do	Mayor, City Hall, No. 1 Weif, Ellsville, Mo. 63011.	Do.
Do	do	Lakeshire, city of	H 29 189 4330 01	do	City Hall and Community Center, 1000 Pattington Dr., Lakeshire, Mo. 63123.	Do.
Do	Saline	Slater, city of	H 29 195 7340 01	do	Mayor, City Hall, Slater, Mo. 65349	Do.
Do	Stoddard	Dexter, city of	H 29 207 2230 01 through H 29 207 2230 04	do	Mayor, City Hall, Dexter, Mo. 63941	Do.
Montana	Chouteau	Fort Benton, city of.	H 30 015 0440 01	Montana Department of Natural Resources and Conservation, Water Resources Division, Sam W. Mitchell Bldg., Helena, Mont. 59601. Montana Insurance Department, Capitol Bldg., Helena, Mont. 59601.	Mayor, City Hall, Fort Benton, Mont. 59442.	Do.
Do	Liberty	Chester, town of	H 30 051 0210 01	do	Mayor, Chester, Mont. 59522	Do.
Nebraska	Adams	Hastings, city of	H 31 001 2280 01 through H 31 001 2280 03	Nebraska Natural Resources Commission, P.O. Box 94725, State House Station, Lincoln, Nebr. 68509. Nebraska Insurance Department, 1335 L St., Lincoln, Nebr. 68509.	Mayor, City Hall, Hastings, Nebr. 68901.	Do.
Do	Cass	Louisville, village of.	H 31 025 2910 01	do	Chairman of Town Board, Louisville, Nebr. 68037.	Do.
Do	do	Plattsmouth, city of.	H 31 025 3920 01 through H 31 025 3920 02	do	Mayor, Plattsmouth, Nebr. 68048	Do.
Do	Hitchcock	Colbertson, village of.	H 31 087 1280 01	do	Chairman, Board of Trustees, c/o Village Clerk, Colbertson, Nebr. 69024.	Do.
Do	Merrick	Central City, city of.	H 31 121 0940 01 through H 31 121 0940 02	do	City Council, Central City, Nebr. 68826.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
New Hampshire.	Hillsborough	Hillsborough, town of.	H 33 011 0220 01 through H 33 011 0220 12	Office of State Planning, Division of Community Planning, State House Annex, Concord, N.H. 03301. New Hampshire Insurance Department, 78 North Main St., Concord, N.H. 03301.	Selectmen, Hillsborough, N.H. 03244	Do.
New Jersey	Camden	Haddon Heights, borough of.	H 34 007 1235 01 through H 34 007 1235 03	Bureau of Water Control, Department, of Environmental Protection, P.O. Box 1390, Trenton, N.J. 08625. New Jersey Department of Insurance, State House Annex, Trenton, N.J. 08625.	Mayor, 625 Station Ave., Haddon Heights, N.H. 08035.	Do.
Do	Cumberland	Fairfield, township of.	H 34 011 0954 01 through H 34 011 0954 07	do	Township Clerk, Main St., Fairton, N.J.	Do.
Do	Middlesex	Cranbury, township of.	H 34 023 0706 01 through H 34 023 0706 03	do	Mayor, 54 North Main St., Cranbury, N.J. 08512.	Do.
Do	Ocean	Little Egg Harbor, township of.	H 34 029 1724 01 through H 34 029 1724 07	do	Little Egg Harbor, Municipal Bldg., Gifford Lane, Tuckerton, N.J. 08087	Do.
Do	Passaic	Maledon, borough of.	H 34 031 1250 01	do	Mayor, 407 Belmont Ave., Maledon, N.J. 07508.	Do.
New Mexico	Taos	Red River, town of.	H 35 055 0664 01	State Engineer's Office, Bataan Memorial Bldg., Santa Fe, N. Mex. 87501. New Mexico Department of Insurance, P.O. Box 1269, Santa Fe, N. Mex. 87501.	Mayor, town of Red River, Red River, N. Mex. 87558.	Do.
New York	Allegany	Canaseraga, village of.	H 36 003 0840 01	New York State Department of Environmental Conservation, Division of Resources Management Services, Albany, N.Y. 12201. New York State Insurance Department, 123 William St., New York, N.Y. 10038.	Mayor, Canaseraga, N.Y. 14822	Do.
Do	Chautauqua	Cherry Creek, village of.	H 36 013 1120 01	do	Village Board, Village Hall, Cherry Creek, N.Y. 14723.	Do.
Do	do	Sinclairville, village of.	H 36 013 5730 01	do	Village Board, Village Office, Sinclairville, N.Y. 14782.	Do.
Do	Erie	Wales, town of	H 36 029 6341 01	do	Supervisor, Town Hall, 12345 Big Tree Rd., Wales, N.Y. 14169.	Do.
Do	Herkimer	Herkimer, village of.	H 36 043 2610 01 through H 36 043 2610 02	do	Village Hall, Village of Herkimer, 120 Green St., Herkimer, N.Y. 13350.	Do.
Do	Jefferson	Brownville, village of.	H 36 045 0720 01	do	Mayor, Brownville, N.Y. 13615	Do.
Do	do	Carthage, village of.	H 36 045 0910 01	do	Mayor, Carthage, N.Y. 13619	Do.
Do	do	Lorraine, town of	H 36 045 3066 01 through H 36 045 3066 03	do	Supervisor, Lorraine, N.Y. 13659	Do.
Do	do	Theresa, village of.	H 36 045 6050 01	do	Mayor, Theresa, N.Y. 13691	Do.
Do	do	West Carthage, village of.	H 36 045 6560 01	do	Mayor, West Carthage, N.Y. 13619	Do.
Do	Lewis	Copenhagen, village of.	H 36 049 1330 01	do	Town Board—Denmark, Town Clerk, Copenhagen, N.Y. 13626.	Do.
Do	Livingston	Avon, village of	H 36 051 0350 01 through H 36 951 0350 04	do	Avon Town Hall, 70 Genesse St., Avon, N.Y. 14414.	Do.
Do	Madison	Lenox, town of	H 36 053 3202 01 through H 36 053 3202 10	do	Town Supervisor, Village Hall, town of Lenox, 126 East Center St., Canastota, N.Y. 13032.	Do.
Do	Oswego	Pulaski, village of.	H 36 075 5060 01 through H 36 075 5060 02	do	Mayor, Pulaski, N.Y. 13142	Do.
Do	do	Schroeppel, town of.	H 36 075 5576 01 through H 36 075 5576 13	do	Town Supervisor, Town Hall, Town of Schroeppel, Pennellville, N.Y. 13132.	Do.
Do	Rensselaer	Noosick, village of.	H 36 083 2780 01	do	Village Board, Noosick Falls, N.Y. 12090.	Do.
Do	Rockland	Orangetown, town of.	H 36 087 4384 01 through H 36 087 4384 07	do	Supervisor, Town Hall, Orangeburg, N.Y. 10962.	Do.
Do	do	Stony Point, town of.	H 36 087 5982 01 through H 36 087 5982 04	do	Supervisor, 74 East Main St., Stony Point, N.Y. 10980.	Do.
Do	Schenectady	Schenectady, city of.	H 36 093 5550 01 through H 36 093 5550 06	do	City Manager, City Hall, Schenectady, N.Y. 12305.	Do.
Do	Steuben	Pulteney, town of.	H 36 101 5064 01 through H 36 101 5064 04	do	Mr. Fred Wright, Town Supervisor, rural delivery No. 2, Hammondsport, N.Y. 14840.	Do.
Do	do	Urbana, town of	H 36 101 6217 01 through H 36 101 6217 06	do	Town of Urbana, Municipal Bldg., corner Lake and Main St., Hammondsport, N.Y. 14840.	Do.
Do	Westchester	Eastchester, town of.	H 36 119 1644 01 through H 36 119 1644 02	do	Supervisor, 40 Mill Rd., Eastchester, N.Y. 10709.	Do.
Do	do	Larchmont, village of.	H 36 119 3150 01	do	Mayor, Municipal Bldg., Larchmont, N.Y. 10538.	Nov. 23, 1973. May 10, 1974.
Do	do	Pelham Manor, village of.	H 36 119 4720 01	do	Mayor, 4 Penfield, Place, Pelham Manor, N.Y. 10803.	May 10, 1974.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
North Carolina	Onslow	Jacksonville, city of.	H 37 133 2330 01 through H 37 133 2330 03	North Carolina Office of Water and Air Resources, Department of Natural and Economic Resources, P.O. Box 27687, Raleigh, N.C. 27611. North Carolina Insurance Department, P.O. Box 26387, Raleigh, N.C. 27611.	Mayor, Jacksonville, N.C. 28540	Do.
North Dakota	Trail	Hatton, city of	H 38 097 1460 01	State Water Commission, State Office Bldg., 900 East Blvd., Bismarck, N. Dak. 58501. North Dakota Insurance Department, State Capitol, Bismarck, N. Dak. 58501.	Mayor, Hatton, N. Dak. 58240	Do.
Do	do	Portland, city of	H 38 097 2590 01	do	Mayor, Portland, N. Dak. 58274	Do.
Ohio	Athens	Nelsonville, village of.	H 39 009 5520 01 through H 39 009 5520 02	Ohio Department of Natural Resources, Fountain Square, Columbus, Ohio 43215. Ohio Insurance Department, 115 East Rich St., Columbus, Ohio 43215.	Mayor, Nelsonville, Ohio 45764	Do.
Do	Butler	Oxford, city of	H 39 017 6310 01 through H 39 017 6310 03	do	Mayor, Oxford, Ohio 45011	Do.
Do	do	Trenton, city of	H 39 017 8160 01 through H 39 017 8160 02	do	Commissioners, Trenton, Ohio 45011	Do.
Do	Darke	New Madison, village of.	H 39 037 5720 01	do	Mayor, New Madison, Ohio 45346	Do.
Do	Hamilton	St. Bernard, city of.	H 39 061 7190 01	do	Mayor, St. Bernard, Ohio 45217	Do.
Do	Hancock	McComb, village of	H 39 063 4520 01	do	Mayor, McComb, Ohio 45858	Do.
Do	Hardin	McGuffey, village of.	H 39 065 4550 01	do	Mayor, McGuffey, Ohio 45859	Do.
Do	Jefferson	Adena, village of	H 39 081 0060 01	do	Mayor's Office, Adena, Ohio 43901	Do.
Do	Lake	Madison, village of.	H 39 085 4580 01 through H 39 085 4580 02	do	Mayor, Madison, Ohio 44057	Do.
Do	Madison	London, city of	H 39 097 4350 01 through H 39 097 4350 05	do	Mayor, London, Ohio 43140	Do.
Do	Miami	Tipp City, city of.	H 39 109 8100 01 through H 39 109 8100 02	do	City Manager, Tipp City, Ohio 45371	Do.
Do	Paulding	Paulding, village of.	H 39 125 6410 01	do	Village Administrator, Paulding, Ohio 45879.	Do.
Do	Perry	Corning, village of.	H 39 127 1890 01	do	Mayor Corning, Ohio 43730	Do.
Do	Pickaway	Ashville, village of.	H 39 129 0340 01 through H 39 129 0340 02	do	Mayor, Ashville, Ohio 43103	Do.
Do	Portage	Aurora, city of	H 39 133 0380 01 through H 39 133 0380 06	do	Mayor, Aurora, Ohio 44202	Do.
Do	Preble	Camden, village of.	H 39 135 1270 01 through H 39 135 1270 03	do	Mayor, Camden, Ohio 45311	Do.
Do	Shelby	Sidney, city of	H 39 149 7550 01 through H 39 149 7550 05	do	City Manager, Sidney, Ohio 45365	Do.
Do	Warren	Lebanon, city of	H 39 165 4120 01 through H 39 165 4120 06	do	City Manager, Lebanon, Ohio 45036	Do.
Do	Wood	Cygnet, village of	H 39 173 2050 01	do	Mayor, Cygnet, Ohio 43413	Do.
Oklahoma	Bryan	Durant, city of	H 40 013 1430 01 through H 40 013 1430 04	Oklahoma Water Resources Board, 2241 Northwest 40th St., Oklahoma City, Okla. 73112. Oklahoma Insurance Department, Room 408 Will Rogers Memorial Bldg., Oklahoma City, Okla. 73105.	City Manager, City Hall, Durant, Okla. 73701.	Do.
Do	Logan	Crescent, city of	H 40 083 1180 01	do	Mayor, City Hall, Crescent, Okla. 73028.	Do.
Do	Rogers	Inola, city of	H 40 131 2410 01	do	Director, City-County Planning Commission, Inola, Okla. 74036.	Do.
Oregon	Lane	Junction City, city of.	H 41 039 1150 01 through H 41 039 1150 03	Executive Department State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St., N.E., Salem, Oreg. 97310.	Mayor, City Hall, Junction City, Oreg. 97448.	Do.
Do	do	Oakridge, city of	H 41 039 1550 01	do	Mayor, City Hall, Oakridge, Oreg. 97463.	Do.
Do	Marion	Aumsville, city of	H 41 047 0100 01	do	Mayor, City Hall, Aumsville, Oreg. 97325.	Do.
Do	do	Hubbard, city of	H 41 047 1030 01	do	Mayor, City Hall, Hubbard, Oreg. 97032.	Do.
Do	do	Silverton, city of.	H 41 047 1920 01 through H 41 047 1920 02	do	Mayor, City Hall, Silverton, Oreg. 97381.	Do.
Do	Multnomah	Fairview, city of	H 41 051 0670 01	do	Mayor, Fairview, Oreg. 97024	Do.
Do	do	Wood Village, city of.	H 41 051 2264 01	do	Mayor, city of Wood Village, Troutdale, Oreg. 97060.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Do	Polk	Falls City, city of	H 41 053 0680 01	do	Mayor, Falls City, Oreg. 97344	Do.
Pennsylvania	Allegheny	Braddock Hills, borough of.	H 42 003 0830 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, Columbia and Brinton Rd., borough of Braddock Hills, Pittsburgh, Pa. 15221.	Do.
Do	do	Forest Hills, borough of.	H 42 003 2940 01	do	Borough of Forest Hills, Municipal Bldg., 2071 Ardmore Blvd., Pittsburg, Pa. 15221.	Do.
Do	do	Aleppo, township of.	H 42 003 7510 01	do	Township Manager, Weber Rd., rural delivery No. 2, Aleppo Township, Sewickley, Pa. 15143.	Do.
Do	do	Wilkins, township of.	H 42 003 9350 01 through H 42 003 9350 05	do	Wilkins Township Bldg., 110 Peffer Rd., Turtle Creek, Pa. 15145.	Do.
Do	Armstrong	Leechburg, borough of.	H 42 005 4360 01	do	Borough Secretary, Box 543, Leechburg, Pa. 15656.	Do.
Do	Bradford	Troy, borough of	H 42 015 8600 01 through H 42 015 8600 03	do	Troy Borough Council, Troy, Pa. 16947.	Do.
Do	Centre	Millheim, borough of.	H 42 027 5290 01 through H 42 027 5290 03	do	Borough Council, Millheim, Pa. 16854.	Do.
Do	Clinton	Beech Creek, borough of.	H 42 035 0530 01	do	Mayor, Municipal Bldg., Beech Creek, Pa. 16822.	Do.
Do	Erie	Waterford, borough of.	H 42 049 8890 01 through H 42 049 8890 02	do	Mayor, West 2d St., Waterford, Pa. 16441.	Do.
Do	Jefferson	Brookville, borough of.	H 42 065 0950 01 through H 42 065 0950 06	do	Council President, Borough Bldg., Brookville, Pa. 15825.	Do.
Do	do	Summerville, borough of.	H 42 065 8250 01 through H 42 065 8250 02	do	Council President, Summerville, Pa. 15864.	Do.
Do	Juniata	Walker, township of.	H 42 067 8816 01 through H 42 067 8816 08	do	Mr. Randall Davis, Walker Township, Municipal Bldg., rural delivery No. 1, Thompstontown, Pa. 17094.	Do.
Do	Lackawanna	Ransom, township of.	H 42 069 6892 01 through H 42 069 6892 08	do	Township of Ransom, Township Bldg., Ransom, Pa. 18653.	Do.
Do	Lancaster	Brecknock, township of.	H 42 071 0856 01 through H 42 071 0856 08	do	Chairman Board of Supervisors, Township of Brecknock, Bowmansville, Pa. 17507.	Do.
Do	Luzerne	Conyngham, borough of.	H 42 079 1650 01 through H 42 079 1650 02	do	Conyngham Borough Bldg., Main St., Conyngham, Pa. 18219.	Do.
Do	Lycoming	Hepburn, township of.	H 42 081 1518 01 through H 42 081 1518 05	do	Mr. Neil Mutchler, Township Secretary, rural delivery No. 2, Cogan Station, Pa. 17728.	Do.
Do	McKean	Bradford, township of.	H 42 083 0840 01 through H 42 083 0840 13	do	Chairman, Township Supervisor, Bradford, Pa. 16701.	Do.
Do	Montgomery	Upper Merion, township of.	H 42 091 4086 01 through H 42 091 4086 07	do	Upper Merion Township, 175 Valley Forge Rd., King of Prussia, Pa. 19406.	Do.
Do	Northumberland	West Chillisquaque, township of.	H 42 097 1318 01 through H 42 097 1318 02	do	Office of Secretary-Treasurer, township of West Chillisquaque, Box 57, Montandon, Pa. 17857.	
Do	do	Shamokin, city of	H 42 097 7530 01 through H 42 097 7530 02	do	Shamokin City Council, City Hall, Shamokin, Pa. 17872.	Do.
Do	Westmoreland	Rostraver, township of.	H 42 129 7188 01 through H 42 129 7188 05	do	Chairman, Board of Commissioners, Township of Rostraver, rural delivery No. 2, Belle Vernon, Pa. 15012.	Do.
Do	York	Spring Garden, township of.	H 42 133 9680 01 through H 42 133 9680 02	do	Spring Garden Township, 558 South Ogontz St., York, Pa. 17403.	Do.
South Carolina	Florence	Pamplico, town of	H 45 041 1920 01	South Carolina Resources Commission, P.O. Drawer 164, 700 Knox Abbott Dr., Cayce, S.C. 29033. South Carolina Insurance Department, 2711 Middleburg St., Columbia, S.C. 29204.	Mayor, Pamplico, S.C. 29583	Do.
South Dakota	Hamlin	Estelline, town of	H 46 057 0920 01	South Dakota Planning Agency, State Capitol Bldg., Pierre, S. Dak. 57501. South Dakota Department of Insurance, Insurance Department, Pierre, S. Dak. 57501.	Mayor, Estelline, S. Dak. 57234	Do.
Do	Tripp	Colome, city of	H 46 123 0620 01	do	Mayor, Town Hall, Colome, S. Dak. 57528.	Do.
Tennessee	Blount	Townsend, city of.	H 47 009 2410 01 through H 47 009 2410 04	Tennessee State Planning Office, 660 Capitol Hill Bldg., Nashville, Tenn. 37219. Tennessee Department of Insurance and Banking, 114 State Office Bldg., Nashville, Tenn. 37219.	Mayor, City Hall, Townsend, Tenn. 37882.	Do.
Do	Fayette	Moscow, town of	H 47 047 1710 01	do	J. B. Brunson, Mayor, Moscow, Tenn. 38057.	Do.
Do	Grundy	Tracy City, city of.	H 47 061 2420 01 through H 47 061 2420 05	do	Mayor, City Hall, Tracy City, Tenn. 37387.	Do.
Do	Hawkins	Church Hill, city of.	H 47 073 0450 01 through H 47 073 0450 06	do	Mayor, City Hall, Church Hill, Tenn. 37642.	Do.
Do	Polk	Copperhill, city of.	H 47 139 0490 01 through H 47 139 0490 02	do	Mayor, City Hall, Copperhill, Tenn. 37317.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
Texas	Bee	Beeville, city of	H 48 025 0510 01 through H 48 025 0510 04	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	City Hall, 100 West Corpus Christi, Beeville, Tex. 78102.	Do.
Do	Bexar	Alamo Heights, city of.	H 48 029 0060 01	do	City Engineer's Office, City Hall, city of Alamo Heights, 6116 Broadway, Alamo Heights Tex. 78209.	Do.
Do	Brazoria	Clute, city of	H 48 039 1395 01 through H 48 039 1395 02	do	City of Clute, P.O. Box 997, Clute, Tex. 77531.	Do.
Do	Cameron	Combes, town of	H 48 061 1481 01 through H 48 061 1481 02	do	Mayor, Combes, Tex. 78535.	Do.
Do	do	La Feria, city of	H 48 061 3780 01	do	City Hall, 115 Commercial Ave., La. Feria, Tex. 78559.	Do.
Do	Colorado	Eagle Lake, city of.	H 48 089 2020 01	do	Mayor, City Hall, Eagle Lake, Tex. 77434.	Do.
Do	Frio	Dilley, city of	H 48 163 1930 01	do	Mayor, City Hall, Dilley, Tex. 78017.	Do.
Do	Gray	Lefors, town of	H 48 179 3930 01	do	Mayor, Box 245, Lefors, Tex. 79054	Do.
Do	do	Pampa, city of	H 48 179 5190 01 through H 48 179 5190 02	do	Mayor, Box 2499, Pampa, Tex. 79065	Do.
Do	Hale	Hale Center, city of.	H 48 189 2960 01	do	Mayor, 702 Main, Hale Center, Tex. 79041.	Do.
Do	Harris	Hunters Creek Village, city of.	H 48 201 3328 01 through H 48 201 3328 02	do	Mayor, city of Hunters Creek, 8811 Gaylord, No. 107, Houston, Tex. 77024.	Do.
Do	Hidalgo	Edcouch, town of	H 48 215 2080 01	do	Mayor, 206 Hill, Edcouch, Tex. 78538	Do.
Do	Houston	Crockett, city of	H 48 225 1620 01 through H 48 225 1620 05	do	City Administrator, Box 55, Crockett, Tex. 75835.	Do.
Do	Jasper	Kirbyville, city of.	H 48 241 3710 01 through H 48 241 3710 03	do	Mayor, Kirbyville, Tex. 75956	Do.
Do	Jones	Hamlin, city of	H 48 253 3010 01 through H 48 253 3010 03	do	City Manager, P.O. Box N, Hamlin, Tex. 79520.	Do.
Do	Hale	Abernathy, city of.	H 48 303 0020 01	do	Mayor, P.O. Box 310, Abernathy, Tex. 79311.	Do.
Do	Milam	Rockdale, city of	H 48 331 5880 01 through H 48 331 5880 02	do	Mayor, City Hall, Rockdale, Tex. 76567.	Do.
Do	Montague	Nacona, city of	H 48 337 4920 01 through H 48 337 4920 04	do	Mayor, Nacona, Tex. 76255	Do.
Do	Tarrant	Colleyville, city of.	H 48 439 1442 01 through H 49 439 1442 09	do	Mayor, P.O. Box 185, Colleyville, Tex. 76034.	Do.
Do	Upton	Rankin, city of	H 48 461 5650 01 through H 48 461 5650 02	do	Mayor, Rankin, Tex. 79778	Do.
Do	Van Zandt	Canton, city of	H 48 467 1140 01 through H 48 467 1140 04	do	Mayor, City Hall, Canton, Tex. 75103.	Do.
Do	do	Grand Saline, city of.	H 48 467 2810 01	do	Mayor, City Hall, Grand Saline, Tex. 75140.	Do.
Vermont	Chittenden	Richmond, village of.	H 50 007 0570 01	Management and Engineering Division, Water Resources Department, State Office Bldg., Montpelier, Vt. 05602. Vermont Insurance Department, State Office Bldg., Montpelier, Vt. 05602.	Chairman, Richmond Village Trustees, Richmond, Vt. 05477.	Do.
Do	Washington	Waterbury, village of.	H 50 023 0680 01 through H 50 023 0680 02	do	Chairman, Waterbury Village Trustees, Waterbury, Vt. 05676.	Do.
Virginia	Russell	Honaker, town of	H 51 167 1280 01 through H 51 167 1280 02	Bureau of Water Control Management, State Water Control Board, 2d floor, Davenport Bldg., 11 South 10th St., Richmond, Va. 23219. Virginia Insurance Department, 200 Blanton Bldg., P.O. Box 1157, Richmond, Va. 23209.	Mayor, City Hall, town of Honaker, Va. 24260.	Do.
Do	do	Lebanon, town of	H 51 167 1430 01 through H 51 167 1430 04	do	Mayor, City Hall, Lebanon, Va. 24266.	Do.
Do	Scott	Gate City, town of.	H 51 169 1060 01 through H 51 169 1060 04	do	Scott County Board of Supervisors, Gate City, Va. 24251.	Do.
Do	do	Weber City, town of.	H 51 169 2613 01 through H 51 169 2613 03	do	Scott County Board of Supervisors, town of Weber City, Gate City, Va. 24251.	Do.
Do	Smyth	Chilhowie, town of.	H 51 173 0480 01 through H 51 173 0480 02	do	Town Hall, Chilhowie, Va. 24319	Do.
Do	do	Saltville, town of	H 51 173 2180 01 through H 51 173 2810 11	do	Town Hall, town of Saltville, Saltville, Saltville, Va. 24370.	Do.
Do	Tazewell	Cedar Bluff, town of.	H 51 185 0420 01 through H 51 185 0420 03	do	Mayor, Town Hall, Cedar Bluff, Va. 24609.	Do.
Do	Washington	Glade Springs, town of.	H 51 191 1070 01 through H 51 191 1070 03	do	Mayor, City Hall, Glade Springs, Va. 24340.	Do.
Do	Wise	Appalachia, town of.	H 51 195 0080 01 through H 51 195 0080 02	do	Mayor, City Hall, town of Appalachia, Va. 24216.	Do.
Do	do	Coeburn, town of	H 51 195 0600 01 through H 51 195 0600 04	do	Mayor Town Hall, Coeburn, Va. 24230.	Do.
Do	do	Wise, town of	H 51 195 2660 01 through H 51 195 2660 05	do	Mayor, Town Hall, Wise, Va. 24293	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of identification of areas which have special flood hazards
West Virginia	Kanawha	Charleston, city of.	H 54 039 0480 01 through H 54 039 0480 10	Office of Federal-State Relations, Room West 115., Capitol Bldg., Charleston, W. Va. 25305. West Virginia Insurance Department, State Capitol, Charleston, W. Va. 25305.	Mayor, City Bldg., Charleston, W. Va. 25301.	Do.
Wisconsin	Eau Claire	Augusta, village of.	H 55 035 0250 01	Department of Natural Resources, P.O. Box 450, Madospm, Wis. 53701. Wisconsin Insurance Department, 212 North Bassett St., Madison, Wis. 53703.	Mayor, Augusta, Wis. 54722	Do.
Do	Grant	Muscoda, village of.	H 55 043 3250 01	do	Village President, Muscoda, Wis. 53573	Do.
Do	Green Lake	Markeson, city of.	H 55 047 2860 01	do	Mayor, Markeson, Wis. 53946	Do.
Do	Iron	Montreal, city of	H 55 051 3190 01	do	Mayor, Montreal, Wis. 54550	Do.
Do	Kewaunee	Luxemburg, village of.	H 55 061 2740 01	do	Village President, Luxemburg, Wis. 54217.	Do.
Do	St. Croix	Baldwin, village of.	H 55 109 0280 01 through H 55 109 0280 02	do	President, Baldwin, Wis. 54002	Do.
Do	do	Hammond, village of.	H 55 109 2050 01	do	President Hammond, Wis. 54015	Do.
Do	Sauk	Plain, village of	H 55 111 3770 01	do	Village President, Plain, Wis. 53577	Do.
Wyoming	Teton	Jackson, town of.	H 56 039 0410 01	Wyoming Disaster and Civil Defense Agency, P.O. Box 1709, Cheyenne, Wyo. 82001. Department of Insurance, State of Wyoming, State Office Bldg., Cheyenne, Wyo. 82001.	Mayor, City Courthouse, Jackson, Wyo. 83001.	Do.

(National Flood Insurance Act of 1968 (title XIII of the Housing and Urban Development Act of 1968), effective Jan. 28, 1969 (33 FR 17804, Nov. 28, 1968), as amended (secs. 408–410, Public Law 91–152, Dec. 24, 1969), 42 U.S.C. 4001–4127; and Secretary's delegation of authority to Federal Insurance Administrator, 34 FR 2680, Feb. 27, 1969)

Issued: April 23, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-9810 Filed 4-30-74;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 930—PROGRAMS FOR SPECIFIC POSITIONS AND EXAMINATIONS (MISCELLANEOUS)

Waiving the Road Test Requirement

Part 930 is amended to waive the road test requirement for operators and to authorize agencies to waive the road test for incidental operators when the applicant or employee has a license to operate motor vehicles of the type used on the job issued by the State, District of Columbia, or Puerto Rico, in which he is principally employed or domiciled.

Effective on May 1, 1974, § 930.102(h) is updated, §§ 930.107 and 930.110 are amended in their entirety, and the reference in § 930.112(b)(3) is amended to conform with the revision.

§ 930.102 Definitions.

* * * * *

(h) "Practical road test" means the Commission's Test No. 544.

* * * * *

§ 930.107 Waiver of practical road test.

(a) The Commission waives the practical road test requirement for operators of vehicles of one ton load capacity or less who possess a current driver's license from one of the 50 States, District of Columbia, or Puerto Rico, where the employee is domiciled or principally employed except for operators of buses, and vehicles used for (1) transportation of dangerous materials, (2) law enforcement, or (3) emergency services.

(b) The Commission waives the practical road test requirement for operators of any class of vehicle who possess a current driver's license from one of the 50 States, District of Columbia, or Puerto Rico, where the employee is domiciled or principally employed, for the specific type of vehicle to be operated.

(c) The Commission, on agency request, may waive the practical road test requirement for operators not covered in paragraph (a) or (b) of this section when qualified examiners or test facilities are not available in the area and the operator position is to be filled by (1) temporary appointment pending establishment of a register, (2) temporary limited appointment, (3) noncompetitive temporary appointment, (4) reinstatement, (5) position change, or (6) transfer.

* * * * *

§ 930.110 Incidental operator.

(a) To qualify as an incidental operator an employee shall (1) meet the physical standards established by the Commission; (2) qualify on a road test determined by the agency to be appropriate; and (3) possess a state license.

(b) An agency head or his designated representative may waive the road test for incidental operators of vehicles of one ton load capacity or less who possess a current driver's license from one of the 50 States, District of Columbia, or Puerto Rico, where the employee is domiciled or principally employed except for incidental operators of buses, and vehicles used for (1) transportation of dangerous materials, (2) law enforcement, or (3) emergency services.

(c) An agency head or his designated representative may waive the road test for incidental operators of any class of vehicle who possess a current driver's license from one of the 50 States, District of Columbia, or Puerto Rico, where the employee is domiciled or principally employed, for the specific type of vehicle to be operated.

(d) An agency head or his designated representative may waive the road test for incidental operators not covered by paragraphs (b) and (c) of this section, but only when in his opinion it is impractical to apply it, and then only for an employee whose competence as a driver has been established by his past driving record.

(e) An agency head or his designated representative may waive the requirement for possession of a State license only under the circumstances set out in, and in accordance with, a specific authorization by the Commission to the agency concerned.

* * * * *

§ 930.112 To whom issued.

* * * * *

(b) * * *

(3) For one month or less, to other employees who are taking training to satisfy requirements as operators or incidental operators or under such circumstances as in the judgment of the agency is necessary in the interests of the Government.

An agency may issue an identification card under authority of this paragraph only to an employee who is in possession of a State license, except when this requirement is waived under section 930.110(e). An identification card issued under this paragraph shall include the time restriction imposed.

(5 U.S.C. secs. 1302, 3301, 3302, 7301; 40 U.S.C. 491; E.O. 10577, 3 CFR 1954–1958 Comp., p. 218; E.O. 11222, 3 CFR 1964–1965 Comp., p. 306)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74–9950 Filed 4–30–74;8:45 am]

Title 12—Banks and Banking

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 74–309]

PART 545—OPERATIONS

Application Procedures for Branch Offices of Federal Savings and Loan Associations

APRIL 17, 1974.

Section 545.14 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 545.14) contains the regulations relating to application procedures for branch offices of Federal savings and loan associations. Section 545.14(g)(3) requires the "Principal Supervisory Agent" to give written advice to any protestant and the applicant as to whether such protestant's communication is "substantial". Section 545.14(k) delegates to the "Principal Supervisory Agent" the authority to approve applications for branch offices (including limited facility branch offices) in a case in which no "substantial" protest has been filed. The term "Principal Supervisory Agent" is defined in § 545.14 (a)(3) as meaning "the President of the Federal Home Loan Bank of the district in which the applicant's home office is located."

The Federal Home Loan Bank Board considers it advisable to provide for the designation of a "Principal Supervisory Agent" to act in the event of prolonged absence or incapacity of the Federal Home Loan Bank President. Accordingly, on the basis of such consideration and for such purpose, the Board hereby amends § 545.14(a)(3) to provide for such designation, to read as set forth below. This amendment expands the definition of "Principal Supervisory Agent" to include, in the event of the absence or incapacity of the Federal Home Loan Bank President for a period exceeding 10 business days, any other officer or employee of such Bank designated (with respect to the specific absence or incapacity) by such President with the written consent of at least two of the Members of the Federal Home Loan Bank Board.

Since the amendment applies to rules of Board organization, procedure, or practice, the Board hereby finds that notice and public procedure with respect thereto are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendment for the 30-day period specified in 12 CFR 508.14 and 12 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board be unnecessary because said amendment relates to a procedural matter which does not affect the rights of applicants, the Board hereby provides that said amendment shall become effective on May 1, 1974.

The text of amended § 545.14(a)(3) is as follows:

§ 545.14 Branch office.

(a) *General provisions.* * * *

(3) All requests by a Federal association for advice or instructions with respect to any matter arising under this section shall be addressed to a Supervisory Agent of the Board. As used in this section: (i) The term "Principal Supervisory Agent" means the President of the Federal Home Loan Bank of the district in which the applicant's home office is located or, during the absence or incapacity of such President for a period exceeding ten business days, any other officer or employee of such Bank designated (with respect to the specific absence or incapacity) by such President with the written consent of at least two of the Members of the Board; and (ii) the term "Supervisory Agent" means the Principal Supervisory Agent or any other officer or employee of such bank designated by the Board as agent as provided by § 501.10 and § 501.11 of this chapter. All recommendations by Supervisory Agents and by officers and employees of the Board in connection with branch office applications shall be deemed to be privileged and confidential and subject to the provisions of § 505.6 of this chapter.

* * * * *

(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.

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

[FR Doc.74–10060 Filed 4–30–74;8:45 am]

SUBCHAPTER E—DISTRICT OF COLUMBIA SAVINGS AND LOAN ASSOCIATIONS AND BRANCH OFFICES

[No. 74–310]

PART 581—DEFINITIONS

Definition of Principal Supervisory Agent

APRIL 17, 1974.

Section 582.1 of the Regulations for District of Columbia Savings and Loan Associations and Branch Offices (12 CFR 582.1) contains the regulations relating to application procedures for branch offices of District of Columbia savings and loan associations. Section 582.1(g)(3) requires the "Principal Supervisory Agent" to give written advice to any protestant and the applicant as to whether such protestant's communication is "substantial". Section 582.1(k) delegates to the "Principal Supervisory Agent" the authority to approve applications for branch offices (including limited facility branch offices) in a case in which no "substantial" protest has been filed. The term "Principal Supervisory Agent" is defined in § 581.5 of such regulations (12 CFR 581.5) as meaning "the President of the Federal Home Loan Bank of Atlanta".

The Federal Home Loan Bank Board considers it advisable to provide for the designation of a "Principal Supervisory Agent" to act in the event of prolonged absence or incapacity of such Federal Home Loan Bank President. Accordingly, on the basis of such consideration and for such purpose, the Board hereby amends said § 581.5 to provide for such designation, to read as set forth below. This amendment expands the definition of "Principal Supervisory Agent" to include, in the event of the absence or incapacity of such Federal Home Loan Bank President for a period exceeding 10 business days, any other officer or employee of such Bank designated (with respect to the specific absence or incapacity) by such President with the written consent of at least two of the Members of the Federal Home Loan Bank Board.

Since the amendment applies to rules of Board organization, procedure, or practice, the Board hereby finds that notice and public procedure with respect thereto are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendment for the 30-day period specified in 12 CFR 508.14 and 12 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board be unnecessary because said amendment relates to a procedural matter which does not affect the rights of applicants, the Board hereby provides that said amendment shall become effective on May 1, 1974.

The text of amended § 581.5 is as follows:

§ 581.5 Principal Supervisory Agent; Supervisory Agent.

The term "Principal Supervisory Agent" means the President of the Federal Home Loan Bank of Atlanta or, during the absence or incapacity of such President for a period exceeding ten business days, any other officer or employee of such Bank designated (with respect to the specific absence or incapacity) by such President with the written consent of at least two of the Members of the Board. The term "Supervisory Agent" means the Principal Supervisory Agent or any other officer or employee of such bank designated by the Board as Agent as provided by §§ 501.10 and 501.11 of this chapter.

(Sec. 5, 48 Stat. 132, as amended; sec. 8, 48 Stat. 132, as added by sec. 913, 84 Stat. 1815; (12 U.S.C. 1464,1466a). Reorg. Plan No. 3 of 1947, 12 F.R. 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

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

[FR Doc.74-10061 Filed 4-30-74;8:45 am]

Title 15—Commerce and Foreign Trade

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

SUBCHAPTER B—EXPORT REGUATIONS

PART 377—SHORT SUPPLY CONTROLS

Licensing Exports of Ferrous Scrap in the Second Quarter, 1974

The FEDERAL REGISTER of December 6, 1973, announced that a quota system would be established for exports of ferrous scrap during 1974 in order to provide for a more equitable distribution of export licenses. The FEDERAL REGISTER also advised that in order for an exporter to be eligible to receive shares of the quotas to be established, he should submit statements of past participation.

The FEDERAL REGISTER of January 16, 1974, announced (a) details of a system for allocating shares of country quotas to individual exporters and (b) the method of issuing licenses for the first quarter of 1974. The FEDERAL REGISTER of March 13, 1974 amplified the new system.

This issuance announces the ferrous scrap quotas by country for the second quarter of 1974. The overall quota will again be 2,100,000 short tons. Of this amount, 150,000 short tons will be reserved for contingencies and 50,000 short tons for vessels sold by the U.S. Maritime Administration for scrapping abroad. The remaining 1,900,000 short tons will be alloted to most countries in the same amounts as in the first quarter. The major changes for the second quarter are that (a) the quota for Japan has been reduced by 100,000 short tons and (b) the quota for the European Community has, pursuant to the request of the Community, been redistributed among member countries.

Although the first quarter global quota of 2,100,000 short tons will apply in the second quarter as well, differences between first and second quarter exporter company shares will occur. Audits of past participation statements of several exporting companies have resulted in numerous, and in some cases substantial, revisions in the data used in computing individual company shares of country quotas. Past participation statements submitted after the filing deadline for the first quarter, but prior to the second quarter filing deadline, will further affect second quarter individual company quota shares.

Licenses will continue to be valid for 90 days from the date of issuance, which should allow ample time to make shipping arrangements. Consequently, requests for extensions of the validity period for ferrous scrap licenses will normally not be approved. Submissions of amendment requests on Form IA-763, "Request For and Notice of Amendment Action," are not precluded, however, as extensions will be considered in extenuating circumstances.

§ 377.4 [Deleted]

Accordingly, the *Export Administration Regulations* (15 CFR Part 377) are amended by deleting § 377.4, and by revising paragraph (c)(1) of § 377.4a and the portion of Supplement No. 1 to Part 377 that relates to "Ferrous Scrap" to read as follows:

§ 377.4a Ferrous scrap licensing system for 1974.

* * * * *

(c) *Issuance of Export Licenses.* * * * (1) a photocopy or certified copy of the contract, which calls for export shipment during the calendar quarter for which such application was filed, and * * *

* * * * *

SUPPLEMENT NO. 1 TO PART 377

COMMODITIES SUBJECT TO SHORT SUPPLY LICENSING CONTROLS

Schedule B Number	*Commodity Description*
	Ferrous scrap subject to quotas
	Type A[1]
282.0010	No. 1 heavy-melting steel scrap, except stainless.
282.0020	No. 2 heavy-melting steel scrap, except stainless.
282.0030	No. 1 bundles steel scrap, except stainless.
282.0080	Iron scrap, except borings, shovelings, and turnings.
	Type B
282.0040	No. 2 bundles steel scrap, except stainless.
282.0050	Borings, shovelings and turnings, iron or steel, except stainless.
282.0065	Shredded steel scrap.
282.0078	Other steel scrap, including tin-plated and terne plate.
282.0090	Rerolling material of iron or steel.

[1] Cut plate and structurals are included in Type A.

	Ferrous scrap not subject to quotas
282.0060	Stainless steel scrap.

Submission dates:

Orders for shipment during the quarter indicated; submit applications no earlier than first day of the quarter and not later than dates indicated below:

Second Quarter, 1974

Historical Exporters	June 10, 1974.
Hardships	June 28, 1974.
Stainless Steel Scrap Exporters	At any time.

Shipping tolerance: 5 percent.

Individual foreign country quotas (in short tons):

Country:	
Angola	900
Argentina	34,800
Bangladesh	3,830
Brazil	5,200
Canada	200,300
Chile	1,600
China, People's Republic of	9,400
Colombia	700
Dominican Republic	1,300
European Community:	
Italy	146,800
United Kingdom	25,000
France	23,600
Belgium	2,000
Greece	22,800
Hong Kong	2,600
Japan	723,300
Korean Republic	123,700
Mexico	165,000
New Zealand	5,200
Pakistan	4,340
Peru	1,000
Philippines	2,600
Singapore	1,900
Spain	182,000
Sweden	7,700
Taiwan	100,700
Thailand	14,800
Turkey	27,600
Venezuela	50,000
Yugoslavia	7,000
All Other Countries	2,400
Ships for scrapping (Maritime Administration)	50,000
Contingencies	150,000

Effective date of action: April 11, 1974.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.74-9754 Filed 4-30-74;8:45 am]

PART 377—SHORT SUPPLY CONTROLS

Method of Licensing Exports of Petroleum and Petroleum Products in the Second Quarter 1974

The FEDERAL REGISTER of January 4, 1974, announced that a quota system would be established for exports of petroleum and petroleum products during 1974. The Register advised exporters that in order to be eligible to receive shares of the quotas to be established, they should submit properly executed statements of past participation in the manner and by the dates specified in that Bulletin.

PETROLEUM PRODUCTS OTHER THAN CRUDE OIL

The FEDERAL REGISTER of January 29, 1974, announced (a) those petroleum commodities which would be placed under quota restriction, (b) details of a system for allocating shares of country quotas to individual exporters, and (c) the method of issuing licenses for the first quarter of 1974. The FEDERAL REGISTER of February 12, 1974, placed additional petroleum commodities under quota restriction and amplified the new system.

The licensing system adopted for the first quarter for exports of petroleum products other than crude oil is, with certain exceptions, generally continued on the same basis for the second quarter of 1974. This issuance also announces the country quotas for each Petroleum Commodity Group that will be available in the second quarter. As during the first quarter, 5 percent of the overall quota for each Group will be reserved for contingencies.

The regulations are revised in several other respects to reflect procedural and policy changes based on experience during the first months of administering petroleum commodity export quota controls. In an extension of the original deadline, past participation statements received by March 22, 1974, will be considered timely filed with respect to the assignment of second quarter quotas. Exporters who timely filed such statements for the first quarter need not make a further submission. Their statements will automatically be considered for the assignment of quotas in the second and all subsequent quarters. The base period for determining exporters' shares of the country quotas for exports of products in Petroleum Commodity Group I (butane, propane, and natural gas liquids) is changed from January 1, 1971–June 30, 1973 to the period April 1, 1973–June 30, 1973, to reflect the fact that a substantial number of exporters began exporting those products after June 30, 1972. Further, starting with the second quarter, an exporter of carbon black feedstock oils will be permitted to combine into a single shipment to one country, two or more of the various individual country quotas that have been allocated to him for a calendar quarter. However, as a condition to licensing in such cases, the exporter will be required to assure the Office of Export Administration that, on an annual basis, each affected country will receive its historic share of the exporter's shipments. This new rule will allow efficient and economical use of the large tankers in which carbon black feedstock oils are shipped.

CRUDE OIL

A technical deficiency with respect to the rules pertaining to the licensing of crude oils (Petroleum Commodity Group A) is resolved herein through a revision of the regulations. Previously, exports of crude oil not transported by pipeline over Federal rights-of-way and therefore not subject to the export restrictions of section 28(u) of the Mineral Leasing Act of 1920, as amended by the Alaskan Pipeline Act of November 16, 1973 (P.L. 93–153), were subject to a validated license requirement but no criteria were specified for licensing of such exports. Also, the criteria specified for licensing exports of crude oil subject to the restrictions of the Alaskan Pipeline Act were stated in terms of not diminishing the total quantity or quality of petroleum available to the United States, without expressly providing that the overall transaction should not result in a net reduction of crude oil supplies available to the United States. This issuance provides criteria and clarifies the rules for the licensing of exports of all crude oil, whether or not subject to the restrictions of the Alaskan Pipeline Act. Generally, exports of crude oil will be licensed to reflect the policies of the Alaskan Pipeline Act and the Emergency Petroleum Allocation Act of 1973 (P.L. 93–159) as implemented by the Federal Energy Office (FEO). The revised regulations are designed to assure that any export of crude oil will be part of a transaction which will result in either—(a) an interchange for an equal or greater quantity of crude oil; (b) or in the case of crude oil not transported by pipeline over a Federal right-of-way, an exchange for an equivalent quantity of imported petroleum products under conditions which will not deter from the FEO goal of raising the utilization of U.S. refinery capacity to optimum levels.

Thus, with respect to all crude oil, a validated license for export may be granted to the extent that it is demonstrated to the satisfaction of the Office of Export Administration that such export—(a) will directly result in the importation into the United States of an equal or greater quantity of crude oil, such transaction being carried out for convenience or increased efficiency of transportation, or (b) will be temporary, the crude oil being exported for convenience or increased efficiency of transportation across parts of an adjacent foreign state and shall reenter the United States in the same form.

With respect to crude oil not transported by pipeline over Federal rights-of-way, a validated license for export may be granted only to the extent that it is demonstrated to the satisfaction of the Office of Export Administration that—(a) the crude oil was not and will not be in fact so transported, and (b) the proposed export is part of an overall transaction which will directly result in the importation into the United States of a quantity of petroleum products not less than the quantity of petroleum products which would be derived from the refining of the crude oil for which an export license is sought, and (c) the exporter has made reasonable efforts to dispose of this crude oil domestically and due to particular circumstances beyond his control, such oil cannot be disposed of domestically without his incurring substantial economic hardship. A mere showing that there is an opportunity to sell at a higher price in a foreign market shall not be deemed, by itself, to constitute an economic hardship.

Accordingly, the Export Administration Regulations (15 CFR Part 377) are amended as follows:

1. Section 377.6 is amended:

a. By revising paragraphs (a), (d)(1), (e)(1), and (f) to read as set forth below:

b. By striking the last sentence of paragraph (b) and inserting in lieu thereof "Such documentation, to be considered timely filed, must be submitted in accordance with the instructions and deadlines set forth in paragraph (a) of this section."

c. By striking the words "the first quarter 1974" each time they appear in paragraph (c) and inserting in lieu thereof "each quarter;"

d. By adding at the end of the sentence in paragraph (c) that reads "The base period used for quota determinations is the period from January 1, 1971 to June 30, 1973" the following: ", except that, beginning with the second quarter 1974, the base period for determinations of exporters' shares of the country quotas for exports with respect to Petroleum Commodity Group I is the period from April 1, 1973 to June 30, 1973."

e. By adding at the end of paragraph (c) the following sentence: "In the case of Petroleum Commodity Group H only, an exporter will be permitted to combine into a single shipment to one country, two or more of the various individual country quotas that have been allocated to him for a calendar quarter. Provided, however, that in such cases the exporter will, as a condition to licensing, be required to satisfy the Office of Export Administration that, on an annual basis, each affected country will receive its historic share of the exporter's shipments from such Group."

§ 377.6 Petroleum and petroleum products.

(a) *Statement of past participation.* Shares of quarterly quotas for the petroleum commodities (other than crude oils) listed in Supplement No. 1 as subject to quota restriction are, pursuant to the rules of this section, assigned to exporters who have submitted statements of past participation, Form DIB-669P, covering their exports of such commodities during the base period January 1, 1971 to June 30, 1973. To be considered for shares in any particular calendar quarter and, automatically, in all subsequent quarters, exporters must have timely filed a properly executed statement in accordance with the provisions of this paragraph and § 377.2. Such statements must be actually received by the Office of Exports Administration, P.O. Box 7138, Ben Franklin Station, Washington, D.C. 20044, by the 17th day of the month prior to the start of a calendar quarter in order to be considered timely filed with respect to the allocation of quotas for such quarter and all succeeding quarters, except that statements of past participation for purposes of allocation of quota shares for the second quarter, if not already filed, will be accepted until March 22, 1974. Forms not received by the dates specified herein will be held over until the succeeding quarter in the event quotas are established therefor. The statement on Form DIB-669P shall indicate (separately for each foreign country of destination, including Canada) the quantities (in the units specified in Supplement No. 1) of each petroleum commodity, by Schedule B number, that the exporter exported to each such country during each calendar month of 1971, 1972, and the first six months of 1973. The statement must be signed by an authorized representative of the exporter. The statement will be treated as confidential information under section 7(c) of the Export Administration Act of 1969, as amended. A separate Form DIB-669P shall be submitted for each of the petroleum commodity Schedule B classifications for which the exporter is seeking a quota share. For purposes of the statement, a party normally shall be considered to have been the

exporter with respect to those shipments during the base period for which such party was named as the exporter on the Shipper's Export Declaration (Commerce Form 7525–V) filed in accordance with Part 386 of this chapter.

* * * * *

(b) [Amended]

(c) [Amended]

(d) *Issuance of export licenses.*—(1) *Group A.* An application for validated license to export a commodity from Petroleum Commodity Group A as established in Supplement No. 1 to this Part 377 will be considered under the rules of this subparagraph, if submitted with supporting documentation as required by paragraph (e)(1) of this section by the date specified in Supplement No. 1, to the Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230. Such a license may be issued if it is demonstrated to the satisfaction of the Office of Export Administration—

(i) That such export—(*a*) Will directly result in the importation into the United States of an equal or greater quantity of that same commodity, such transaction being carried out for convenience or increased efficiency of transportation, *or* (*b*) will be temporary, the commodity being exported for convenience or increased efficiency of transportation across parts of an adjacent foreign state and shall reenter the United States in the same form; *or*

(ii) That—(*a*) The commodity was not and will not be transported over rights-of-way granted pursuant to section 28 of the Mineral Leasing Act of 1920, *and* (*b*) such commodity will be exported as part of an overall transaction which will directly result in the importation into the United States of a quantity of commodities from Petroleum Commodity Groups other than Group A which is not less than the quantity of such commodities which would be derived from the refining of the commodity for which an export license is sought, *and* (*c*) the exporter has made reasonable efforts to dispose of the commodity domestically and due to particular circumstances beyond his control such commodity cannot be disposed of domestically without his incurring substantial economic hardship.

* * * * *

(e) *Documentation*—(1) *Group A.* An application for a validated license to export a commodity from Petroleum Commodity Group A as established in Supplement No. 1 to this Part 377, must be submitted on Forms FC–419 (or DIB–622) and FC–420[1] and accompanied by:

(i) A photocopy or certified copy of the contract of sale for export to a foreign buyer calling for shipment during the quarter for which such application was filed,

(ii) A sworn affidavit by the applicant as to the amount previously exported against such contract, if any, and

(iii) A sworn affidavit, signed by an authorized representative of the exporter, which demonstrates (in conjunction with such supporting evidence as may be appropriate) to the satisfaction of the Office of Export Administration that the applicable criteria of paragraph (d)(1) of this section are satisfied.

* * * * *

(f) *Hardship.* Consideration may be given to hardship situations under exceptional circumstances not contemplated by these regulations, where the export would advance the national interest. A quota set-aside of 5 percent of the total quota for each commodity group subject to quota restriction has been earmarked for use during each quarter for contingencies, including situations involving applicants without an exporting history during the base period who would suffer particular hardship if denied any quota shares. Those parties who feel they qualify under the criteria of this paragraph may submit an application under the rules of § 377.5, accompanied by a full and complete statement of the merits of their case. Such application must be clearly labeled "Hardship Application."

* * * * *

2. That portion of Supplement No. 1 to Part 377 that relates to "petroleum and petroleum products" is revised to read as follows:

COMMODITIES SUBJECT TO SHORT SUPPLY LICENSING CONTROLS

Schedule B Number	*Description Commodity*
	Petroleum and Petroleum Products
	Group A
331.0100	Crude petroleum.
331.0200	Petroleum partly refined for further refining.
	Group B
332.1015	Aviation gasoline.
	Group C
332.1030	Gasoline, n.e.c.
332.1050	Gasoline blending agents, hydrocarbon compounds only, n.e.c.
	Group D
332.2010	Kerosene, except kerosene-type jet fuel.
	Group E
332.2020	Jet fuel.
	Group F
332.3000	Distillate fuel oils.
	Group G
332.4000	Residual fuel oils.
	Group H
332.9160	Carbon black feedstock oil.
	Group I
341.1025	Butane.
341.1030	Propane.
341.1040	Natural gas liquids, including LPG, n.e.c.

Quantities: Report the above commodities in barrels of 42 gallons.

Shipping Tolerance: 10 percent.

Submission Dates: Not prior to the beginning of the applicable quarter, and not later than:

	Second Quarter, 1974
Historical exporters of petroleum commoditites other than crude oils.	June 20, 1974
Hardships and crude oil exporters.	At any time.

Country Quotas: Second Quarter 1974.

COUNTRY QUOTAS FOR GROUP B

(Schedule B No. 332.1015, Aviation Gasoline)

Country:	*Quota (barrels)*
Bahamas	1,676
Belgium	78
Boliva	2,761
Cameroon	65
Canada	3,313
Dahomey	58
French Pacific Islands	3,853
Gabon	115
Holland	18,940
Honduras	307
India	12,743
Ivory Coast	98
Mexico	10,509
Singapore	14,783
All Other Countries	165

COUNTRY QUOTAS FOR GROUP C

(Schedule B No. 332.1030, Gasoline, n.e.c.) (Schedule B No. 332.1050, Gasoline blending agents, hydrocarbon compounds only, n.e.c.)

Country:	*Quota (barrels)*
Australia	554
Austria	139
Bahamas	872
Belgium	3,929
Brazil	29,061
Canada	76,078
Denmark	76
Finland	162
France	635
French Pacific Islands	18,523
Holland	48,039
India	143
Iran	106
Italy	314
Japan	299
Leeward & Windward Islands	1,109
Mexico	149,791
Mozambique	66
Nigeria	143
Phillipines	137
South Africa	556
Sweden	56
United Kingdom	3,111
Venezula	165
West Germany	3,966
All Other Countries	513

COUNTRY QUOTAS FOR GROUP D

(Schedule B No. 332.2010, Kerosene, except kerosene-type jet fuel)

Country:	*Quotas (barrels)*
Australia	1,118
Brazil	150
Canada	1,667
Chile	122
Congo	56
Egypt	88
France	59
French Pacific Islands	3,046
Gabon	266
Holland	349
Israel	586
Italy	467
Japan	2,354
Mexico	72
Nigeria	740

[1] Forms are available from any of the Commerce Department's Domestic and International Business Administration District Offices, or from the Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230.

Country:	Quota (barrels)
Peru	71
Philippines	89
Singapore	442
South Africa	371
United Kingdom	9,391
Venezula	454
West Germany	7,047
All Other Countries	252

COUNTRY QUOTAS FOR GROUP E

(Schedule B No. 332.2020, Jet Fuel)

Country:	Quotas (barrels)
Bahamas	31
Canada	42,797
Mexico	48,794

COUNTRY QUOTAS FOR GROUP F

(Schedule B No. 332.3000, Distillate fuel oils)

Country:	Quotas (barrels)
Bahamas	3,125
Canada	98,156
Colombia	36,385
Denmark	22,413
French Pacific Islands	10,086
Holland	58,895
Japan	11,636
Mexico	190,448
Netherlands Antilles	34,072
Peru	13,577
Surinam	327
All Other Countries	1,359

COUNTRY QUOTAS FOR GROUP G

(Schedule B No. 332.4000, Residual fuel oils)

Country:	Quota (barrels)
Bahamas	110,780
Barbados	11,275
Belgium	12,865
Brazil	63,662
Canada	833,224
Canary Islands	14,182
Denmark	32,003
France	2,493
French Pacific Islands	16,967
Greece	19,798
Holland	50,108
Ireland	11,626
Italy	181,979
Jamaica	152,086
Japan	266,105
Leeward & Windward Islands	12,745
Mexico	643,500
Netherlands Antilles	99,078
Panama	74,793
Peru	30,821
Philippines	26,937
Poland	2,070
Singapore	15,455
South Africa	21,432
Spain	36,283
Sweden	75,413
United Kingdom	227,631
All Other Countries	814

COUNTRY QUOTAS FOR GROUP H

(Schedule B No. 332.9160, Carbon black feedstock oil)

Country:	Quota (barrels)
Australia	152,380
Brazil	94,497
Canada	211,235
France	151,937
Holland	273,747
Israel	1,727
Italy	334,460
Philippines	28,899
South Africa	62,978
Spain	151,135
Sweden	28,427
United Kingdom	344,279
West Germany	8,199

COUNTRY QUOTAS FOR GROUP I

(Schedule B No. 341.1025, Butane)

(Schedule B No. 341.1030, Propane)

(Schedule B No. 341.1040, Natural gas liquids)

Country:	Quota (barrels)
Algeria	74
Australia	409
Bahamas	9,142
Barbados	6,151
Bermuda	92
Brazil	9,915
Canada	30,291
Chile	270
Colombia	221
Costa Rica	193
Denmark	176
Dominican Republic	3,173
Ecuador	116
Finland	72
France	2,722
French Pacific Islands	154
French West Indies	1,277
Guatemala	2,876
Guyana	1,845
Haiti	54
Holland	1,108
Honduras	68
India	97
Israel	145
Italy	296
Jamaica	54
Japan	123,758
Korea	55
Leeward & Windward Islands	4,163
Mexico	2,309,978
Netherlands Antilles	1,023
New Zealand	673
Nicaragua	120
Peru	91
South Africa	267
Spain	138
Surinam	4,204
Switzerland	204
Thailand	75
Trinidad & Tobago	395
United Kingdom	3,121
West Germany	170
All Other	324

Effective date of action: April 18, 1974.

RAUER H. MEYER,
Director, Office of Export Administration.

[FR Doc.74-9755 Filed 4-30-74;8:45 am]

Title 16—Commercial Practices

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. C-2507]

PART 13—PROHIBITED TRADE PRACTICES

Al Fradkin Co. and Ronald Fradkin

Subpart—Advertising falsely or misleading: § 13.73 *Formal regulatory and statutory requirements:* 13.73-92 Truth in Lending Act. § 13.155 *Prices:* 13.155-95 Terms and conditions: 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13.1623 *Formal regulatory and statutory requirements:* 13.1623-95 Truth in Lending Act:—Prices. § 13.1823 *Terms and conditions:* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1852 *Formal regulatory and statutory requirements:* 13.1852-75 Truth in Lending Act: § 13.1905 *Terms and conditions:* 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, Al Fradkin Company, et al., Baltimore, Md., Docket C-2507, March 25, 1974]

In the Matter of The Al Fradkin Company, a Corporation, and Ronald Fradkin, Individually and as an Officer of Said Corporation

Consent order requiring a Baltimore, Md., retailer of furniture, appliances and clothing, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

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

It is ordered, That respondents The Al Fradkin Company, a corporation, its successors and assigns, and its officers, and Ronald Fradkin, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporation, subsidiary, division or other device, in connection with any extension of consumer credit or advertisement to aid, promote or assist directly or indirectly any extension of consumer credit, as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (Pub. L. 90-321, 15 U.S.C. 1601 *et seq.*), do forthwith cease and desist from:

1. Failing to disclose the annual percentage rate with an accuracy at least to the nearest quarter of 1 percent, in accordance with § 226.5 of Regulation Z, as required by § 226.8(b)(2) of Regulation Z.

2. Failing to use the term "total of payments" to describe the sum of the payments scheduled to repay the indebtedness, as required by § 226.8(b)(3) of Regulation Z.

3. Failing to identify the amount or the method of computing the amount of any default, delinquency or similar charge payable in the event of late payments, as required by § 226.8(b)(4) of Regulation Z.

4. Failing to identify the method of computing any unearned portion of the finance charge in the event of prepayment of the obligation, as required by Section 226.8(b)(7) of Regulation Z.

5. Failing in any consumer credit transaction or advertisement to make all disclosures determined in accordance with §§ 226.4 and 226.5 of Regulation Z, at the time and in the manner, form and amount required by §§ 226.6, 226.8 and 226.10 of Regulation Z.

It is further ordered, That respondents deliver a copy of this order to cease and desist to all present and future personnel of respondents engaged in the consummation of any extension of consumer credit or in any aspect of the preparation, creation or placing of advertising, and that respondents secure a

signed statement acknowledging 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 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 respondents' business such as dissolution, assignment or sale resulting in the emergence of a successor business, corporate or otherwise, the creation of subsidiaries or any other change 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 the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with this order.

Issued: March 25, 1974.

By the Commission.

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

[FR Doc.74-9877 Filed 4-30-74;8:45 am]

[Docket No. C-2510]

PART 13—PROHIBITED TRADE PRACTICES

M. B. Johnson Development Co.

Subpart—Advertising falsely or misleadingly: § 13.73 *Formal regulatory and statutory requirements;* 13.73-92 Truth in Lending Act; § 13.155 *Prices;* 13.155-95 Terms and conditions; 13.155-95(a) Truth in Lending Act. Subpart—Misrepresenting oneself and goods—Goods: § 13-1623 *Formal regulatory and statutory requirements;* 13.1623-95 Truth in Lending Act—Prices; § 13.1823 *Terms and conditions;* 13.1823-20 Truth in Lending Act. Subpart—Neglecting, unfairly or deceptively, to make material disclosure; § 13.1852 *Formal regulatory and statutory requirements;* 13.1852-75 Truth in Lending Act; § 13.1905 Terms and conditions; 13.1905-60 Truth in Lending Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 82 Stat. 146, 147; 15 U.S.C. 45, 1601-1605) [Cease and desist order, M. B. Johnson Development Co., Buena Park, Calif., Docket C-2510, April 5, 1974]

In the Matter of M. B. Johnson Development Co., a Corporation

Consent order requiring a Buena Park, Calif., seller of townhouses and condominiums, among other things to cease violating the Truth in Lending Act by failing to disclose to consumers, in connection with the extension of consumer credit, such information as required by Regulation Z of the said Act.

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

It is ordered, That respondent M. B. Johnson Development Co., a corporation, its successors and assigns, and respondent's agents, representatives, salesmen and employees, directly or through any corporation, subsidiary, division or other device, in connection with any advertisement to aid, promote, or assist, directly or indirectly, any extension of consumer credit as "consumer credit" and "advertisement" are defined in Regulation Z (12 CFR Part 226) of the Truth in Lending Act (P.L. 90-321, 15 U.S.C. 1601 *et seq.*), do forthwith cease and desist from:

1. Stating the amount of the downpayment required, or that no downpayment is required, unless it states, in terminology prescribed under § 226.8 of Regulation Z, as required by § 226.10(d)(2) thereof, all of the following items:

(a) The cash price;

(b) The amount of the downpayment required or that no downpayment is required, as applicable;

(c) The number, amount, and due dates or period of payments scheduled to repay the indebtedness if the credit is extended; and

(d) The amount of the finance charge expressed as an annual percentage rate.

2. Failing to state the annual percentage rate, using the term "annual percentage rate", as "annual percentage rate" is defined in § 226.2 of Regulation Z, in a more conspicuous manner than other terminology required to be stated by § 226.10(d)(1) of Regulation Z as prescribed by §226.6(a) thereof.

3. Failing to state the rate of a finance charge unless said rate is expressed as an annual percentage rate, using the term "annual percentage rate", as "finance charge" and "annual percentage rate" are defined in § 226.2 of Regulation Z, as prescribed by § 226.10(d)(1) of Regulation Z.

4. Failing, in any advertisement, to make all disclosures as required by § 226.10 of Regulation Z and in the manner prescribed therein.

It is further ordered, That respondent notify the Commission at least 30 days prior to any proposed change in any 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 respondent corporation shall forthwith distribute a copy of this order to each of its operating divisions.

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.

Issued: April 5, 1974.

By the Commission.

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

[FR Doc.74-9878 Filed 4-30-74;8:45 am]

Title 19—Customs Duties

CHAPTER I—UNITED STATES CUSTOMS SERVICE, DEPARTMENT OF THE TREASURY

[T.D. 74-140]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Exemption From Entry and Clearance Requirements and Customs Charges for Yachts of the St. Christopher-Nevis-Anguilla Islands

The Department of State advised the Department of the Treasury on January 16, 1974, that yachts of the United States are permitted to cruise in the territorial waters of the St. Christopher-Nevis-Anguilla Islands, a Caribbean entity under British jurisdiction, without charges for entering or clearance, dues, duty per ton, tonnage taxes, or charges for cruising licenses.

Pursuant to section 5 of the Act of May 28, 1908, as amended (section 5, 35 Stat. 425, as amended; 46 U.S.C. 104), following a finding by the Secretary of the Treasury that a foreign nation has granted the above-described exemptions to yachts of the United States, the Commissioner of Customs may issue cruising licenses to yachts of that nation.

It has been demonstrated to the satisfaction of the Secretary of the Treasury that yachts of the United States are granted the above-described reciprocal privileges by the St. Christopher-Nevis-Anguilla Islands.

Accordingly, § 4.94(b) of the Customs Regulations is amended by amending the parenthetical material after "Great Britain" in the list of countries granting the previously-described reciprocal privileges to yachts of the United States to read "(including Turks and Caicos Islands, St. Vincent (including the territorial waters of the Northern Grenadine Islands), the Cayman Islands, and the St. Christopher-Nevis-Anguilla Islands)".

(Sec. 3, 23 Stat. 119, as amended, sec. 5, 35 Stat. 425, as amended (5 U.S.C. 301, 46 U.S.C. 3, 104))

There is statutory authority for this exemption after a finding has been made that such reciprocity exists. Therefore, good cause exists for dispensing with notice and public procedure thereon as unnecessary, and good cause is found for the amendment to become effective at the earliest date possible under 5 U.S.C. 553.

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

[SEAL] LEONARD LEHMAN,
Acting Commissioner of Customs.

Approved: April 22, 1974.

MATTHEW J. MARKS,
Acting Assistant Secretary of the Treasury.

[FR Doc.74-9948 Filed 4-30-74;8:45 am]

[T.D. 74-139]

PART 19—CUSTOMS WAREHOUSES, CONTAINER STATIONS, AND CONTROL OF MERCHANDISE THEREIN

Reimbursable Charge for Temporary Employees

On November 12, 1973, there was published in the FEDERAL REGISTER (38 FR 31179), a notice of a proposed amendment to § 19.5(b) of the Customs Regulations (19 CFR 19.5(b)), to provide for an increase in the reimbursable charge to bonded warehouse proprietors for the services of an intermittent when-actually-employed employee (temporary Customs employee), when such employee performs the duties of a Customs warehouse officer, or is temporarily assigned to act as a Customs warehouse officer at a bonded warehouse.

The reimbursable charge for this service would be increased from 107 percent to 108 percent of the hourly rate of the employee's regular pay.

The citations of authority in the text of § 19.5(b) and at the end of § 19.5 would also be changed to reflect the current citations.

No comments were received in response to the notice of the proposed amendment.

Accordingly, § 19.5 of the Customs Regulations is amended as set forth below.

Effective date. This amendment shall become effective on May 31, 1974.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

Approved: April 18, 1974.

JAMES B. CLAWSON,
Acting Assistant Secretary of the Treasury.

In § 19.5, the third and fourth sentences of paragraph (b) are amended to read as follows:

§ 19.5 Customs warehouse officer; compensation of.

* * * * *

(b) * * *. The charge to be made for the services of a Customs warehouse officer or a Customs employee temporarily assigned to act as a Customs warehouse officer at a bonded warehouse on a holiday or outside his established basic workweek shall be the amount actually payable to the employee for such services under the Federal Employees Pay Act of 1945, as amended (5 U.S.C. 5542 (a), 5546), or the Customs overtime laws (19 U.S.C. 267, 1451), or both, as the case may be. When services of a Customs warehouse officer or a Customs employee temporarily assigned to act as a Customs warehouse officer at a bonded warehouse are performed by an intermittent when-actually-employed employee, the charge for such services shall be computed at a rate per hour equal to 108 percent of the hourly rate of the regular pay of such employee to provide for reimbursement of the Government's contribution under the Federal Insurance Contributions Act, as amended (26 U.S.C. 3101, *et seq.*), and employee uniform allowance. * * *.

* * * * *

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

The citation of authority for § 19.5 is amended to read:

(Sec. 5, 36 Stat. 901, as amended, secs. 451, 555, 556, 46 Stat. 715, as amended, 743, as amended, 68A Stat. 416, as amended; 5 U.S.C. 5332, 5504, 5542, 5545, 5546, 6101, 19 U.S.C. 267, 1451, 1555, 1556, 26 U.S.C. 3111)

(R.S. 251, as amended, sec. 624, 46 Stat. 759 (19 U.S.C. 66, 1624))

[FR Doc.74-9947 Filed 4-30-74;8:45 am]

Title 29—Labor

CHAPTER V—WAGE AND HOUR DIVISION, DEPARTMENT OF LABOR

PART 519—EMPLOYMENT OF FULL-TIME STUDENTS AT SUBMINIMUM WAGES

Changes Reflecting the Fair Labor Standards Amendments of 1974

Pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; 29 U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1945–53 Comp., p. 1004), and Secretary Orders 13–71 and 15–71 (36 FR 8755 and 8756), I hereby revise 29 CFR Part 519, as set out below. The purpose of the revision is to adapt the part to the Fair Labor Standards Amendments of 1974 (P.L. 93–259).

In order that there will be a valid basis for issuing certificates to be in effect on and after May 1, 1974, the effective date of the statutory amendments, it is necessary that the revision become effective on May 1, 1974. However, interested parties may present written data, views, and argument in quadruplicate to the Administrator of the Wage and Hour Division, U.S. Department of Labor, Washington, D.C. 20210, not later than May 31, 1974. Such submissions may bear on both the substance and details of this revision. Upon consideration of such submissions, any changes as are appropriate will be made in this part and published in the FEDERAL REGISTER. Meanwhile, these regulations remain in full force.

Since there will be insufficient time before May 1, 1974, for application forms to be distributed, completed, and acted on, a grace period is hereby established through June 30, 1974, permitting the employment of full-time students at subminimum wages by agricultural or retail service establishment employers or by institutions of higher education, without certificates. This grace period is conditional upon: (a) Full-time student employment not exceeding the proportions permitted in § 519.6 of this part; (b) payment of not less than 85 percent of the minimum wage applicable under section 6 of the Act; (c) compliance with the requirements in § 519.6 (or in § 519.16, for institutions of higher education) respecting permissible hours of employment during the day or week, oppressive child labor, employment only outside of school hours, abnormal labor conditions, and higher wage standards in other laws or in agreements; and (d) provisions for the payment of back wages to fulltime students if a certificate is denied or if employment in the grace period exceeds the eventual allowance.

Part 519 is revised as follows:

Subpart A—Retail or Service Establishments, and Agriculture

Sec.

519.1 Applicability of the regulations in this subpart.
519.2 Definitions.
519.3 Application for a full-time student certificate.
519.4 Procedure for action upon an application.
519.5 Conditions governing issuance of full-time student certificates.
519.6 Terms and conditions of employment under full-time student certificates and under temporary authorization.
519.7 Records to be kept.
519.8 Amendment or replacement of a full-time student certificate.
519.9 Reconsideration and review.
519.10 Amendment or revocation of the regulations in this subpart.

Subpart B—Institutions of Higher Education

519.11 Applicability of the regulations in this subpart.
519.12 Definitions.
519.13 Application for a full-time student certificate.
519.14 Procedure for action upon an application.
519.15 Conditions governing issuance of full-time student certificates.
519.16 Terms and conditions of employment under full-time student certificates and under temporary authorization.
519.17 Records to be kept.
519.18 Amendment or replacement of a full-time student certificate.
519.19 Reconsideration and review.
519.20 Amendment or revocation of the regulations in this subpart.

AUTHORITY: Secs. 11 and 14, 52 Stat. 1068; sec. 11, 75 Stat. 74; secs. 501 and 602, 80 Stat. 843, 844 (29 U.S.C. 211, 214).

Subpart A—Retail or Service Establishments, and Agriculture

§ 519.1 Applicability of the regulations in this subpart.

(a) *Statutory provisions.* Under section 14 of the Fair Labor Standards Act of 1938, as amended, and the authority and responsibility delegated to him by the Secretary of Labor (36 F.R. 8755–6), the Administrator of the Wage and Hour Division is authorized and directed, to the extent necessary in order to prevent curtailment of opportunities for employment, to provide by regulation or order for the employment, under certificates, of full-time students in retail or service

establishments, or in agriculture. That section contains provisions requiring a wage rate in such certificates of not less than 85 percent of the minimum wage applicable under section 6 of the Act, limiting weekly hours of employment, stipulating compliance with the applicable child-labor standards, and safeguarding against the reduction of the full-time employment opportunities of employees other than full-time students employed under certificates.

(b) *Source of limitations.* Some of the limitations in this subpart are specifically required in section 14(b) of the Act. The other limitations implement the provisions in that section relating to employment opportunities, i.e., the "extent necessary to prevent curtailment of opportunities for employment" and the avoidance of a "substantial probability of reducing the full-time employment opportunities of persons other than those to whom the minimum wage rate authorized" under section 14(b) is applicable.

§ 519.2 Definitions.

(a) *Full-time students.* A "full-time student" for the purpose of this subpart is defined as a student who receives primarily daytime instruction at the physical location of a bona fide educational institution, in accordance with the institution's accepted definition of a full-time student. A full-time student retains that status during the student's Christmas, summer and other vacations. An individual who was such a student immediately prior to vacation will be presumed not to have discontinued such status during vacation if local law requires his attendance at the end of the vacation. In the absence of such requirement, his status during vacation will be governed by his intention as last communicated to his employer. The phrase in section 14(b) of the statute "regardless of age but in compliance with applicable child-labor laws," among other things, restricts the employment in a retail or service establishment to full-time students who are at least 14 years of age because of the application of section 3(1) of the Act. There is a minimum age requirement of 16 years in agriculture for employment during school hours and in any occupation declared hazardous by the Secretary of Labor (Subpart E–1 of Part 570 of this Title.) In addition, there is a minimum age restriction of 14 years generally for employment in agriculture of a full-time student outside school hours for the school district where such employee is living while so employed, except (a) minors 12 or 13 years of age may be employed with written parental or guardian consent or they may work on farms where their parents or guardians are employed, and (b) minors under 12 may work on farms owned or operated by their parents or with parental or guardian consent on farms whose employees are exempt from section 6 by section 13(a)(6)(A) of the Act.

(b) *Bona fide educational institution.* A "bona fide educational institution" is ordinarily an accredited institution. However, a school which is not accredited may be considered a "bona fide educational institution" in exceptional circumstances, such as when the school is too recently established to have received accreditation.

(c) *Retail or service establishment.* "Retail or service establishment" means a retail or service establishment as defined in section 13(a)(2) of the Fair Labor Standards Act. The statutory definition is interpreted in Part 779 of this chapter.

(d) *Agriculture.* "Agriculture" means agriculture as defined in section 3(f) of the Fair Labor Standards Act. The statutory definition is interpreted in Part 780 of this chapter.

(e) *Student hours of employment.* "Student hours of employment" means hours during which students are employed under full-time student certificates issued under this part and is distinguished from "hours of employment of students".

(f) *Employer.* Section 519.4(a) of this subpart permits an agricultural or retail or service establishment employer to employ not more than four full-time students at subminimum wages on forwarding an application but before certification. For this purpose, the term "employer" looks to the highest structure of ownership or control, and hence may be more than a single retail or service establishment or farm, e.g., the controlling conglomerate or enterprise would be the "employer". With respect to public employers who operate retail or service establishments (see 29 CFR Part 779), the "employer" means the highest structure of control such as the State, municipality, county or other political subdivision.

§ 519.3 Application for a full-time student certificate.

(a) Whenever the employment of full-time students working outside of school hours in agriculture or in a retail or service establishment at wages lower than the minimum applicable under section 6 of the Fair Labor Standards Act is believed to be necessary to prevent curtailment of opportunities for employment and employment of them will not create a substantial probability of reducing the full-time employment opportunities of the other workers, an application for a certificate may be filed by their employer with the appropriate Regional Office (or in the Caribbean Office for the area it covers) of the Wage and Hour Division. Such application shall be signed by an authorized representative of the employer.

(b) The application must be filed in duplicate on official forms or exact copies thereof. The forms are available at the offices mentioned in paragraph (a) of this section. The application must contain the information as to the type of products sold or services rendered by the establishment, hours of employment during the preceding twelve-month period or data from previous certificates (or applications) as pertinent to the application, and other information for which request is made on the form.

(c) Separate application must be made for each farm or establishment in which authority to employ full-time students at subminimum wage rates is sought.

(d) Application for renewal of a certificate shall be made either on the same type of form as is used for a new application or on an alternate official form. No certificate in effect shall expire until action on such an application shall have been finally determined, provided that such application has been properly executed, and is received by the office specified in paragraph (a) of this section not less than 15 nor more than 30 days prior to the expiration date. A properly executed application is one which fully and accurately contains the information required on the form, and the required certification by an authorized representative of the employer.

§ 519.4 Procedure for action upon an application.

(a) Under certain conditions, an agricultural or retail or service establishment employer may obtain temporary authorization to employ full-time students at subminimum wages. These conditions are: (1) Attestation by the employer that he will employ no more than four full-time students at subminimum wages on any workday and that the employment of such students will not reduce the full-time employment opportunities of other persons, *and* (2) forwarding a properly completed application to the Wage and Hour Division not later than the start of such employment, *and* (3) posting a notice of such filing at the place(s) specified in paragraph (a) of § 519.6 of this subpart, *and* (4) compliance during the temporary authorization period with the requirements set forth in paragraphs (b) and (i) through (n) of § 519.6 of this subpart.

(b) Temporary authorization under the conditions set forth in paragraph (a) of this section is effective from the date the application is forwarded to the Wage and Hour Division in conformance with § 519.3 of this subpart. This authorization shall continue in effect for one year from the date of forwarding of the application unless, within 30 days the Administrator or his authorized representative denies the application, issues a certificate with modified terms and conditions, or expressly extends the 30-day period of review.

(c) Upon receipt of an application for a certificate, the officer authorized to act upon such application shall issue a certificate if the terms and conditions specified in this subpart are satisfied: To the extent he deems appropriate, the authorized officer may provide an opportunity to other interested persons to present data, views, or argument on the application prior to granting or denying a certificate.

(d) Applications and certificates for full-time student employment at subminimum wages in agriculture and in retail or service establishments are on

file in Washington, D.C., and in each Regional Office and in the Caribbean Office of the Wage and Hour Division for farms and for retail or service establishments in its area. Although notice of issuance is not published for these certificates, the applications and certificates may be examined in these offices and copies made as desired, in accordance with the applicable regulations. Since notices will not be published for certificates issued to agricultural employers or to retail or service establishments, a period of 60 days is hereby provided after certificate issuance during which any interested person may file a written request for reconsideration or review.

(e) If a certificate is denied, notice of such denial shall be sent to the employer, stating the reason or reasons for the denial. Such denial shall be without prejudice to the filing of any subsequent application.

§ 519.5 Conditions governing issuance of full-time student certificates.

Certificates authorizing the employment of full-time students at subminimum wage rates shall not be issued unless the following conditions are met:

(a) Full-time students are available for employment at subminimum rates; the granting of a certificate is necessary in order to prevent curtailment of opportunities for employment.

(b) The employment of more than four full-time students by an employer will not create a substantial probability of reducing the employment opportunities for persons other than those employed under such certificates.

(c) Abnormal labor conditions such as a strike or lockout do not exist at the farm or establishment for which a full-time student certificate is requested.

(d) The data given on the application are accurate and based on available records.

(e) The farms or establishments on whose experience the applicant relies meet the requirements of paragraph (g) of § 519.6.

(f) There are no serious outstanding violations of the provisions of a full-time student certificate previously issued to the employer, nor have there been any serious violations of the Fair Labor Standards Act (including Child-Labor Regulation No. 3 and the Hazardous Occupations Orders published in Part 570 of this Chapter) which provide reasonable grounds to conclude that the terms of a certificate may not be complied with, if issued.

(g) The subminimum wage rate(s) proposed to be paid full-time students under temporary authorization or under certificate is not less than 85 percent of the minimum wage applicable under section 6 of the Act.

(h) Certificates will not be issued where such issuance will result in a reduction of the wage rate paid to a current employee.

§ 519.6 Terms and conditions of employment under full-time student certificates and under temporary authorization.

(a) A full-time student certificate will not be issued for a period longer than 1 year, nor will it be issued retroactively. It shall specify its effective and expiration dates. A copy of the certificate shall be posted during its effective period in a conspicuous place or places in the establishment or at the farm readily visible to all employees, for example, adjacent to the time clock or on the bulletin board used for notices to the employees. If temporary authorization is in effect under paragraph (a) of § 519.4 of this subpart, a notice thereof shall be similarly posted during the effective period of such authorization.

(b) Full-time students may not be employed under a certificate at less than 85 percent of the minimum wage applicable under section 6 of the Act.

(c) For retail or service establishment employers or agricultural employers, the allowable extent of full-time student employment under certificates varies under the 1974 Amendments, depending on whether: (1) The employer proposes to employ no more than 4 full-time students at subminimum wages on any workday, (2) there are records of hours of employment of students *and* coverage by the Act before May 1974, (3) there are records of hours of employment of students *and* there is new coverage under the 1974 Amendments, or (4) no records of hours of employment of students are available. (For agricultural employers, the month of full-time student certificated employment may vary somewhat from the month in a previous year on which the certificate is based, depending on seasonal factors.)

(d) *Retail or service establishment employers or agricultural employers requesting authorization to employ not more than 4 full-time students at subminimum wages on any workday.* An application from such an applicant provides temporary authorization for the employment of full-time students at subminimum wages, provided the conditions set forth in paragraph (a) of § 519.4 of this subpart are met. Upon review of the application by the Administrator or his authorized representative the extent of the temporary authority may be modified.

(e) *Retail or service establishments or farms with records of hours of employment of students and coverage by the Act prior to May 1974:* For such an applicant, certificates may not authorize full-time student employment at subminimum wages in excess of the highest ratio under any of these three formulas: (1) The proportion of student hours of employment (i.e., of full-time students under certificates) to total hours of all employees for the corresponding month of the preceding twelve-month period; (2) the maximum proportion of student hours of employment to total hours of all employees (in any corresponding month), applicable to the issuance of full-time student certificates before May 1974; or (3) 10 percent of the total hours of all employees, during any month. For example, an establishment which has not previously held a certificate may be authorized 10 percent of the total hours of all employees during any month. Similarly, an establishment which has held a prior certificate with monthly allowances ranging from 5 to 20 percent may be authorized 10 percent for those months which were less than 10 percent and retain the higher allowances for those months above 10 percent.

(f) *Retail or service establishments or farms with records of hours of employment of students and new coverage under the 1974 Amendments:* For such an applicant, the highest permissible allowance under a certificate during any month is the highest ratio under any of these three formulas: (1) The proportion of hours of employment of full-time students to total hours of all employees during the corresponding month from May 1973 through April 1974; (2) the proportion of student hours of employment (i.e., of hours of full-time students under certificates) to total hours of all employees during the corresponding month of the preceding twelve-month period (an alternative which is not applicable to all months of the year until 12 months after May 1, 1974); or (3) 10 percent of the total hours of all employees, during any month.

(g) *Retail or service establishments or farms without records of student hours worked:* For such an applicant, the permissible proportion under certificate of full-time student hours at subminimum wages to total hours of all employees is based on the "practice" during the preceding twelve-month period of: (1) Similar establishments of the same employer in the same general metropolitan areas in which such establishment is located; (2) similar establishments in the same or nearby communities if such establishment is not in a metropolitan area; or (3) other establishments of the same general character operating in the community or the nearest comparable community. ("Practice" means either the certificate allowances or the proportion between the actual student hours of employment to the total hours of all employees.)

(h) An overestimate of total hours of employment of all employees for a current month resulting in the employment of the full-time students in excess of the hours authorized in paragraph (e), (f), or (g) of this section may be corrected by compensating them for the difference between the subminimum wages actually paid and the applicable minimum under section 6 of the Act for the excess hours. Similarly, if an agricultural employer or a retail or service establishment employer has authorization to employ no more than 4 full-time students at subminimum

wages on any workday but exceeds that number, the excess may be corrected by compensating the additional full-time students for the difference between the subminimum wages actually paid and the applicable minimum under section 6 of the Act. This additional compensation shall be paid on the regular payday next after the end of the period.

(i) Full-time students shall not be permitted to work at subminimum wages for more than 8 hours a day, nor for more than 40 hours a week when school is not in session, nor more than 20 hours a week when school is in session (apart from a full-time student's summer vacation), except that when a full-day school holiday occurs on a day when the establishment is open for business, the weekly limitation on the maximum number of hours which may be worked shall be increased by 8 hours for each such holiday but in no event shall the 40-hour limitation be exceeded. Whenever a full-time student is employed for more than 20 hours in any workweek in conformance with this paragraph, the employer shall note in his payroll records that school was not in session during all or part of that workweek or the student was in his summer vacation.

(j) Neither oppressive child labor as defined in section 3(1) of the Act and regulations issued under the Act nor any other employment in violation of a Federal, State or local child labor law or ordinance shall come within the terms of any certificate issued under this subpart.

(k) Full-time students shall be employed at subminimum wages under this subpart only outside of their school hours, i.e., only outside of the scheduled hours of instruction of the individual student, or, in the case of agriculture, only outside of school hours for the school district where the employee is living while so employed, if the employee is under 16 years of age.

(l) No full-time student shall be hired under a full-time student certificate while abnormal labor conditions, such as a strike or lockout, exist at the establishment or farm.

(m) No provision of any full-time student certificate shall excuse noncompliance with higher standards applicable to full-time students which may be established under the Walsh-Healey Public Contracts Act or any other Federal law, State law, local ordinance, or union or other agreement. Thus, certificates issued under this law have no application to employment under the Service Contract Act.

(n) No full-time student certificate shall apply to any employee to whom a certificate issued under section 14 (a) or (c) of the Act has application.

§ 519.7 Records to be kept.

(a) The employer shall designate each worker employed as a full-time student under a full-time student certificate at subminimum wages, as provided under Part 516 of this chapter.

(b) (1) In addition to the records required under Part 516 of this chapter and this subpart, the employer shall keep the records specified in paragraph (b) (2) and (3) of this section specifically relating to full-time students employed at subminimum wages.

(2) The employer shall obtain at the time of hiring and keep in his records information from the school attended that the employee receives primarily daytime instruction at the physical location of the school in accordance with the school's accepted definition of a full-time student. During a period between attendance at different schools not longer than the usual summer vacation, a certificate from the school next to be attended that the student has been accepted as a full-time student will satisfy the requirements of this subparagraph.

(3) The employer operating any farm or retail or service establishment shall maintain records of the monthly hours of employment of full-time students at subminimum wages and of the total hours of employment during the month of all employees in the establishment, who in cases of employment in agriculture, do not come within one of the other exemptions from the minimum wage provisions of the Act. The records shall show the total hours worked in the establishment by all full-time students of the type defined in § 519.2(a) at less than the minimum wage otherwise applicable under the Act, and the total hours of employment of all employees in the establishment, to whom, in cases of employment in agriculture, the minimum wage provision of the Act applies.

(c) The records required in this section, including a copy of any full-time student certificate issued, shall be kept for a period of 3 years at the place and made available for inspection, both as provided in Part 516 of this chapter.

§ 519.8 Amendment or replacement of a full-time student certificate.

In the absence of an objection by the employer (which may be resolved in the manner provided in Part 528 of this chapter), the authorized officer upon his own motion may amend the provisions of a certificate when it is necessary by reason of the amendment of these regulations, or may withdraw a certificate and issue a replacement certificate when necessary to correct omissions or apparent defects in the original certificate.

§ 519.9 Reconsideration and review.

(a) Within 15 days after being informed of a denial of an application for a full-time student certificate or within 60 days of issuance of certificates for agricultural or retail or service establishment employers, any person aggrieved by the action of an authorized officer in denying or granting a certificate may: (1) File a written request for reconsideration thereof by the authorized officer who made the decision in the first instance, or (2) file with the Administrator a written request for review.

(b) A request for reconsideration shall be accompanied by a statement of the additional evidence which the applicant believes may materially affect the decision and a showing that there were reasonable grounds for failure to present such evidence in the original proceedings.

(c) Any person aggrieved by the reconsideration determination of an authorized officer may, within 15 days after such determination, file with the Administrator a written request for review.

(d) A request for review shall be granted where reasonable grounds for the review are set forth in the request.

(e) If a request for reconsideration or review is granted, the authorized office or the Administrator may, to the extent he deems it appropriate, afford other interested persons an opportunity to present data, views, or argument.

§ 519.10 Amendment or revocation of the regulations in this subpart.

The Administrator may at any time upon his own motion or upon written request of any interested person or persons setting forth reasonable grounds therefore, and after opportunity has been given to interested persons to present data, views, or argument, amend or revoke any of the regulations of this subpart.

Subpart B—Institutions of Higher Education

§ 519.11 Applicability of the regulations in this subpart.

(a) *Statutory provisions.* Under section 14 of the Fair Labor Standards Act of 1938, as amended, and the authority and responsibility delegated to him by the Secretary of Labor (36 FR 8755–6), the Administrator of the Wage and Hour Division is authorized and directed, to the extent necessary in order to prevent curtailment of opportunities for employment, to provide by regulation or order for the employment, under certificates, of full-time students in institutions of higher education. That section contains provisions requiring a wage rate in such certificates of not less than 85 percent of the minimum wage applicable under section 6 of the Act, limiting weekly hours of employment, stipulating compliance with the applicable child-labor standards, and safeguarding against the reduction of the full-time employment opportunities of employees other than full-time students employed under certificates.

(b) *Source of limitations.* Some of the limitations expressed in this subpart are specifically required in section 14(b) of the Act. The other limitations implement the provisions relating to employment opportunities, i.e., the "extent necessary in order to prevent curtailment of opportunities for employment" and the requirement that the regulations shall "prescribe standards and requirements to insure that this paragraph will not create a substantial probability of reducing the full-time employment opportunities of persons other than those to whom the minimum wage rate authorized by" section 14(b) of the Act is applicable.

§ 519.12 Definitions.

(a) *Full-time students.* A "full-time student" for the purpose of this subpart

is defined as one who meets the accepted definition of a full-time student of the institution of higher education which employs him. A full-time student retains that status during the student's Christmas, summer and other vacations. The phrase in section 14(b) of the statute "regardless of age but in compliance with applicable child labor laws", among other things, restricts the employment in an institution of higher education to full-time students who are at least 14 years of age because of the application of section 3(1) of the Act.

(b) *Institution of higher education.* An "institution of higher education" is an institution above the secondary level, such as a college or university, a junior college, or a professional school of engineering, law, library science, social work, etc. It is one that is recognized by a national accrediting agency or association as determined by the U.S. Commissioner of Education. Generally, an institution of higher education: (1) Admits as regular students only individuals having a certificate of graduation from a high school or the recognized equivalent of such a certificate, and (2) is legally authorized within a State to provide a program of education beyond high school; and (3) provides an educational program for which it normally awards a bachelor's degree, or provides not less than a two-year program which is acceptable for full credit toward such a degree or offers a two-year program in engineering, mathematics, or the physical or biological sciences which is designed to prepare the student to work as a technician and at a semi-professional level in engineering, scientific, or other technological fields which require the understanding and application of basic engineering, scientific, or mathematical principles of knowledge.

§ 519.13 Application for a full-time student certificate.

(a) Whenever the employment of its full-time students working in an institution at wages lower than the minimum wage applicable under section 6 of the Fair Labor Standards Act is believed to be necessary to prevent curtailment of opportunities for employment and employment of them will not create a substantial probability of reducing the full-time employment opportunities of other workers, an application for a certificate may be filed by their employer with the appropriate Regional Office (or in the Caribbean Office for the area it covers) of the Wage and Hour Division. Such an application shall be signed by an authorized representative of the employer.

(b) The application provided for under § 519.14 must be filed in duplicate on official forms or exact copies thereof. The forms are available at the offices mentioned in paragraph (a) of this section. The application must contain the information on numbers of full-time students and full-time employees (other than full-time students), minimum full-time student wages, types of work performed by full-time students, and other information for which request is made on the form.

(c) Separate application must be made for each campus of an institution of higher education in which authority to employ full-time students at subminimum wage rates is sought.

(d) Application for renewal of a certificate shall be made on the same type of form as is used for a new application. No certificate in effect shall expire until action on such an application shall have been finally determined, provided that such application has been properly executed, and is received by the office specified in paragraph (a) of this section not less than 15 nor more than 30 days prior to the expiration date. A properly executed application is one which fully and accurately contains the information required on the form, and the required certification by an authorized representative of the employer.

§ 519.14 Procedure for action upon an application.

(a) Under certain conditions, an institution of higher education has temporary authorization to employ full-time students at subminimum wages. These conditions are: (1) Absence of an effective finding by the Secretary that the institution has been employing full-time students under certificates in violation of the requirements of section 14(b)(3) of the Act or of these regulations; and (2) forwarding of a properly completed application to the Wage and Hour Division not later than the start of employment of full-time students at subminimum wages, and (3) posting a notice of such filing at the place(s) specified in paragraph (a) of § 519.16 of this subpart, and (4) compliance during the temporary authorization period with the requirements set forth in paragraphs (b) and (e) through (j) of § 519.16 of this subpart.

(b) Temporary authorization under the conditions set forth in paragraph (a) of this section is effective from the date the application is forwarded to the Wage and Hour Division in conformance with § 519.13 of this subpart. This authorization shall continue in effect for one year from the date of forwarding of the application unless, within 30 days, the Administrator or his authorized representative denies the application, issues a certificate with modified terms and conditions, or expressly extends the 30-day period of review.

(c) Upon receipt of an application for a certificate, the officer authorized to act upon such application shall issue a certificate if the terms and conditions specified in this subpart are satisfied. To the extent he deems appropriate, the authorized officer may provide an opportunity to other interested persons to present data, views, or argument on the application prior to granting or denying a certificate.

(d) If a certificate is issued, there shall be published in the FEDERAL REGISTER a general statement of the terms of such certificate together with a notice that, pursuant to § 519.19, for thirty (30) days following such publication any interested person may file a written request for reconsideration or review.

(e) If a certificate is denied, notice of such denial shall be sent to the employer, stating the reason or reasons for the denial. Such denial shall be without prejudice to the filing of any subsequent application.

§ 519.15 Conditions governing issuance of full-time student certificates.

Certificates authorizing the employment of full-time students at subminimum wage rates shall not be issued unless the following conditions are met:

(a) Full-time students are available for employment at subminimum rates; the granting of a certificate is necessary in order to prevent curtailment of opportunities for employment.

(b) The employment of full-time students will not create a substantial probability of reducing the full-time employment opportunities for persons other than those employed under such certificates.

(c) Abnormal labor conditions such as a strike or lockout do not exist in the units of the campus for which a full-time student certificate is requested.

(d) The data given on the application are accurate and based on available records.

(e) There are no serious outstanding violations of the provisions of a full-time student certificate previously issued to the employer, nor have there been any serious violations of the Fair Labor Standards Act (including Child-Labor Regulation No. 3 and the Hazardous Occupations Orders published in Part 570 of this chapter) which provide reasonable grounds to conclude that the terms of a certificate may not be complied with, if issued.

(f) The subminimum wage rate(s) proposed to be paid full-time students under temporary authorization or under certificate is not less than 85 percent of the minimum wage applicable under section 6 of the Act.

(g) Full-time students are not to be employed by an institution of higher education at subminimum wages under this subpart in unrelated trades or businesses as defined and applied under sections 511 through 515 of the Internal Revenue Code, such as apartment houses, stores, or other businesses not primarily catering to the students of the institution.

§ 519.16 Terms and conditions of employment under full-time student certificates and under temporary authorization.

(a) A full-time student certificate will not be issued for a period longer than 1 year, nor will it be issued retroactively. It shall specify its effective and expiration dates. A copy of the certificate shall be posted during its effective period in a conspicuous place or places in the institution of higher education readily visible to all employees, for example, adjacent to the time clock or on the bulletin board used for notices to the employees. If temporary authorization is in effect

under paragraph (a) of § 519.14, a notice thereof shall be similarly posted during the effective period of such authorization.

(b) Full-time students may not be employed under a certificate at less than 85 percent of the minimum wage applicable under section 6 of the Act.

(c) An institution of higher education shall not employ full-time students at subminimum wages under this subpart in unrelated trades or businesses as defined and applied under sections 511 through 515 of the Internal Revenue Code.

(d) An institution of higher education subject to a finding by the Secretary that it is in violation of the requirements of section 14(b)(3) of the Act or of this subpart must be issued a full-time student certificate before it can employ full-time students at wages below those required by section 6 of the Act. The Administrator or his authorized representative will not issue a full-time student certificate to such an institution without adequate assurances and safeguards to insure that the violations found by the Secretary will not continue.

(e) Full-time students shall not be permitted to work at subminimum wages for more than 8 hours a day, nor for more than 40 hours a week when school is not in session, nor more than 20 hours a week when school is in session (apart from a full-time student's summer vacation), except that when a full-day school holiday occurs the weekly limitation on the maximum hours which may be worked shall be increased by 8 hours for each such holiday but in no event shall the 40-hour limitation be exceeded. Whenever a full-time student is employed for more than 20 hours in any workweek in conformance with this paragraph, the employer shall note in his payroll that school was not in session during all or part of that workweek or the student was in his summer vacation.

(f) Neither oppressive child labor as defined in section 3(l) of the Act and regulations issued under the Act nor any other employment in violation of a Federal, State or local child labor law or ordinance shall come within the terms of any certificate issued under this subpart.

(g) Full-time students shall be employed at subminimum wages under this subpart only outside of their school hours, i.e., only outside of the scheduled hours of instruction of the individual full-time student.

(h) No full-time student shall be hired under a full-time student certificate for work in a unit or units of the campus where abnormal labor conditions, such as a strike or lockout, exist.

(i) No provision of any full-time student certificate shall excuse noncompliance with higher standards applicable to full-time students which may be established under the Walsh-Healey Public Contracts Act or any other Federal law, State law, local ordinance, or union or other agreement. Thus, certificates issued under this subpart have no application to employment under the Service Contract Act.

(j) No full-time student certificate shall apply to any employee to whom a certificate issued under section 14 (a) or (c) of the Act has application.

§ 519.17 Records to be kept.

(a) The employer shall designate each worker employed as a full-time student under a full-time student certificate at subminimum wages, as provided under Part 516 of this chapter.

(b) (1) In addition to the records required under Part 516 of this chapter and this subpart, the employer shall keep the records specified in paragraph (b) (2), (3) and (4) of this section specifically relating to full-time students employed at subminimum wages.

(2) The institution shall obtain at the time of hiring and keep in its records information that the employee is its full-time student at the physical location of the institution in accordance with its accepted definition of a full-time student. During a period between attendance at different schools not longer than the usual summer vacation, the acceptance by the institution of the full-time student for its next term will satisfy the requirements of this subparagraph.

(3) An institution of higher education shall maintain records of the monthly hours of employment of full-time students at subminimum wages and of the total hours during the month of all employees at the campus. The records shall show the total hours worked at the campus of the institution by all full-time students of the type defined in § 519.12 (a) at less than the minimum wage otherwise applicable under the Act, and the total hours of employees of all employees at the campus.

(4) An institution of higher education with authorization to pay subminimum wages to full-time students shall maintain information, by occupation, on the number of full-time students and others employed during the year, together with their rates of pay.

(c) The records required in this section, including a copy of any full-time student certificate issued, shall be kept for a period of 3 years at the place and made available for inspection, both as provided in Part 516 of this chapter.

§ 519.18 Amendment or replacement of a full-time student certificate.

In the absence of an objection by the employer (which may be resolved in the manner provided in Part 528 of this chapter) the authorized officer upon his own motion may amend the provisions of a certificate when it is necessary by reason of the amendment of these regulations, or may withdraw a certificate and issue a replacement certificate when necessary to correct omissions or apparent defects in the original certificates.

§ 519.19 Reconsideration and review.

(a) Within 15 days after being informed of a denial of an application for a full-time student certificate or within 30 days after FEDERAL REGISTER publication of a statement of the terms of the certificate granted, any person aggrieved by the action of an authorized officer in denying or granting a certificate may: (1) File a written request for reconsideration thereof by the authorized officer who made the decision in the first instance, or (2) file with the Administrator a written request for review.

(b) A request for reconsideration shall be accompanied by a statement of the additional evidence which the applicant believes may materially affect the decision and a showing that there were reasonable grounds for failure to present such evidence in the original proceedings.

(c) Any person aggrieved by the reconsideration determination of an authorized officer may, within 15 days after such determination, file with the Administrator a written request for review.

(d) A request for review shall be granted where reasonable grounds for the review are set forth in the request.

(e) If a request for reconsideration or review is granted, the authorized officer or the Administrator may, to the extent he deems it appropriate, afford other interested persons an opportunity to present data, views, or argument.

§ 519.20 Amendment or revocation of the regulations in this subpart.

The Administrator may at any time upon his own motion or upon written request of any interested person or persons setting forth reasonable grounds therefor, and after opportunity has been given to interested persons to present data, views, or argument, amend or revoke any of the regulations of this subpart.

Signed at Washington, D.C. this 29th day of April, 1974.

WARREN D. LANDIS,
Acting Administrator,
Wage and Hour Division.

[FR Doc.74-10052 Filed 4-30-74;8:45 am]

PART 522—EMPLOYMENT OF LEARNERS

Changes Reflecting the Fair Labor Standards Amendments of 1974

Pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; 29 U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1945-53 Comp., p. 1004), and Secretary Orders 13-71 and 15-71 (36 FR 8755 and 8756), I hereby revise 29 CFR 522, as set out below. The purpose of the revision is to adapt the part to the Fair Labor Standards Amendments of 1974 (P.L. 93-259).

In order that there will be a valid basis for issuing certificates to be in effect on and after May 1, 1974, and for employing learners thereunder, it is necessary that the revision become effective on May 1, 1974, inasmuch as increased minimums under section 6 of the Act become effective on May 1, 1974. However, interested parties may present written data, views, and argument in quadruplicate to the Administrator of the Wage and Hour Division, U.S. Department of Labor,

Washington, D.C. 20210, not later than May 31, 1974. Upon consideration of such submissions any changes as are appropriate will be made in this part and published in the FEDERAL REGISTER. Meanwhile, these regulations remain in full force.

In paragraphs (a), (b), and (d) of § 522.24 (apparel), subparagraphs (1), (2), (3), (4), and (5) of paragraph (a) of § 522.43 (hosiery), paragraph (a) of § 522.65 (gloves), and paragraph (a) of § 522.85 (cigars), wherever the rate of $1.45 appears, it is hereby changed to $1.85, effective May 1, 1974; to $1.95 effective January 1, 1975; and to $2.15 effective January 1, 1976.

In paragraphs (b) and (c) of § 522.24 (apparel), paragraph (a) of § 522.35 (knitted wear), subparagraphs (6), (7), (8), and (9) of paragraph (a) of § 522.43 (hosiery), and paragraph (a) of § 522.65 (gloves), wherever the rate of $1.50 appears, it is hereby changed to $1.90 effective May 1, 1974; to $2.00 effective January 1, 1975; and to $2.20 effective January 1, 1976.

In paragraphs (1) and (2) of para- § 522.43 (hosiery) and in paragraph (a) of § 522.85 (cigars), wherever the rate of § 552.85 (cigars), wherever the rate of $1.525 appears, it is hereby changed to $1.925 effective May 1, 1974; to $2.025 effective January 1, 1975; and to $2.225 effective January 1, 1976.

In paragraph (a) of § 522.65 (gloves), wherever the rate of $1.55 appears, it is hereby changed to $1.95 effective May 1, 1974; to $2.05 effective January 1, 1975; and to $2.25 effective January 1, 1976.

In subparagraphs (6) and (7) of paragraph (a) and in paragraph (d) of § 522.43 (hosiery), wherever $1.575 appears, it is hereby changed to $1.975 effective May 1, 1974; to $2.075 effective January 1, 1975; and to $2.275 effective January 1, 1976.

The above increases in minimum certificate rates conform to the increases in minimum rates in section 6 of the Act as of the above dates, for coverage of the type represented by these learner industries.

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

WARREN D. LANDIS,
Acting Administrator,
Wage and Hour Division.

§ 522.24 Special minimum wage rates.

(a) The special minimum rates of learners employed in occupations for which a 320-hour period is authorized under § 522.23(a) shall during that period be not less than $1.85 an hour until December 31, 1974, at not less than $1.95 an hour between January 1, 1975 and December 31, 1975, and thereafter not less than $2.15 an hour.

(b) The rates for experienced workers in any one of the occupations shown in § 522.23(a) for which a 320-hour learning period is authorized, who are being retrained under the terms of a learner certificate in any other occupation shown in that paragraph having such a 320-hour maximum period, shall be not less than $1.85 an hour for the first 160 hours and not less than $1.90 an hour for the remaining 160 hours until December 31, 1974, not less than $1.95 an hour for the first 160 hours and not less than $2.00 an hour for the remaining 160 hours between January 1, 1975 and December 31, 1975, and thereafter not less than $2.15 an hour for the first 160 hours of the 320-hour learning period and not less than $2.20 an hour for the remaining 160 hours.

(c) The rates for learners employed in the occupation of final inspection of assembled garments under § 522.23(b) shall be not less than $1.90 an hour during the authorized 160-hour learning period until December 31, 1975, not less than $2.00 an hour during such authorized learning period between January 1, 1975 and December 31, 1975, and thereafter not less than $2.20 an hour during such authorized learning period.

(d) The rates for learners employed in any occupation, other than final inspection of assembled garments, for which a 160-hour learning period is authorized in § 522.23 (a) or (b) shall be not less than $1.85 an hour during such period until December 31, 1974, not less than $1.95 an hour during such period between January 1, 1975 and December 31, 1975, and thereafter not less than $2.15 an hour during such learning period.

(e) The earnings of learners employed in occupations in which experienced workers are compensated on a piecerate basis shall be based on those piece rates when they yield more than the authorized special minimum wage rates, in accordance with § 552.6(j).

(f) No experienced worker shall be employed under the terms of a learner certificate, except as provided in paragraph (b) of this section and in paragraph (c) of § 522.23.

§ 522.35 Special minimum rates.

(a) The special minimum rate which may be authorized in special certificates issued in the knitted wear industry shall be not less than $1.90 an hour until December 31, 1974, not less than $2.00 an hour between January 1, 1975 and December 31, 1975, and thereafter not less than $2.20 an hour.

§ 522.43 Learner occupations, learning periods and special minimum rates.

(a) A person who has had no previous experience in any of the following occupations in the hosiery industry may be employed as a learner in any one of the occupations for the maximum number of hours and at the special rates set out in subparagraphs (1) through (9) of this paragraph.

(1) In the seamless branch, knitting (transfer top only) and looping, for 960 hours, at not less than $1.85 an hour for the first 480 hours and at not less than $1.925 for the remaining 480 hours until December 31, 1974, not less than $1.95 an hour for the first 480 hours and not less than $2.025 for the remaining 480 hours between January 1, 1975 and December 31, 1975, and thereafter not less than $2.15 for the first 480 hours and not less than $2.225 for the remaining 480 hours.

(2) In the seamless branch, pairing (women's nylon) and mending (women's nylon), for 720 hours at not less than $1.85 an hour for the first 360 hours and at not less than $1.925 for the remaining 360 hours until December 31, 1974, not less than $1.95 an hour for the first 360 hours and not less than $2.025 for the remaining 360 hours between January 1, 1975 and December 31, 1975, and thereafter not less than $2.15 for the first 360 hours and not less than $2.225 for the remaining 360 hours.

(3) In the seamless branch, topping, welting, and mending (other than women's nylon), for 480 hours, at not less than $1.85 an hour until December 31, 1974, not less than $1.95 between January 1, 1975 and December 31, 1975, and thereafter not less than $2.15 an hour.

(4) In the seamless branch, boarding (women's nylon), folding (women's nylon and rayon) and pairing (other than women's nylon), for 360 hours, at not less than $1.85 an hour until December 31, 1974, at not less than $1.95 an hour between January 1, 1975 and December 31, 1975, and thereafter at not less than $2.15 an hour.

(5) In the seamless branch, knitting (except transfer top), seaming, examining and inspection, folding (other than women's nylon and rayon), and boarding (other than women's nylon), for 240 hours, at not less than $1.85 an hour until December 31, 1974, at not less than $1.95 an hour between January 1, 1975 and December 31, 1975, and thereafter at not less than $2.15 an hour.

(6) In the full-fashioned branch, seaming (leg and foot), for 960 hours, at not less than $1.90 for the first 480 hours and $1.975 for the remaining 480 hours until December 31, 1974, at not less than $2.00 for the first 480 hours and $2.075 for the remaining 480 hours between January 1, 1975 and December 1975, and thereafter at not less than $2.20 for the first 480 hours and at not less than $2.275 for the remaining 480 hours.

(7) In the full-fashioned branch, pairing and mending, for 720 hours, at not less than $1.90 an hour for the first 360 hours and not less than $1.975 an hour for the remaining 360 hours until December 31, 1974, at not less than $2.00 an hour for the first 360 hours and at not less than $2.075 for the remaining 36 hours between January 1, 1975 and December 31, 1975, and thereafter at not less than $2.20 for the first 360 hours and at not less than $2.275 for the remaining 360 hours.

(8) In the full-fashioned branch, boarding and folding, for 360 hours, at not less than $1.90 an hour until December 31, 1974, at not less than $2.00 an hour between January 1, 1975 and December 31, 1975, and thereafter at not less than $2.20 an hour.

(9) In the full-fashioned branch, examining and inspecting, and seaming (sewing—other than leg and foot), for 240 hours, at not less than $1.90 an hour

until December 31, 1974, at not less than $2.00 an hour between January 1, 1975 and December 31, 1975, and thereafter at not less than $2.20 an hour.

(10) For purposes of subparagraphs (2) and (7) of this paragraph, the occupation of mending is defined as the process of hand-mending hosiery, either in the greige or finished condition, excluding snagging or scratching performed as a full-time and continuous process, and excluding the operation of various types of mending machines, such as Vitos, Vanitas, Stelos or Marvel, except where the operation of such machines is incidental to the hand-mending operation and the use of such machinery is an adjunct to the hand-mending process. For purposes of subparagraphs (6) and (9) of this paragraph, the occupation of seaming (leg and foot) is defined as the joining of the sides of full-fashioned fabric from toe to the top of the welt, to form the hosiery.

(d) A worker who has had full training in any authorized learner occupation may be transferred to any other learner occupation for a period not to exceed one-half of the learning period authorized for the occupation at not less than $1.925 an hour in the seamless branch and at not less than $1.975 an hour in the full-fashioned branch until December 31, 1974, at not less than $2.025 an hour in the seamless branch and at not less than $2.075 an hour in the full-fashioned branch between January 1, 1975 and December 31, 1975, and thereafter at not less than $2.225 an hour in the seamless branch and at not less than $2.275 an hour in the full-fashioned branch. A worker who has had partial training in any authorized learner occupation may be transferred to any other learner occupation for either: (1) A period not to exceed one-half of the learning period authorized for that occupation, at not less than $1.925 an hour in the seamless branch and at not less than $1.975 an hour in the full-fashioned branch until December 31, 1974, at not less than $2.025 an hour in the seamless branch and at not less than $2.075 an hour in the full-fashioned branch between January 1, 1975 and December 31, 1975, and thereafter at not less than $2.225 an hour in the seamless branch and at not less than $2.275 an hour in the full-fashioned branch; or (2) the balance of the number of hours permitted as a learning period for the occupation to which he or she is being transferred, at the applicable special minimum rates set forth in paragraph (a) of this section: *Provided, however,* That (i) no worker may be employed as a learner at learner rates in more than two authorized occupations; (ii) no worker who has completed the authorized learning period in the occupation of pairing may be employed as a learner at learner rates in the occupations of folding or inspection; and (iii) no worker who has completed the authorized learning period may be employed as a learner at learner rates when transferring from the seamless branch of the hosiery industry to the full-fashioned or from the full-fashioned branch to the seamless, if the worker is employed in the same occupation as that in which he or she has been previously employed.

§ 522.65 Special minimum rates.

(a) The special minimum rates which may be authorized in special certificates issued in the glove industry shall be as follows: (1) In the leather glove, woven or knit fabric glove, and knitted glove branches of the industry, not less than $1.85 an hour for the first 320 hours and at not less than $1.95 an hour for the remaining 160 hours until December 31, 1974, at not less than $1.95 an hour for the first 320 hours and at not less than $2.05 an hour for the remaining 160 hours between January 1, 1975 and December 31, 1975, and thereafter at not less than $2.15 for the first 320 hours and not less than $2.25 for the remaining 160 hours; and (2) in the work glove branch of the industry, not less than $1.85 an hour for the first 320 hours and not less than $1.90 an hour for the remaining 160 hours until December 31, 1974, at not less than $1.95 an hour for the first 320 hours and not less than $2.00 an hour for the remaining 160 hours between January 1, 1975 and December 31, 1975, and thereafter at not less than $2.15 for the first 320 hours and not less than $2.20 an hour for the remaining 160 hours.

§ 522.85 Special minimum rates.

(a) The special minimum rates which may be authorized in special certificates issued in the cigar industry shall be: (1) In the occupations of cigar machine operating and cigar packing, not less than $1.85 an hour until December 31, 1974, not less than $1.95 an hour between January 1, 1975 and December 31, 1975, and thereafter not less than $2.15 an hour; (2) in the occupations of hand rolling and hand bunch making, not less than $1.85 an hour for the first 480 hours and $1.925 for the second 480 hours until December 31, 1974, not less than $1.95 an hour for the first 480 hours and $2.025 for the second 480 hours between January 1, 1975 and December 31, 1975, and thereafter not less than $2.15 for the first 480 hours and $2.225 for the second 480 hours; (3) in the occupation of hand making Italian stogies, not less than $1.85 an hour for the first 320 hours and $1.925 an hour for the second 320 hours until December 31, 1974, not less than $1.95 an hour for the first 320 hours and $2.025 an hour for the second 320 hours and between January 1, 1975 and December 31, 1975, and thereafter not less than $2.15 an hour for the first 320 hours and $2.225 an hour for the second 320 hours; and (4) in the occupations of hand stripping and machine stripping, not less than $1.85 an hour until December 31, 1974, not less than $1.95 an hour between January 1, 1975 and December 31, 1975, thereafter not less than $2.15 an hour.

[FR Doc.74-9925 Filed 4-30-74;8:45 am]

CHAPTER XVII OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION, DEPARTMENT OF LABOR

MARITIME SAFETY AND HEALTH REGULATIONS

Protection Against Drowning

A notice was published in the FEDERAL REGISTER on August 23, 1973 (38 FR 22632) proposing that employees be provided with personal flotation devices as a method of protection against drowning, instead of the presently required buoyant work vests. The proposal was made to conform to U.S. Coast Guard requirements for life-saving equipment since the Coast Guard is the approving agency for all such devices required under the Department of Labor's Maritime Standards. The proposal was to change all reference to "work vests," "buoyant vest," or "buoyant work vests" to read "personal flotation devices" to reflect the change in terminology already adopted by the U.S. Coast Guard.

Also, the proposal recognized that jacket type life preservers and certain special purpose water safety buoyant devices would serve the purposes of protecting maritime workers against drowning as adequately as the work vests presently required. Further, the types of personal flotation devices specified in the proposal provide a greater selection for the users of lifesaving equipment.

The notice invited interested persons to submit written data, views, and arguments concerning the proposal. Interested persons also were afforded an opportunity to file objections to any part of the proposal and to request a hearing on the objection. No objections and no requests for a hearing have been received. Written comments received unanimously supported the adoption of the proposal.

Accordingly, pursuant to authority in section 6(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1593; 29 U.S.C. 655), section 41 of the Longshoremen's and Harbor Workers' Compensation Act (44 Stat. 1444, as amended; 33 U.S.C. 941), Secretary of Labor's Orter No. 12–71 (36 FR 8754), and 29 CFR Part 1911, the proposed amendments are adopted for the reasons stated above and are set forth below with one change: in §§ 1915.84(a), 1916.84(a), 1917.84(a), and 1918.106(a) the words "used after November 1, 1973" are deleted, so that the amendments apply to devices used on and after the effective date of the amendments.

Effective date. These amendments shall become effective on May 31, 1974.

(Sec. 6, 84 Stat. 1593 (29 U.S.C. 655); sec. 41, 44 Stat. 1444 (33 U.S.C. 941); Secretary of Labor's Order No. 12–71, 36 FR 8754; 29 CFR Part 1911)

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

JOHN STENDER,
Assistant Secretary of Labor.

PART 1915—SAFETY AND HEALTH REGULATIONS FOR SHIP REPAIRING

1. In § 1915.43, paragraph (d) is revised to read as follows:

§ 1915.43 Guarding of deck openings and edges.

* * * * *

(d) When employees are working near the unguarded edges of decks of vessels

afloat, they shall be protected by personal flotation devices meeting the requirements of § 1915.84(a).

* * * * *

2. In § 1915.47, paragraph (d) is revised to read as follows:

§ 1915.47 Working surfaces.

* * * * *

(d) When employees are boarding, leaving, or working from small boats or floats, they shall be protected by personal flotation devices meeting the requirements of § 1915.84(a).

3. In § 1915.84, paragraph (a) is revised to read as follows:

§ 1915.84 Lifesaving equipment.

(a) *Personal flotation devices.* (1) Any personal flotation device shall be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or their equivalent, pursuant to 46 CFR 160 (Coast Guard Lifesaving Equipment Specifications) and 33 CFR 175.23 (Coast Guard table of devices equivalent to personal flotation devices).

(2) Prior to each use, personal flotation devices shall be inspected for dry rot, chemical damage, or other defects which may affect their strength and buoyancy. Defective personal flotation devices shall not be used.

* * * * *

PART 1916—SAFETY AND HEALTH REGULATIONS FOR SHIPBUILDING

4. In § 1916.43, paragraph (d) is revised to read as follows:

§ 1916.43 Guarding of deck openings and edges.

* * * * *

(d) When employees are working near the unguarded edges of decks of vessels afloat, they shall be protected by personal flotation devices meeting the requirements of § 1916.84(a).

* * * * *

5. In § 1916.47, paragraph (d) is revised to read as follows:

§ 1916.47 Working surfaces.

* * * * *

(d) When employees are boarding, leaving, or working from small boats or floats, they shall be protected by personal flotation devices meeting the requirements of § 1916.84(a).

6. In § 1916.84, paragraph (a), is revised to read as follows:

§ 1916.84 Lifesaving equipment.

(a) *Personal flotation devices.* (1) Any personal flotation device shall be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or their equivalent, pursuant to 46 CFR 160 (Coast Guard Lifesaving Equipment Specifications) and 33 CFR 175.23 (Coast Guard table of devices equivalent to personal flotation devices).

(2) Prior to each use, personal flotation devices shall be inspected for dry rot, chemical damage, or other defects which may affect their strength and buoyancy. Defective personal flotation devices shall not be used.

* * * * *

PART 1917—SAFETY AND HEALTH REGULATIONS FOR SHIPBREAKING

7. Section 1917.47 is revised to read as follows:

§ 1917.47 Working surfaces.

When employees are boarding, leaving, or working from small boats or floats, they shall be protected by personal flotation devices meeting the requirements of § 1917.84(a).

8. In § 1917.84, paragraph (a) is revised to read as follows:

§ 1917.84 Lifesaving equipment.

(a) *Personal flotation devices.* (1) Any personal flotation device shall be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or their equivalent, pursuant to 46 CFR 160 (Coast Guard Lifesaving Equipment Specifications) and 33 CFR 175.23 (Coast Guard table of devices equivalent to personal flotation devices).

(2) Prior to each use, personal flotation devices shall be inspected for dry rot, chemical damage, or other defects which may affect their strength and buoyancy. Defective personal flotation devices shall not be used.

* * * * *

PART 1918—SAFETY AND HEALTH REGULATIONS FOR LONGSHORING

9. Section 1918.106 is revised to read as follows:

§ 1918.106 Protection against drowning.

(a) *Personal flotation devices:* Any personal flotation device shall be approved by the United States Coast Guard as a Type I PFD, Type II PFD, Type III PFD, or Type V PFD, or their equivalent, pursuant to 46 CFR 160 (Coast Guard Lifesaving Equipment Specifications) and 33 CFR 175.23 (Coast Guard table of devices equivalent to personal flotation devices).

(b) Employees working on log booms shall be protected by personal flotation devices meaning the requirements of § 1918.106(a).

(c) Except when engaged in loading or discharging ocean going vessels, employees walking or working on the decks of barges on the Mississippi River System and the Gulf Intracoastal Waterway shall be protected by personal flotation devices meeting the requirements of § 1918.106(a).

(d) Personal flotation devices shall be maintained in good condition and shall be considered unserviceable when damaged so as to affect their buoyant properties or capability of being fastened.

[FR Doc.74-9953 Filed 4-30-74;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 3—ADJUDICATION

Subpart A—Pension, Compensation and Dependency and Indemnity Compensation

CLOTHING ALLOWANCE PAYMENTS TO DEPENDENTS OF DECEASED VETERANS

On page 9559 of the FEDERAL REGISTER of March 12, 1974, there was published a notice of proposed regulatory development to amend § 3.1000 to implement the determination that the clothing allowance provided by Public Law 92-328 is a periodic monetary benefit within the purview of 38 U.S.C. 3021 which provides for payment to his dependents of accrued benefits due a deceased veteran. It was also proposed to amend § 3.1001 to implement 38 U.S.C. 3203 as amended by Public Law 92-328 which repealed the requirement for reducing awards of compensation and retirement pay to competent veterans without wives or children who are furnished hospital treatment, institutional, or domiciliary care by the Veterans Administration. Interested persons were given 30 days in which to submit comments, suggestions, or objections regarding the proposed regulations.

No written comments have been received and the proposed regulations are hereby adopted without change and are set forth below.

Effective date. Section 3.1000(h) and the introductory portion of paragraph (a) in § 3.1001 are effective August 1, 1972.

Approved: April 24, 1974

By direction of the Administrator.

[SEAL] R. L. ROUDEBUSH,
Deputy Administrator.

1. In § 3.1000, paragraph (f) is amended and paragraph (h) is added so that the amended and added material reads as follows:

§ 3.1000 Under 38 U.S.C. 3021.

* * * * *

(f) *Dependents' educational assistance.* Educational assistance allowance or special restorative training allowance under 38 U.S.C. ch. 35, remaining due and unpaid at the date of death of an eligible widow or widower or eligible child is payable to a child or children of the veteran (see paragraphs (a)(2), (a)(3) and (d)(2) of this section), or on the expenses of last sickness and burial (see paragraph (a)(4) of this section). Benefits due and unpaid at the date of death of an eligible wife or husband are payable only on the expenses of last sickness and burial (see paragraph (a)(4) of this section).

* * * * *

(h) *Clothing allowance.* Clothing allowance under 38 U.S.C. 362 remaining due and unpaid at the date of the veteran's death is payable under the provisions of this section.

2. In § 3.1001, paragraphs (a)(1), (2) and (3) and (c) are amended to read as follows:

§ 3.1001 Hospitalized competent veterans.

The provisions of this section apply only to the payment of amounts actually withheld on a running award under § 3.551(b) which are payable in a lump sum after the veteran's death.

(a) *Basic entitlement.* Where an award of disability pension for a competent veteran without dependents was reduced because of hospital treatment or institutional or domiciliary care by the Veterans Administration and the veteran dies while receiving such treatment or care or before payment of amounts withheld, the lump sum is payable to the living person first listed as follows:

(1) The veteran's spouse, as defined in § 3.1000(d)(1);

(2) The veteran's children (in equal shares), as defined in § 3.57 but without regard to their age or marital status;

(3) The veteran's dependent parents (in equal shares), or the surviving dependent parent, as defined in § 3.1000(d)(3);

* * * * *

(c) *Lump sum withheld after discharge from institution.* The provisions of paragraphs (a) and (b) of this section will apply in the event of the death of any veteran prior to receiving a lump sum which was withheld because treatment or care was terminated against medical advice or as the result of disciplinary action. (38 U.S.C. 3203).

3. Section 3.1002 is revised to read as follows:

§ 3.1002 Political subdivisions of United States.

No part of any accrued benefits will be used to reimburse any political subdivision of the United States for expenses incurred in the last sickness or burial of any beneficiary. (See § 3.1(o)). (38 U.S.C. 3021(b) and 3202(d)).

[FR Doc.74-9908 Filed 4-30-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

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

Dicamba

A petition (PP 1F1131) was filed by Velsicol Chemical Corp., 341 East Ohio Street, Chicago, IL 60611, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of a tolerance for combined residues of the herbicide dicamba and its metabolite 3,6-dichloro-5-hydroxy-o-anisic acid in or on the raw agricultural commodity asparagus at 1 part per million.

Subsequently, the petitioner amended the petition by proposing establishment of a tolerance for combined residues of dicamba and its metabolite 3,6-dichloro-5-hydroxy-o-anisic acid in or on asparagus at 3 parts per million.

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

1. The herbicide is useful for the purpose for which the tolerance is being established.

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

3. The tolerance established by this order will protect the public health.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.227 is amended by revising the paragraph "3 parts per million * * *" to read as follows:

§ 180.227 Dicamba; tolerances for residues.

* * * * *

3 parts per million in or on asparagus and sorghum (grain, fodder, and forage).

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before May 31, 1974 file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets, SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective on May 1, 1974.

(Sec. 408(d)(2), 68 Stat. 512 (21 U.S.C. 346a(d)(2))

Dated: April 26, 1974.

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

[FR Doc.74-9921 Filed 4-30-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

PART 5A-16—PROCUREMENT FORMS

Notification of Proposed Substantial Awards, and Awards Involving Congressional Interest

The following change to the General Services Administration Procurement Regulations (GSPR) prescribes revised instructions and a new form for the notification of proposed substantial contract awards and awards involving Congressional interest.

Subpart 5A-2.4—Opening of Bids and Award of Contracts

Sections 5A-2.407-84 and 5A-2.407-85 are revised as follows:

§ 5A-2.407-84 Notification of proposed substantial awards and awards involving Congressional interest.

(a) Applicability: This section applies to notification of proposed awards resulting from either advertised or negotiated solicitations including modifications and renewals (1) when the dollar value exceeds or is estimated to exceed $100,000 except as shown in (b) below, and (2) when there is Congressional interest regardless of dollar value.

(1) When Congressional interest is involved, GSA Form 2932, Proposed Substantial Contract Awards (see § 5A-16.950-2932), or a facsimile message shall be prepared for transmittal to the Assistant Administrator (AL) containing the following information:

Congressional Interest—(Name of Congressman or Senator)—(State)—Control No. ------—In behalf of (Name of firm and complete address)—If award is not proposed to that bidder, explain why).

(2) In addition to the requirement set forth in (a)(1) above (and in OAD 5410.1, chap. 5), where a Congressional inquiry is made orally with a contracting officer, and award or other information has been promised to a Congressman or Senator, GSA Form 2932, or the facsimile message shall contain the following statement:

Unless notified to the contrary, we will assume that the (Congressman or Senator) has been advised by AL.

(b) Notification of proposed awards exceeding or estimated to exceed $100,000 is not required for products whose points of origin are not readily identifiable or which involve foreign production points.

(c) Codes: The following codes shall be used in the appropriate columns of GSA Form 2932 or in the facsimile message, as applicable.

(1) DO for definite quantity contract;

(2) FSS for Federal Supply Schedule contract;

(3) TC for term contract other than Federal Supply Schedule;

(4) S for small business concern;

(5) O for other than small business concern;

(6) NLS for not labor surplus area;

(7) SLS for substantial labor surplus area;

(8) PLS for persistent labor surplus area;

(9) CUE for concentrated unemployment or underemployment area; and

(10) CEC for certified-eligible concern.

(d) Notification procedure:

(1) The Director (or his equivalent) of the procurement activity (Central Office or regional office) shall be responsible for submitting directly to the

Office of the Assistant Administrator (AL) complete and factual data pertinent to any proposed award of the type described in (a) above.

(2) Regional offices (except Region 3) and the Office Supplies and Paper Products Division (FPO) (New York) shall prepare GSA Form 2932 and transmit the notification directly to the Office of the Assistant Administrator (AL) by facsimile machine except as shown in (4) below.

(i) Telephone numbers for transmittal of facsimile messages of the notifications are as follows:

Area code	*Telephone number*
202	343–5970
202	632–3626
202	632–7944
202	632–7945

(ii) Messages should be directed to the attention of AL, GS Building, Room 6108.

(3) Central Office (except FPO) and Region 3 procurement activities shall prepare GSA Form 2932 and transmit the notification (original only) directly to the Office of the Assistant Administrator (AL). The notification(s) shall be placed in a messenger envelope and addressed as follows:

"PLEASE HAND CARRY Attention: AL GS Bldg. Room 6108."

(4) Notifications covering regional and FPO proposed awards which require Central Office concurrence or approval pursuant to the GSA Delegations of Authority Manual (ADM P 5450.39), shall be submitted as part of the case file to the Central Office. The notification shall be transmitted to the Office of the Assistant Administrator (AL) by the office rendering final concurrence in the proposed award.

(5) The following additional information shall be furnished on the GSA Form 2932 as applicable:

(i) Under Type of Contract insert "A" for advertised and "N" for negotiated, including the applicable negotiation authority in parentheses, i.e., N(2) for negotiated public exigency.

(ii) Under Point of Production show the name (plant or operational unit), address (including county), and the dollar value for each production point. When the name of the supplier (subcontractor) is different from the contractor, show the supplier's or subcontractor's name, address (including county), and applicable dollar value for each point of production. When the offer does not clearly indicate a specific production point for the item(s) (i.e., several sources shown for one item), the word undeterminable shall be stated in the Point of Production column, and the various production points (name, address, and county) will be listed. Where there are multiple production points and specific items and their points of production are not shown, or when the number of production points exceeds 10, show the word multiple and indicate immediately after in parentheses the total number of production points.

(iii) For definite quantity awards only, show (a) the quantity(s) and unit(s) in parentheses under each production point, (b) the name of the requisitioning activity(s) adjacent to the applicable quantity(s), and (c) the requirement or portion thereof for overseas use.

(iv) The contracting officer shall print or type his name and telephone number at the bottom of each report in the event additional information is required by the Office of the Assistant Administrator (AL).

(e) Release of awards.

(1) Unless notified to the contrary, regional and Central Office procurement activities may release awards of the type described in (2) through (4) above, or information pertinent thereto, upon the expiration of 2 full workdays (48 hours) after the time and date of transmittal of the GSA Form 2932 or the facsimile message to the Office of the Assistant Administrator (AL).

(2) Regional and Central Office procurement activities shall be responsible for submission of a copy of GSA Form 2932 marked COPY to FPE after release of the award. The copy of the notification shall indicate the date of award and shall include the contract number assigned.

(3) Pre-award release inquiries from offerors shall be processed in accordance with § 5A–2.407–1(c).

(f) Proposed exigency or emergency awards and cases where the acceptance time in an offer is about to expire.

(1) Regional and Central Office procurement activities shall transmit notifications as determined by the Director (or his equivalent) of the Central Office or regional procurement activity directly to the Office of the Assistant Administrator (AL) by telephone (Area Code 202–343–4072) followed by a completed GSA Form 2932 annotated confirming notification.

(2) Release of notifications which require priority processing by the Office of the Assistant Administrator (AL) shall be at the time and date specified by the Office of the Assistant Administrator (AL).

5A–2.407–85 Erroneous award to higher bidder.

(a) *If no deliveries have been made.* If, through error, award is made to other than the lowest responsible bidder and no delivery has been made prior to the discovery of the error, the vendor should be advised of the error and should be requested to consent to a cancellation of the award. In all cases, the contracting officer shall secure advice from the Office of the General Counsel or Regional Counsel, as appropriate, before requesting cancellation. If, in the case of a regional award approved by the Central Office, a vendor refuses to consent to cancellation, complete details of the case shall be submitted to the appropriate division Director for a decision and the vendor shall be advised to suspend action pending the receipt of such decision.

(b) *If partial delivery has been made.* If, through error, award is made to other than the lowest responsible bidder and partial delivery has been made prior to discovery of the error, the vendor shall be advised immediately of such error and instructed to make no further deliveries. In all cases, the contracting officer shall secure advice from the Office of the General or Regional Counsel, as appropriate, before taking any other action. Depending on the final decision and if it changes the contractual relationship, the appropriate Finance Division shall be advised accordingly in writing. A copy of the document containing the decision on the case shall also be forwarded to the Director, Procurement Division, as appropriate, for information.

(c) *If delivery has been completed.* If, through error, award is made to other than the lowest responsible bidder and delivery has been completed prior to discovery of the error, all pertinent details of the case shall be submitted in writing to the appropriate Finance Division and to the Office of General Counsel or Regional Counsel, as appropriate, for advice on necessary action.

The table of contents for Part 5A–16 is amended to delete § 5A–16.950–6380 and to add the following new entry:

5A–16.950–2932 GSA Form 2932, Proposed Substantial Contract Awards.

NOTE: A copy of the form illustrated in § 5A–16.950–2932 is filed with the original document.

(Sec. 205(c), 63 Stat. 390 (40 U.S.C. 486(c)); 41 CFR 5–1.101(c))

Effective date. These regulations are effective on the date shown below.

Dated: April 9, 1974.

M. J. TIMBERS,
Commissioner,
Federal Supply Service.

SUBPART 5A-16.9 ILLUSTRATIONS OF FORMS

§5A-16.950-2932 GSA Form 2932, Proposed Substantial Contract Awards.

5A-16.950-2932

PROPOSED SUBSTANTIAL CONTRACT AWARDS								CONTROL NUMBER	DATE
FSS FILE	TYPE OF CONTRACT	CONTRACT PERIOD	NAME AND ADDRESS OF COMPANY	SIZE OF BUSINESS	COMMODITY	POINT OF PRODUCTION (Including county)		LABOR AREA CLASS.	ESTIMATED VALUE
									$
			(See § 5A-2.407-84.)						
INFORMATION CALL - NAME				TITLE				TELEPHONE NO. (Incl. area)	

GENERAL SERVICES ADMINISTRATION GSA FORM 2932 (3-74)

[FR Doc.74-9801 Filed 4-30-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19856; FCC 74-388]

PART 13—COMMERCIAL RADIO OPERATORS

Deletion of Certain Limitations on Scope of Operating Authority of Ship Radiotelephone Operator Permits

1. On November 5, 1973, we released a notice of proposed rulemaking in the above-entitled matter (38 FR 31018, November 9, 1973). The notice provided for the filing of comments and reply comments, and the time allowed, as extended, for such filings has expired.

2. The Notice proposed to delete the paragraphs (e)(2) and (f)(7) in Section 13.61 of our rules as obsolete, and to amend § 13.61(h)(4), essentially, so as to permit the operation of a ship radiotelephone station by a person holding a restricted operator permit for a station with no more than 100 watts power (400 watts peak envelope power), and thus make Part 13 consistent with an existing provision in Part 83 of our rules. These changes were considered to be mostly noncontroversial and of an editorial, nonsubstantive nature.

3. Two comments were received in response to our Notice, one from the Northern California Marine Radio Council (NCMRC), and one from the Southern California Marine Radio Council (SCMRC). Both commenters concurred generally in the proposed amendments to Part 13 of the rules, but SCMRC suggested that the change in Section 13.61(h)(4) be further revised to include coast as well as ship stations. As we understand the SCMRC suggestion, it desires rule changes to provide that the specified maximum power output for a station that may be operated by a person holding a restricted operator permit be the same, generally, for both a coast and a ship station. In short, we understand that SCMRC desires that the operator requirements for a coast station not be greater by class than for a ship station. SCMRC stated that if this revision would be beyond the scope of the Notice of Proposed Rule Making, then it requested its comment to be treated as a Petition for Further Rule Making.

4. At present, our rules specify, with certain exceptions not relevant here (e.g. coast stations employing a frequency below 30 MHz) in § 13.61(h)(4) as herein amended, and § 83.159, that a ship station with power output up to 100 watts (400 watts PEP) may be operated by a person holding a restricted operator permit; whereas a person holding that class of operator permit may operate a very high frequency (VHF) coast station on frequencies with a power output up to 250 watts (1,000 watts PEP) pursuant to §§ 13.61(h)(7) and 81.152(d) of the rules.

5. With respect to the request of SCMRC, concerning VHF operation, we point out that under our present rules a coast station with an output power up to 250 watts (1000 watts PEP) may be operated by a person holding a restricted operator permit as provided for in §§ 13.61(h)(7) and 81.152(d) of the rules. To adopt the further change suggested by SCMRC to § 13.6(h)(4) would, in that section, essentially, require that coast stations, if any, operating at more than 100 watts (400 watts PEP) and up to 250 watts (1000 watts PEP) use an operator holding at least a third class operator permit, instead of a restricted operator permit as now allowed. Additionally, any such provision in subparagraph (4) of § 13.61(h) would conflict with the existing provisions in subparagraph (7) and the provisions of § 81.152 (d) of the rules. We do not believe this is, substantively, what SCMRC desires, and it appears to us the relief requested by SCMRC for VHF coast stations already exists in the rules as herein explained. With respect to the SCMRC request as it applies to coast station operations on frequencies below 30 MHz, the potential for interference on these lower frequencies is much greater than in the VHF (156–162 MHz) maritime band. Consequently, we believe it is not advisable, at this time, for safety and opera-

tional reasons, to lower the operator requirements for these coast stations. Accordingly, we will not adopt the SCMRC suggestion or grant its request for a Further Notice of Proposed Rule Making, as they apply to coast stations operating on frequencies below 30 MHz.

6. In view of the froegoing, we find the proposed rule changes to be necessary and in the public interest.

7. *Accordingly, it is ordered,* Pursuant to sections 4(i), 303(l)(1) and 303(r) of the Communications Act of 1934, as amended, the Commission's rules are amended effective May 31, 1974 as set forth below.

8. *It is further ordered,* That the Petition for Further Rule Making filed by SCMRC is denied.

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

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

Adopted: April 16, 1974.

Released: April 25, 1974.

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

1. Part 13 of Chapter I of Title 47 of the Code of Federal Regulations is amended as follows:

In § 13.61, paragraphs (e)(2) and (f)(7) are deleted and shown as reserved and paragraph (h)(4) is amended to read as follows:

§ 13.61 Operating authority.

* * * * *

(e) * * *

(2) [Reserved]

* * * * *

(f) * * *

(7) [Reserved]

(h) * * *

(4) Ship stations licensed to use telephony at which the power is more than 100 watts carrier power or 400 watts peak envelope power, or

* * * * *

[FR Doc.74-9912 Filed 4-30-74;8:45 am]

[Docket No. 19730; FCC 74-394]

PART 89—PUBLIC SAFETY RADIO SERVICES

Licensing of School Bus Operators

1. On May 8, 1973, the Commission issued a notice of proposed rulemaking in the above-entitled matter. The notice was published in the FEDERAL REGISTER on May 14, 1973 (38 FR 12619). These regulations govern eligibility of school bus operators and permissible communications in radio systems authorized in the Special Emergency Radio Service. Comments were requested by July 10, 1973, and reply comments on or before July 25, 1973. Five comments were similarly filed with the Commission: Boulder County Sheriffs Departments, California Association of Public School Business Officials, Northern California Chapter of the Association of Public Safety Communications Officers, Inc.

2. In the notice, we proposed to amend § 89.511 (a) and (d) of Subpart P to make persons or organizations operating school buses on a regular basis, over regular routes, eligible within this service, and to permit communication equipment authorized for use by school bus operators to be used for the transmission of messages pertaining to either the efficient operation of the school bus or the safety and general welfare of the students they are engaged in transporting. Section 89.511(a) presently permits only school bus operations in rural areas to obtain authorization to operate a communication system in the Special Emergency Radio Service. Under the provisions of § 89.511(d), the communications system may be used for the "transmission of messages pertaining to the safety of life or property or urgent messages relating to buses which have become inoperative on regular runs."

3. The proposed amendment was supported by the California Association of Public School Business Officials and it was opposed by the Washington Ambulance Service, Northern California Chapter of the Association of Public Safety Communications Officers, Inc., (NCAPCO), and the Boulder County Sheriff's Department.

4. Essentially, those parties who opposed the proposed rules did so because they felt that the use of Special Emergency frequencies should be limited to communications of an emergency nature and that non-emergency communications should not be permitted. The basic reason for this position was their contention that existing Special Emergency frequencies are already crowded and additional communications will further crowd these frequencies.

5. The Commission acknowledges that some additional crowding of these frequencies will occur. We feel, however, that the greater public interest will be served by the amendment of the rules as proposed. As stated in the Notice, the limitations (those which limit licensing to persons or organizations operating school buses in "rural" areas and which allow "only messages pertaining to the safety of life or property or urgent messages relating to buses which have become inoperative on regular runs") undoubtedly served useful purposes at the time they were adopted. However, the nature of school bus operations has now changed and it has become desirable to permit expanded use of the available frequencies. For example, the comments submitted by the California Association of Public School Business Officials contained the following statement:

> In school bus transportation, including physically handicapped, there are literally hundreds of daily adjustments in schedules to cover broken down buses, sick drivers, children left at school, blocked roads, etc., when these occur, there is no time for written requests, etc., they must be taken care of immediately.

Thus the use of radio is an important tool in maintaining bus service schedules. The Commission believes that bus drivers should have the capability to notify the proper school officials in the event of delays so that other arrangements can be made immediately to pick up children who will be reached on time.

6. Therefore, after weighing the arguments and balancing the various interests of the parties, the Commission has decided to amend § 89.511 (a) and (d) of our rules. In so doing, the Commission is extending eligibility in this service to persons or organizations operating school buses on a regular basis over regular routines. Additionally, as to permissible communications, stations licensed to school bus operators may be used to transmit messages pertaining to either the efficient operation of the school bus service or the safety and general welfare of the students they are engaged in transporting.

7. In view of the foregoing, the Commission concludes that the public interest will be served by amending the rules to extend eligibility under § 89.511(a) and extend permissible communications under § 89.511(d).

8. *Accordingly, it is ordered,* Pursuant to the authority contained in section 4(i) and 303 of the Communications Act of 1934, as amended, that § 89.511 (a) and (d) of the Commission Rules are amended effective May 31, 1974, as set forth below.

9. *It is further ordered,* That the proceedings in Docket 19730 are hereby terminated.

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

Adopted: April 16, 1974.

Released: April 25, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
VINCENT J. MULLINS,
Secretary.

In § 89.511, paragraphs (a) and (d) are amended to read as follows:

§ 89.511 School buses.

(a) *Eligibility.* Persons or organizations operating school buses on a regular basis over regular routes are eligible in this service.

* * * * *

(d) *Permissible communications.* Stations licensed to school bus operators may be used to transmit messages pertaining to either the efficient operation of the school bus service or the safety and general welfare of the students they are engaged in transporting.

[FR Doc.74-9913 Filed 4-30-74;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER B—FEDERAL MOTOR CARRIER SAFETY REGULATIONS

[Notice No. 74-7]

CHANGE IN SUBCHAPTER HEADING

The title of Subchapter B of Chapter III of title 49, CFR is being changed from "Motor Carrier Safety Regulations" to "Federal Motor Carrier Safety Regulations." The purpose of this change is to

avoid confusion between the rules relating to safety of motor carrier operations established by the Federal Government pursuant to Part II of the Interstate Commerce Act and similar rules established by the various States and their political subdivisions.

Since this amendment makes a nonsubstantive change in the regulations and does not affect the rights of any person, notice and public procedure thereon are unnecessary, and it is effective on the date of issuance set forth below.

In consideration of the foregoing, the title of Subchapter B in Chapter III of title 49, CFR is amended to read "Federal Motor Carrier Safety Regulations."

This amendment is issued under the authority of section 204 of the Interstate Commerce Act, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively.

Issued on April 23, 1974.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

[FR Doc.74-9893 Filed 4-30-74;8:45 am]

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

[Docket No. 73-25; Notice 2]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Lamps, Reflective Devices, and Associated Equipment

This notice amends 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, to: (1) Update the incorporated SAE standard on clearance lamps, (2) group test points for determining photometric conformance of backup lamps, (3) identify load requirements for testing variable load turn signal flashers, and (4) increase the allowable voltage drop in testing turn signal and hazard warning signal flashers.

These amendments are responsive to petitions by Truck Safety Equipment Institute, Signal Stat Corporation, Sylvania GTE and Hope-Tronics, Ltd., as discussed in the notice proposing the amendments, published on November 2, 1973 (38 FR 30280). The comments received in response to the notice were unanimous in supporting the change from SAE J592c to J592e as the referenced standard for clearance lamps, and in adopting the grouping of test points to determine compliance of backup lamps with photometric requirements. Comments also unanimously supported the identification of load requirements for testing variable load turn signal flashers, with one commenter suggesting that this might better be accomplished by referencing SAE J590e. The suggestion was not adopted, as J590e incorporates matter not proposed in Notice 1. The proposal that the maximum voltage drop across flashers be increased from 0.45 volt to 0.8 volt was supported by four vehicle manufacturers with a fifth suggesting an increase to 0.6 volt. It was objected to by six commenters, all of them flasher manufacturers, on the grounds that it would result in a lessening of light output. The NHTSA recognized this possibility in Notice 1, but noted that the diminution would be so slight as to be undetectable by the human eye, while the public would be afforded the choice of a flasher with greater life expectancy. The amendment increasing the minimum voltage drop is adopted as proposed.

In consideration of the foregoing, 49 CFR 571.108 Motor Vehicle Safety Standard No. 108 is amended as follows:

1. In Table I, Column 4, the applicable SAE Standard for side marker lamps, identification lamps, clearance lamps, and intermediate side marker lamps is changed to "J592e, July 1972."

2. In Table III, Column 5, the applicable SAE Standard for side marker lamps, and intermediate side marker lamps are changed to "J592e, July 1972."

3. In S4.1.1.8 the words "SAE Standard J592c 'Clearance, Side Marker, Identification, and Parking Lamps,' November 1968" are deleted and replaced by "SAE Standard J592e 'Clearance, Side Marker, and Identification Lamps,' July 1972."

4. A new S4.1.1.22 and Figure 3 are added to read:

S4.1.1.22 A backup lamp is not required to meet the minimum photometric values at each test point specified in Table I of SAE Standard J593c "Backup Lamps" if the sum of the candlepower measured at the test points within each group listed in Figure 3 is not less than the group totals specified in that figure.

FIGURE 3.—*Minimum luminous intensity requirements for backup lamps*

Group	Test point, deg	Total for group, candela (see note 1)
1[1]	45L-5U, 45L-H, 45L-5D	45
2[1]	30L-H, 30L-5D	50
3	10L-10U, 10L-5U, V-10U, V-5U, 10R-10U, 10R-5U	100
4	10L-H, 10L-5D, V-H, V-5D, 10R-H, 10R-5D	360
5[1]	30R-H, 30R-5D	50
6[1]	45R-5U, 45R-H, 45R-5D	45

[1] When 2 lamps of the same or symmetrically opposite design are used, the reading along the vertical axis and the averages of the readings for the same angles left and right of vertical for 1 lamp shall be used to determine compliance with the requirements. If 2 lamps of differing designs are used, they shall be tested individually and the values added to determine that the combined units meet twice the candela requirements.

When only 1 backup lamp is used on the vehicle, it shall be tested to twice the candela requirements.

5. A new S4.1.1.23 is added to read:

S4.1.1.23 Variable load turn signal flashers shall comply with voltage drop and durability requirements with the maximum design load connected and shall comply with starting time, flash rate, and percent current "on" time requirements both with the minimum and with the maximum design load connected.

6. A new S4.1.1.24 is added to read:

S4.1.1.24 The lowest voltage drop for turn signal flashers and hazard warning signal flashers measured between the input and load terminals shall not exceed 0.8 volt.

Effective date: May 29, 1974. Because these amendments either relax a requirement or reflect existing widespread industry practice, and create no additional burden, it is found for good cause shown that an effective date earlier than one hundred eighty days after issuance is in the public interest.

(Secs. 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.74-9721 Filed 4-30-74;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1158; Amdt. 1]

PART 1033—CAR SERVICE

Chicago and North Western Transportation Co.

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

Upon further consideration of Service Order No. 1158 (38 FR 30001), and good cause appearing therefor:

It is ordered, That:

§ 1033.1158 *Service Order No. 1158* (Chicago and North Western Transportation Company authorized to operate over tracks of Union Pacific Railroad Company), be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

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

Effective date. This amendment shall become effective at 11:59 p.m., April 30, 1974.

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

It is further ordered, That a copy of this amendment shall be served upon the Association of American Railroads, Car

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-9942 Filed 4-30-74;8:45 am]

[S.O. 1159; Amdt 1]

PART 1033—CAR SERVICE

Chicago and North Western Transportation Co.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D.C., on the 23rd day of April 1974.

Upon further consideration of Service Order No. 1159 (38 F.R. 30559), and good cause appearing therefor:

It is ordered, That: § 1033.1159 *Service Order No. 1159* (Chicago and North Western Transportation Company authorized to operate over tracks of Chicago, Milwaukee, St. Paul and Pacific Railroad Company) be, and it is hereby, amended by substituting the following paragraph (e) for paragraph (e) thereof:

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

Effective date. This amendment shall become effective at 11:59 p.m., April 30, 1974.

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

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

By the Commission, Railroad Service Board.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-9941 Filed 4-30-74;8:45 am]

Title 50—Wildlife and Fisheries

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

SUBCHAPTER H—EASTERN PACIFIC TUNA FISHERIES

PART 280—YELLOWFIN TUNA

Miscellaneous Amendments

On March 25, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 11089) to amend Part 280, Title 50, Code of Federal Regulations, which are regulations governing the eastern Pacific yellowfin tuna fishery. Interested persons were given the opportunity to participate through a public hearing held at San Diego on April 2, 1974, and through submission of written comments.

Although the proposed rulemaking did not suggest a change in the distribution of the overall small boat allocation between the small purse seiners and the bait and jig boats, careful consideration has been given to the oral and written testimony dealing with this matter. A detailed examination has been made of National Marine Fisheries Service records of changes in the carrying capacity, performance, and fishing opportunities of the two elements of the small boat fleet between 1972 and 1974. The last adjustment in the small boat allocation was made in 1972. The records reveal that the carrying capacity of the purse seine element has decreased markedly, whereas the bait and jig boat fleet has increased appreciably. At the same time, however, the purse seiners have usually caught their allotment sooner than the bait and jig boats and have, therefore, operated under complete restriction for a longer period during the latter part of the year. In 1973, for example, the purse seine element caught its allotment and reverted to the 15 percent incidental catch limitation for yellowfin tuna in July, whereas the bait and jig boat fleet did not catch its allotment until December.

In order to reflect the above-mentioned changes in carrying capacity and the relative fishing power of the two elements, the tonnage allotments for the two categories have been revised as follows:

(1) Purse seiners of 400 short tons carrying capacity or less: 3,900 short tons.

(2) Bait and jig boats: 2,800 short tons.

The incidental catch limitation for the two groups during the period each is accumulating its allotment remains as in 1973, namely:

(1) Purse seiners 301-400 short tons carrying capacity: 40 percent by round weight.

(2) Purse seiners 300 short tons carrying capacity or less: 60 percent by round weight.

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

Industry testimony suggested that the proposed § 280.7(1), which would require a vessel sighted inside the regulatory area while reporting its position as outside to return to port for unloading or inspection, was unduly burdensome. The testimony and written views have been carefully examined. In view of the fact that the burden, if any, would be imposed only on a vessel found to be fishing in violation of the tuna conservation regulations and that the new requirement has been found necessary to insure effective enforcement of the regulations governing fishing inside and outside the regulatory area, § 280.7(1) is incorporated as proposed.

Industry in its testimony proposed that the "hardship" provisions of § 280.7 (b)(2) should be extended to include that portion of the closed season which occurs after the small seiner allotment has been taken. Specifically, it was requested that a purse seiner of 300 short tons carrying capacity or less and a purse seiner of 301-400 short tons carrying capacity be permitted to land 25 and 20 percent, respectively, of its established carrying capacity, provided the vessel had been at sea longer than 50 days (in the case of a vessel up to 300 tons) and 70 days (in the case of a vessel of 301-400 tons).

The proposal, unfortunately, is not practical. It is possible to administer this provision of the regulations during the period in which the small seiners are accumulating their share of the small boat allocation because the excess catch of particular vessels operating under the provision can be deducted from the small seiners' allotment. After the small seiners have taken their allotment and are fishing for other species, however, there is no "account" available to which any excess can be charged.

If the requested change were to be implemented, some amount of the small seiner allotment would have to be reserved to cover whatever tonnage of yellowfin tuna might be taken in excess of the 15 percent incidental catch limitation by small seiners which made trips in excess of 50 or 70 days. There is no way of making a reasonable estimate as to what amount to withhold; and, therefore, such a provision would be administratively impracticable. If the amount withheld to administer this provision were too high, there would be an earlier reversion to the 15 percent incidental catch limitation and an under-utilization of the allotment. If the amount withheld were too low, the allotment would be exceeded. The industry proposal has not, therefore, been adopted.

The proposed rulemaking added, in § 280.9 (f), (g), and (h), new reporting requirements for cargo vessels importing round tuna into the United States. As proposed, the rule would have applied to round tuna caught anywhere in the world and received onto the cargo vessel

by any means. Oral and written testimony from representatives of United States tuna processors and foreign cargo vessel operators indicated that the fishing vessel certification requirement would be impossible to meet in the case of tuna loaded onto the cargo vessel from a refrigerated warehouse or other storage facility, since the tuna at that point would have lost its identity as having been received from a certain fishing vessel.

Comments from representatives of the U.S. flag fishing fleet strongly supported the new reporting requirement, and one suggestion was made that the rule be extended to include tuna imported into the United States from any common carrier.

The comments received have been carefully evaluated and a number of changes to the rule have been made. The certification requirements of § 280.9(f) will be applicable only to round tuna received onto the cargo ship ex-vessel through a port facility. Notice is hereby served, however, of the intent of the National Marine Fisheries Service to monitor tuna imports received onto cargo vessels through cold storage facilities or other indirect means with a view to amending the regulations to include such imports at an early date.

In addition, the rule has been changed to require certification only when the port facility involved is in the Americas. As stated in the proposed rulemaking and recognized in the testimony received, the information is needed only as to tuna caught in the eastern tropical Pacific. After further examination of the matter, the Service is of the opinion that simple economics will discourage the transporting of tuna caught in the eastern tropical Pacific to a port outside the Americas to avoid the certification requirements of these regulations. If information obtained from other sources reveals that this is not the case, or that a significant amount of such tuna is for other reasons unloaded at ports outside the Americas, the regulation will be amended to include tuna received from any port in the world.

In order to insure that only tuna properly excluded from the reporting requirements by the above changes is permitted to be imported without certification, a new paragraph has been added requiring the bill of lading specifically to indicate whether the tuna was received ex-vessel through a port facility or by other named means and from what fishing vessels and ports. The Customs or NMFS agent will be able to verify the accuracy of the bill of lading through the ship's log and from other sources. the bill of lading requirements are contained in the present § 280.9(g), and the previously proposed § 280.9(g) and (h) have been relettered as § 280.9(h) and (i), respectively.

A *proviso* has been added to § 280.9(h) which would permit the unloading of round tuna from a cargo vessel without the required information if a bond had first been posted with the Regional Director conditioned on furnishing the required information within 60 days of unloading. The bond must be in the minimum amount of $500 per ton of undocumented tuna desired to be landed. In recognition of the lead time needed by the processors to implement the administrative details occasioned by these reporting requirements, § 280.9(f), (g), (h), and (i) will not become effective until May 31, 1974.

Testimony by industry indicated that the proposed inclusion in the appropriate sections of the regulations of formulas to determine the legal yellowfin catch for the various incidental catch rates permitted under the regulations did not clarify but rather confused matters. Therefore, the proposed formulas have been omitted and a Note has been added at the end of § 280.1(i) of the definitions to describe the method of calculating the legal yellowfin catch that has been used by the National Marine Fisheries Service since the regulations were first issued.

Accordingly Part 280 is amended as follows:

1. Section 280.1(i) is amended to read as set forth below.

2. Section 280.7(b) (1), (2), and (3), (4) (iii) and (j) is amended to read as set forth below.

3. Section 280.9(f) and (i) is amended to read as set forth below.

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

Effective date. These regulations are effective on May 1, 1974, except that §§ 280.9(f), (g), (h), and (i) shall not become effective until May 31, 1974.

Issued at Washington, D.C., and dated April 26, 1974.

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

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

Sec.

280.1 Definitions.
280.2 Basis and purpose.
280.3 Catch limits.
280.4 Open season.
280.5 Closed season.
280.6 Open season restrictions applicable to fishing vessels.
280.7 Closed season restrictions applicable to fishing vessels.
280.8 Emergency action by Service Director.
280.9 Restrictions applicable to cargo vessels.
280.10 Restrictions applicable to purchasers.
280.11 Recordkeeping and written reports.
280.12 Persons and vessels exempted.
280.13 National Oceanic and Atmospheric Administration employees designated as enforcement agents.
280.14 State officers designated as enforcement agents.

AUTHORITY: 64 Stat. 777, as amended, 16 U.S.C. 951, as modified by Reorganization Plan No. 4, effective Oct. 3, 1970 (35 FR 15627).

§ 280.1 Definitions.

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

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

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

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

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

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

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

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

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

(i) *Mingled species.* (1) Any species of billfish or shark; and (2) No other species of the family Scombridae except: Skipjack (*Genus Euthynnus*), bigeye (*Thunnus obesus*), bluefin (*Thunnus thynnus*) albacore (*Thunnus alalunga*), or bonito (*Sarda chiliensis*).

NOTE: The amount of yellowfin tuna that may be legally landed by a vessel subject to a specified percent incidental catch rate of yellowfin tuna based upon the round weight of the total catch is determined by the following formula:

$$\text{Quantity of legal yellowfin tuna} = \frac{\text{(Quantity of mingled species) times (Specified incidental catch rate in percent)}}{\text{(100 percent) minus (Specified incidental catch rate in percent)}}$$

For example, if the incidental catch rate of yellowfin tuna is 15 percent, then:

$$\text{Quantity of legal yellowfin tuna} = \frac{\text{(Quantity of mingled species) times (15)}}{85}$$

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

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

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

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

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

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

§ 280.2 Basis and purpose.

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

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

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

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

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

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

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

§ 280.3 Catch limits.

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

§ 280.4 Open season.

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

§ 280.5 Closed season.

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

§ 280.6 Open season restrictions applicable to fishing vessels.

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

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

§ 280.7 Closed season restrictions applicable to fishing vessels.

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

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

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

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

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

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

(2) Purse seiners of 400 short tons carrying capacity or less may land in any U.S. port yellowfin tuna captured from within the regulatory area as an incident to fishing for species with which yellowfin may be mingled, but in no event shall any vessel of 301–400 short tons carrying capacity be permitted to land yellowfin tuna in excess of 40 percent by round weight of its total catch: *Provided however*, That any vessel of 301–400 short tons carrying capacity which is on a fishing voyage longer than 70 days may land 20 percent yellowfin tuna by round weight of its established short ton carrying capacity. Nor shall any purse seiner of 300 short tons carrying capacity or less be permitted to land yellowfin tuna in excess of 60 percent by round weight of its total catch: *Provided however*, That any such vessel that is at sea longer than 50 days may land 25 percent yellowfin tuna by round weight of its established short ton carrying capacity. That local wet fish seiners may accumulate the 60 percent allowance by weight for the separate period from the date of closure of the yellowfin fishing season until the end of that month, and for each separate period consisting of one calendar month thereafter provided such vessels have not landed any yellowfin tuna during the open season and make deliveries only on a daily basis. When the catch of yellowfin tuna by purse seiners of 400 short tons carrying capacity or less reaches 3900 short tons, the amount of yellowfin tuna which any such vessel may lawfully land will revert to 15 percent by round weight of its total catch. After a date to be announced through publication of a notice in the FEDERAL REGISTER by the Service Director, any vessel departing on a fishing voyage shall be subject to this reversion limitation of 15 percent.

(3) Bait and jig boats may land in any U.S. port yellowfin tuna captured from within the regulatory area, but in no event shall any such vessel be permitted to land yellowfin tuna in excess of 50 percent by round weight of its short ton carrying capacity once established in accordance with subparagraph (4) of this paragraph. When the catch of yellowfin tuna by bait and jig boats collectively reaches 2,800 short tons, the amount of yellowfin tuna which any such vessel may lawfully land will revert to 15 percent by round weight of its total catch. After a date to be announced through publication of a notice in the FEDERAL REGISTER by the Service Director, any vessel departing on a fishing voyage shall be subject to this reversion limitation of 15 percent.

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

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

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

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

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

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

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

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

(d) Any fishing vessel electing to fish exclusively in the Pacific Ocean, but outside the regulatory area, shall report to the Regional Director, within 48 hours before leaving port, giving name of the reporting vessel and the port of departure; within 24 hours before leaving the regulatory area, giving the latitude of departure and the approximate time of

departure; and within 24 hours before returning to the regulatory area, giving the latitude of reentry, the approximate time of reentry and the tonnage by species of fish aboard. For 1974 only, the area described in the second sentence of paragraph (g) of Section 280.1 is considered to be outside the regulatory area.

(1) In addition, every fishing vessel operating in the Pacific Ocean, but outside the regulatory area, shall transmit daily a message between 0800 and 1000 hours local California time. This message shall be transmitted directly to Coast Guard Radio San Francisco (NMC) on frequency 16,565.0, 12,421.0, or 8,281.2 KHz and shall state: "This message is being transmitted in compliance with the U.S. eastern tropical Pacific yellowfin tuna regulations, and confirms that the vessel (name of reporting vessel) is fishing in the Pacific Ocean but outside the regulatory area as of this date (give date)." Any vessel failing to receive acknowledgement from Coast Guard San Francisco, must transmit the same message on the following day. Should the vessel fail to receive acknowledgement within three consecutive days, the vessel's radio equipment shall be considered inoperative and the vessel shall return directly to port without delay to unload or to receive an inspection by a designated agent of the National Marine Fisheries Service.

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

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

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

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

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

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

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

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

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

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

(j) All fishing vessels that are permanently based in a foreign country, which elect to participate in the allocation provisions for vessels of 400 tons carrying capacity or less, shall (1) unload in a U.S. port after each voyage begun during the closed season, or (2) transship all fish taken on such voyages to a U.S. port in accordance with paragraph (i) of this section. Any vessel failing to follow the procedures of this paragraph shall be limited to an incidental rate of yellowfin tuna not to exceed 15 percent by round weight of its total catch.

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

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

§ 280.8 Emergency action by service director.

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

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

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

§ 280.9 Restrictions applicable to cargo vessels.

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

(b) In keeping with the provisions of 46 U.S.C. 251, no foreign-flag vessel, whether documented as cargo vessel or

otherwise, is permitted to land in port of the United States any fish or fish products taken on board such vessel on the high seas.

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

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

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

(f) Any cargo vessel seeking permission to land in a port of the United States a cargo of round tuna (that is, tuna that has not been gilled, gutted, or beheaded) any part of which was received ex-vessel through a port facility in the Americas shall provide to the nearest Customs Office as a prerequisite to obtaining such permission from Customs the following information with respect to the part of such cargo received ex-vessel through a port facility in the Americas:

(1) Name, official number, and flag of each fishing vessel (including, for purposes of this paragraph, any foreign flag fishing vessel) from which was received any tuna that is aboard the cargo vessel at the time the aforesaid permission to land is sought;

(2) Date and location of such receipt of tuna; and

(3) Certification from the master of each such fishing vessel setting forth, as to tuna received by the cargo vessel:

(i) Tonnage by species of tuna caught inside the regulatory area;

(ii) Tonnage by species of tuna caught in waters west of the regulatory area to the meridian of 150° west longitude;

(iii) Tonnage by species of tuna caught in other waters; and

(iv) As to each category, the dates of the fishing voyages on which the tuna were caught.

(g) Any cargo of round tuna for which permission to land in a port of the United States is sought by a cargo vessel shall be accompanied by a bill of lading indicating whether the tuna was received ex-vessel through a port facility (and, if so, from what vessels and what ports) or by other named means, such as from freezer or other storage facilities, and such bill of lading shall be provided to Customs at the time permission to land is sought.

(h) Any cargo vessel failing to provide the documentation required by paragraph (f) and (g) of this section shall be denied permission to land in a port of the United States undocumented lots of round tuna: *Provided however,* That a cargo vessel may land undocumented lots of round tuna if there has first been posted with the Regional Director a bond in form and with surety satisfactory to the Regional Director, and in the minimum penal sum of $500 per ton of undocumented tuna desired to be landed, conditional to furnishing the documentation within 60 days of landing a cargo of undocumented round tuna.

(i) Any person who knowingly lands or permits the landing of round tuna from a cargo vessel in violation of paragraph (f) or (g) of this section, or who knowingly provides false information with respect to the requirements of paragraph (f) or (g) of this section, shall, as well as the cargo of tuna, be subject to the penalties provided in the Tuna Conventions Act of 1950 (16 U.S.C. 951–961).

§ 280.10 Restrictions applicable to purchasers.

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

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

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

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

§ 280.11 Recordkeeping and written reports.

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

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

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

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

§ 280.12 Persons and vessels exempted.

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

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

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

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

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

§ 280.14 State Officers designated as enforcement agents.

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

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Title 10—Energy

CHAPTER II—FEDERAL ENERGY OFFICE

PART 215—LOW SULFUR PETROLEUM PRODUCTS REGULATION

Part 215, concerning the priorities for use of certain low sulfur petroleum products, is established as a new part of Chapter II, Title 10 of the Code of Federal Regulations.

The provisions of Part 215 were originally issued by the Energy Policy Office on November 27, 1973, as EPO Regulation 2 (38 FR 32599) under the authority of the Economic Stabilization Act of 1970. EPO Regulation 2 took effect on December 7, 1973, and would terminate on April 30, 1974 with the expiration of the Economic Stabilization Act.

The Federal Energy Office has reviewed the administrative record including the comments and testimony submitted in writing and orally at public hearings prior to promulgation of EPO Regulation 2. As a result of this review and in consideration of the continuing shortages of low sulfur petroleum products, FEO has determined that the continuation of the provisions of EPO Regulation 2 is warranted.

Part 215 prohibits any power generating plant or industrial or commercial plant having a firing rate of 50 million BTU/hour or greater from converting from nonpetroleum fuel to a petroleum fuel except where such conversion would be required to achieve primary ambient air quality standards under the Clean Air Act (42 U.S.C. 185F et seq.). Conversion from natural gas to oil is permitted when alternative fuels cannot be practically utilized. Plants using petroleum products are prohibited from using petroleum products having a lower sulfur content than the average sulfur content of such products in use during November, 1973, or during the last month prior to November, 1973 in which the power generator consumed such products. Aggregate quantities of petroleum products utilized cannot be increased except in direct proportion to the increased output of energy or need for startups. Finally, new plants are prohibited from burning more low sulfur petroleum products than necessary to meet primary ambient air quality standards or for startup.

The provisions of Part 215 are not intended to interfere with the attainment of primary ambient air quality standards nor with new source performance standards under the Clean Air Act. In the event these provisions create conflict with such standards, the provisions of the Clean Air Act will prevail. Part 215 is consistent with the Environmental Protection Agency's Clean Fuels Policy which urges States to delay attainment dates for secondary standards as they apply to coal fired emission sources and to delay enforcement of sulfur regulations for coal fired sources whenever primary standards are not endangered.

In those cases where variances from State air pollution regulations cannot be obtained and compliance by other means such as installation of pollution control equipment or plant shutdown would create undue economic hardship, an exception to the provisions contained in Part 215 may be granted. In addition, exceptions may be granted where alternative fuels are not practically available. Exceptions my be applied for under Subpart C of Part 205 of the Mandatory Petroleum Allocation and Price Regulations.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the continuation of the low sulfur petroleum products regulations, the Federal Energy Office finds that normal rulemaking procedure is impracticable and good cause exists for making this regulation effective in less than 30 days.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, E.O. 11748; 38 FR 33575; FEO Order 3 (February 5, 1974))

In consideration of the foregoing, Chapter II of Title 10 of the Code of Federal Regulations is amended by adding Part 215 as set forth below, effective immediately.

Issued in Washington, D.C., April 29, 1974.

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

Chapter II of 10 CFR is amended by adding a new Part 215, which reads as follows:

Sec.
215.1 Purpose and intent.
215.2 Definitions.
215.3 Power generators not currently burning petroleum products.
215.4 Power generators currently burning petroleum products.
215.5 New power generators.
215.6 Exceptions to meet primary ambient air quality standards.
215.7 Other exceptions.

AUTHORITY: Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159; E.O. 11748, 38 FR 33575; FEO Order 3 (Feb. 5, 1974).

§ 215.1 Purpose and intent.

The purpose of this part is to assure the optimum use of the limited supplies of low sulfur petroleum products in a manner consistent with the provisions of the Clean Air Act, as amended, and the Clean Fuels Policy of the Environmental Protection Agency. This Part is not intended to affect or preempt the development of individual source compliance schedules or other actions associated with implementation of the Clean Air Act, except with regard to the timing of actual shifts to burning lower sulfur oil during the period this Part is in effect.

§ 215.2 Definitions.

"Power generator" means any boiler, burner, or other combustor of fuel or any combination of boilers at a single site in any electric power generating plant or industrial or commercial plant having a total firing rate of 50 million B.T.U./hour or greater in commercial operation on or prior to December 7, 1973 and includes combustion turbines used in the generation of electrical energy.

"Petroleum product" means crude oil, residual fuel oil, and refined petroleum products as defined in Part 211 of this Title.

"Primary ambient air quality standards" means the national primary ambient air quality standards provided for in the Clean Air Act, as amended. (42 U.S.C. 1857 et seq.)

§ 215.3 Power generators not currently burning petroleum products.

No petroleum product shall be sold or otherwise provided to or accepted by any firm for burning under power generators that were not using the petroleum product on December 7, 1973. Automatic exception is granted for power generators converting from natural gas, provided that alternative fuels, such as coal, cannot practically be utilized.

§ 215.4 Power generators currently burning petroleum products.

Petroleum products may continue to be purchased and utilized by firms using them in power generators burning petroleum products on December 7, 1973 except that:

(1) No petroleum product having a lower specified sulfur content, by weight, than the average content of the petroleum products in use in such a power generator during November, 1973 or during the last month in which the power generator consumed such products, shall be sold or otherwise provided or accepted by any firm for use in such power generator;

(2) The aggregate quantity of petroleum products utilized by such firm in any month subsequent to April, 1974 in any such power generator capable of burning coal and petroleum products shall not exceed the larger of the aggregate quantity of petroleum products consumed in the corresponding month of 1972 or in July 1973, except that the quantity of petroleum products burned may be increased in proportion to the increased output of energy or increased need for startups.

(3) The quantity of middle distillate fuel oil utilized by such firm in any month subsequent to April, 1974 in any such power generator shall not exceed the larger of the quantity of middle distillate fuel oil consumed in the corresponding month of 1972 or in July 1973, except that the quantity of middle distillate fuel oil burned may be increased in proportion to the increased output of energy, or increased need for startups.

(4) In order to discourage further increase in the indirect use of middle distillate and residual fuel oils:

(i) No firm shall blend more middle distillate fuel oils into residual fuel oil than the greater of the quantities blended in the corresponding month of 1972, or in July 1973, except where essential to meeting Primary Ambient Air Quality Standards.

(ii) No firm shall use under a power generator a blended fuel containing a greater proportion of middle distillate fuels from the larger of:

(A) The proportion included in the corresponding month of 1972, or

(B) The proportion included in July 1973, except where essential to meeting Primary Ambient Air Quality Standards.

(iii) Those quantities of fuels containing middle distillates that constitute plant or firm inventories as of the effective date of this Part may be consumed by or sold for use in power generators until those quantities are depleted.

(5) Automatic exception is granted for power generators converting from natural gas, provided that alternative non-petroleum product fuels, such as coal, cannot practically be utilized.

§ 215.5 New power generators.

(a) Any firm with power generators which commenced commercial operations after December 7, 1973 shall not utilize any petroleum products with sulfur content by weight lower than that needed to meet Primary Ambient Air Quality Standards or to comply with EPO new source performance standards or for startup.

(b) This part is not intended to preempt the new source performance standards of the Clean Air Act, as amended. In the event this Part conflicts with such standards, the provisions of the Clean Air Act prevail and the provisions of this Part do not apply.

§ 215.6 Exceptions to meet primary ambient air quality standards.

(a) The FEO shall automatically grant exceptions to the provisions of this Part as provided in Subpart C of Part 205 when the use of petroleum products is properly certified by the appropriate State air pollution control agency to be essential to meeting the Primary Ambient Air Quality Standard of the air quality region in which the plant is located.

(b) With respect to § 215.3, FEO shall grant exceptions pursuant to this paragraph only when suitable alternative non-petroleum product fuels are not available.

§ 215.7 Other exceptions.

The FEO may also grant exceptions from the provisions of this Part as provided in Subpart C of Part 205 if:

(a) Any firm subject to this Part can demonstrate that compliance would cause an undue economic hardship; or

(b) Fuels necessary for compliance with this Part are not available.

[FR Doc.74-10105 Filed 4-29-74;3:07 pm]

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Extension of Current Propane Allocation Program

The current propane allocation program, issued on December 27, 1973, was primarily designed to allocate propane during a period of acute shortages. With this purpose in mind, a base period of October 3, 1972, to April 30, 1973, was instituted in anticipation that a new propane allocation program would be implemented for periods subsequent to April 30, 1974.

On April 8, 1974, FEO published a proposed propane allocation program which incorporated, among other significant changes, a proposed quarterly base period encompassing April 1, 1972, to March 31, 1973. In the proposed rulemaking, it was stated that the new program would become effective on May 1, 1974. Many of the comments received in response to the rulemaking urged FEO to provide a period of time for adjustment to new provisions contained in the proposed subpart. Accordingly, the FEO has decided to issue the new propane program during early May 1974 to become effective on June 1, 1974.

In order to extend the present allocation program until the new program becomes effective, it is necessary to adopt a base period for the month of May 1974. After careful consideration the FEO has decided that of the months reported to FEO as part of the present base period, the month of April 1973 most accurately reflects the supply/demand situation for May 1974.

The FEO realizes that some hardships may occur as a result of using April 1973 as the base period for May 1974. Firms experiencing such a hardship may apply to the appropriate regional offices of FEO pursuant to § 205.21-24 for relief.

In addition, the FEO has determined that the allocation level for petrochemical and petrochemical precursor use should be increased prior to the anticipated effective date of June 1, 1974. Accordingly, the allocation level for this use is increased from 90% of base period use to 100% of base period use.

Because the purpose of this amendment is to provide immediate guidance and information with respect to the mandatory petroleum allocation regulations and to continue the present propane program during the month of May, the Federal Energy Office finds that normal rulemaking procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93-159, E.O. 11748, 38 FR 33575)

In consideration of the foregoing, Part 211 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below, effective immediately.

Issued in Washington, D.C., on April 30, 1974.

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

§ 211.82 [Amended]

1. Section 211.82 is amended in the definition of "base period" to read as follows:

"Base period" means the period October 3, 1972, through April 30, 1973, except that for the period May 1, 1974, through May 31, 1974, base period means April 1, 1973, through April 30, 1973.

2. Section 211.83 is amended by deleting paragraph (e)(2), renumbering paragraph (e)(3) to read (e)(2), and by adding a new paragraph (g) to read as follows:

§ 211.83 Allocation levels.

* * * * *

(g) One hundred (100) percent of base period use for petrochemical and petrochemical precursor production.

[FR Doc.74-10162 Filed 4-30-74;12:01 pm]

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Corrective Amendments to Refiner's Cost Calculations

On January 15, 1974, the Federal Energy Office published mandatory petroleum price regulations under the Emergency Petroleum Allocation Act of 1973, Public Law 93-159 (39 FR 1949). The regulations provide, in § 212.83, the formulae by which a refiner must calculate certain product costs which may be used to determine its base prices for covered products.

The formulae is § 212.83(c)(2) permit recovery of certain increased costs of crude petroleum (the "A" factor) and petroleum products (the "B" factor). These costs incurred in one month may be attributed to prices of the refiner's products in the following month. If full recovery is not achieved in that following month after application of the permissible price, or if all costs were not initially applied to prices, those remaining costs may be carried forward and applied to prices. The unrecovered costs carried forward are represented by the symbol "G" in the formulae of § 212.83. Recovery of costs through the "G" factor of the formulae, is, therefore, permitted on a deferred timing basis and is intended to include only those costs "banked" (i.e., unapplied in a prior cal-

culation) and those costs already applied, but not recovered.

Through an oversight, the description of the costs recoverable by the use of the "G" factor was stated in the January 15, 1974 regulations to include product costs unrecovered "through" the month of measurement of those costs. Product costs measured "through" that month, however, would also include the cost of products which are only then being applied under the "A" and "B" factors of the formulae to calculate base prices, as well as costs already applied but not recovered. Thus, if this language were to be literally taken, the refiner would, in formulae calculations, apply its product cost increases for the month of measurement twice—first under the "A" and "B" factors to establish prices, and second, by treating them as costs not yet recovered through operation of the prices established, under the "G" factor. This double accounting was never intended, and has not yet been accepted.

The FEO became aware of this error in description, and advised all refiners by letter that the application of the "G" element was not properly described. Refiners were advised to include in their "G" computations only those increased costs "to" the month of measurement. This is accomplished simply by changing the word "through" to "to," in the definition of the subfactor "J," which is part of the definition of the "G" factor. However, the description of the "G" factor is also being revised to specifically reflect the change in the "J" factor. For these reasons, FEO is issuing this corrective amendment to this part of § 212.83, to provide added clarity and to conform the regulatory language to the instructions delivered to the nation's refiners. The amendment also represents an effort to respond to recent inquiries by providing more definitive language to identify the "G" symbols.

Because of the purpose of these amendments is to provide immediate guidance and information with respect to the mandatory petroleum price rules and regulations which apply to refiner's permissible prices in the month of May, the Federal Energy Office finds that normal rulemaking procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

(Emergency Petroleum Allocation Act of 1973, P.L. 92–159, E.O. 11748, 38 FR 33575)

In consideration of the foregoing, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below, effective January 15, 1974.

Issued in Washington, D.C., April 30, 1974.

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

Section 212.83 is amended in paragraph (c)(2) at the description of the terms "$G_i{}^t$" and "$J_i{}^t$" to read as follows:

§ 212.83 Allocation of refiner's increased product costs.

* * * * *

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

(2) *General formulae.* * * *

$$G_i{}^t = J_i{}^t - K_i{}^t + L_i{}^t$$

Which is either: (i) the total dollar amount of increased costs of the product or products of the type "i" to the period "t" (the month of measurement) not recovered in sales of that product through the period "t," that have been carried forward pursuant to paragraph (d) of this section; or (ii) the total dollar amount by which increased costs of the product or products of the type "i" to the period "t" (the month of measurement) have been over-recovered in sales of that product through the period "t," that must be subtracted pursuant to paragraph (d) of this section.

Where:

$J_i{}^t$ = The total dollar amount of increased product costs attributable to the product type "i" from August 1 1973 to the period "t" (the month of measurement).

* * * * *

[FR Doc. 74–10161 Filed 4–30–74;12:00 pm]

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Adjustment to Refiner's Price Formulae to Reflect the Volume of Covered Products

On January 15, 1974, the Federal Energy Office published mandatory petroleum price regulations under the Emergency Petroleum Allocation Act of 1973. The regulations provide, in § 212.83, the formulae by which a refiner must calculate the amount of added product costs attributable to special products and to covered products other than special products.

At the time the formulae were adopted, virtually all of the products sold by a refiner were subject to the price regulations of FEO, and under the formulae the added cost of all the crude oil procesed by a refiner can be allocated to the refiner's covered products.

On April 3, 1974, certain products, such as asphalt, road oil, refinery gas, petroleum wax, and petroleum coke, which were subject to price regulation only under the authority of the Economic Stabilization Act of 1970, were made exempt from price controls of the FEO in light of the April 30, 1974 expiration of the Economic Stabilization Act.

Thus, a percentage of a refiner's production now is comprised of products not subject to price regulation by the FEO. Accordingly, the refiner's price allocation formulae of § 212.83 are being revised in order to insure that all of the increased cost of crude oil processed by a refiner is not allocated to covered products, which now constitute less than all of a refiner's production. This is being done by redefining the volume factor in the formulae to include all products produced from crude oil, rather than all covered products. This will result in the application of only that portion of the increases in crude oil costs which are attributable to the percentage of the refiner's output that is subject to FEO price regulation.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the mandatory petroleum price rules and regulations which apply to refiner's permissible prices in the month of May, the Federal Energy Office finds that normal rulemaking procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159, E.O. 11748, 38 FR 3357)

In consideration of the foregoing, Part 212 of Chapter II, Title 10 of the Code of Federal Regulations is amended as set forth below, effective January 15, 1974.

Issued in Washington, D.C., April 30, 1974.

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

Section 212.83(c)(2) is amended in the definition of "V^u" to read as follows:

§ 212.83 Allocation of refiner's increased product costs.

* * * * *

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

(2) *General formulae.* * * *

V^u = The total volume of all covered products and all products refined from crude petroleum other than covered products sold in the period "n" (the consecutive three-month period of the preceding year such that the middle month of the period corresponds to the current month "u").

* * * * *

[FR. Doc.74–10165 Filed 4–30–74;12:02 pm]

PART 212—MANDATORY PETROLEUM PRICE REGULATIONS

Rent Charged for Real Property Used in the Retailing of Gasoline

Part 212 of the Federal Energy Office regulations was promulgated, in part, pursuant to authority contained in the Economic Stabilization Act of 1970 and delegated to the FEO by the Chairman of the Cost of Living Council in CLC Order No. 47. On April 30, 1974, the Economic Stabilization Act of 1970 and all executive authority over rentals contained therein are scheduled to expire.

Subpart G of Part 212 of the Federal Energy Office regulations is amended to reflect the imminent change in FEO authority over rentals respecting real property used in the retailing of gasoline. The applicability of the "Lessors" provisions of Subpart G is limited to those situations in which both the lessor and lessee of real property used in the retailing of gasoline are refiners, resellers, reseller-retailers, or retailers, as defined in Part 212. The leasing of property used in the

retailing of gasoline, between suppliers and retailers, is inextricably woven into the fabric of the supplier's marketing system and is directly related to the price at which gasoline is sold at retail. The price charged for product and the rent charged for the property, each of which is often expressed as a flat rate in cents per gallon, constitute a combined charge to the retailer by the supplier for the purchasing and retailing of gasoline. FEO has determined that the statutory mandate to regulate the price of refined petroleum products requires the continued regulation of rents charged between retailers and suppliers in service station leases, as an integral part of its petroleum pricing regulations.

To implement the determination described above, § 212.101 is amended to restrict the applicability of the "Lessors" provisions of Subpart G to those leases of real property used in the retailing of gasoline where the lessor and lessee are refiners, resellers, resellers-retailers, or retailers, as defined in Part 212.

Section 212.103(c) has also been amended to make clear that the standards and goals implemented in the "Lessors" provision are those of the Emergency Petroleum Allocation Act of 1973.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the mandatory petroleum allocation rules and regulations, and because the Economic Stabilization Act of 1970 is scheduled to expire on April 30, 1974, the Federal Energy Office finds that normal rulemaking procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

(Emergency Petroleum Allocation Act of 1973, P.L. 92–159, E.O. 11748, 38 FR 33572)

In consideration of the foregoing, 10 CFR Part 212 is amended as set forth below, effective May 1, 1974.

Issued in Washington, D.C., April 30, 1974.

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

1. Section 212.101 is amended to read as follows:

§ 212.101 Applicability.

This subpart applies to each leased real property used in the retailing of gasoline where both the lessor and lessee are refiners, resellers, reseller-retailers, or retailers, as defined in this part.

2. Section 212.103 is amended is paragraph (c) to read as follows:

§ 212.103 Price rule.

* * * * *

(c) Impose any operating requirements on the retailer which would be unreasonably inconsistent with the standards or goals of the Emergency Petroleum Allocation Act of 1973 or the Federal Energy Office including but not limited to a requirement that the retailer extend his hours of operation beyond his customary hours of operation.

[FR Doc.74–10164 Filed 4–30–74;12:01 pm]

[Ruling 1974–9]

APPENDIX—FEO RULINGS

Minimum Rent Provisions in Leases of Real Property Used in the Retailing of Gasoline

Facts. Firm A, engaged in the distribution of refined petroleum products, leases a parcel of real estate to individual B, who operates a retail gasoline outlet on the property. The contractual terms prevailing on May 15, 1973, provided for rent to be paid monthly at a rate of 2¢ per gallon of gasoline sold by B during the month, and that in no event was the total rent to be paid in that month to be less than $1,200.00. (The equivalent of 2¢ per gallon of gasoline multiplied by 60,000 gallons). On May 15, 1973, B was selling gasoline at a monthly rate of 80,000 gallons. Recently, Firm A's allocation fraction has been reduced so that B is receiving only 50,000 gallons of gasoline per month.

Issue. May Firm A charge the minimum rent of $1,200.00 per month?

Ruling. Yes. Since the minimum rent provision was a contractual term which could have operated on May 15, 1973, to impose a monthly rent of $1,200.00 if the volume during May 1973 had been less than 60,000 gallons, the minimum rent provision is considered to be a prevailing contractual term on that date, and must be taken into account in determining "base rent" within the meaning of 10 CFR § 212.102. Enforcement of the minimum rent provision, therefore, does not constitute an increase in "base rent" prohibited by 10 CFR § 212.103.

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

APRIL 30, 1974.

[FR Doc.74–10166 Filed 4–30–74;12:02 pm]

[Ruling 1974–10]

APPENDIX—FEO RULINGS

Changes in Credit Terms

Facts. Firm A, a refiner, sold gasoline to Firm B on May 15, 1973, under terms which permitted Firm B to pay for a delivery of gasoline at the time the next delivery was made.

Firm C, a refiner, sold gasoline to Firm D on May 15, 1973, under terms which included a requirement that Firm D make a cash deposit with Firm C as security for prompt payment for the gasoline sold by Firm C to Firm D. The amount of the deposit required of Firm D depended upon Firm D's credit rating and the amount of credit Firm D obtained, which in turn depended upon the volume of purchases, the frequency of payments, and on the price of the gasoline that was purchased.

Issue #1. May Firm A now require Firm B, which has been paying for deliveries of gasoline on a so-called load-to-load basis, to pay for each delivery at the time it is made?

Issue #2. May Firm C increase the amount of the security deposit required from Firm D?

Ruling. Firm A may not discontinue its practice of accepting payment for deliveries of gasoline on a load-to-load basis. 10 CFR 212.82(f)(1)(i) states: "The base price for sales of an item by a refiner is the weighted average price at which the item was lawfully priced in transactions with the class of purchaser concerned on May 15, 1973, plus increased product costs incurred between the month of May 1973 and measured pursuant to the provisions of § 212.83. In computing the base price, a firm may not exclude any temporary special sale, deal or allowance in effect on May 15, 1973." Price is defined in 10 CFR 212.31 as "any consideration for the sale or lease of any property or service and includes rent, commissions, dues, fees, margins, rates, charges, tariffs, fares, or premiums, regardless of form."

Thus, the May 15, 1973 price includes both the price per gallon of gasoline and the time within which that price had to be paid, *i.e.*, the credit terms that prevailed on that date. The imposition of more stringent credit terms by a refiner would constitute an impermissible increase in the May 15, 1973 price because it would reduce the time within which payment had to be made. The cost of credit for the period between deliveries, which was incurred by Firm A would, if the terms could now be altered, have to be paid by Firm B.

Firm A could change its credit practices with respect to Firm B only if it first applied to the FEO, and made a showing as to why the change was necessary, and if the FEO authorized the change, as well as an appropriate adjustment to Firm A's May 15, 1973 price. The presumption, however, would be against authorizing such changes in credit terms because of the differing impacts they have on Firm A and Firm B because of their differing access to and cost of obtaining credit.

Firm C can increase the amount of the security deposit it requires, but only to the extent that the actual increase in the amount of the security deposit is justified by increased credit being extended to each retail seller because of increases in the price of gasoline or in the volume of purchases. Thus, the percentage increase in the amount of the security deposit required of Firm D can be, at most, the percentage by which the selling price of gasoline to Firm D has increased between May 15, 1973, and the present, adjusted for changes in volume of purchases between May 15, 1973, and the present. Any further increase would be an impermissible increase in Firm C's May 15, 1973 selling price, since it would impose an increased cost of credit on Firm D. Similarly, Firm C could not increase the frequency of payments required of Firm D because to do so would reduce the amount of credit being extended to Firm D.

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

APRIL 30, 1974.

[FR Doc.74–10163 Filed 4–30–74;12:01 pm]

Proposed Rules

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 944]

LIME REGULATION 5

Withdrawal of Proposal and Termination of Proceeding

Pursuant to the provisions of Section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), a notice was published in the FEDERAL REGISTER (39 FR 13890), regarding a proposed amendment of Lime Regulation 5 (§ 944.204), with a proposed effective date of May 1, 1974.

The said amendment would have applied the same grade and size requirements to imported limes as those that were proposed to be made effective for Florida limes under Order No. 911 (7 CFR Part 911) on the same date.

Subsequent to publication of said notice a regulation was issued applicable to Florida limes under said Order No. 911 which contains the same grade and size requirements as those currently in effect for imported limes under said Lime Regulation 5. Therefore, the notice of proposed amendment of such regulation (39 FR 13890) is hereby withdrawn and the proceeding terminated. The current requirements of said Lime Regulation 5 (§ 944.204) remain in effect.

Done at Washington, D.C., this 29th day of April 1974.

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

[FR Doc.74–10106 Filed 4–30–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

[42 CFR Part 83]

CERTIFICATION OF PERSONAL PROTECTIVE DEVICES

Extension of Comment Period

On April 1, 1974, a notice of proposed rulemaking was published in the FEDERAL REGISTER (39 FR 11923) to amend Title 42, Code of Federal Regulations by adding a new Part 83 which set forth the requirements for certification of certain occupational personal protective devices (hats, eye and face protective devices, shoes, gloves).

Interested persons were invited to submit written comments concerning the proposed rules by May 1. A number of manufacturers wishing to participate in the certification program have requested that the period of time for comment be extended to permit detailed study of the proposal.

In response to these requests, the period for submitting written comments concerning the proposed rules is hereby extended until June 1, 1974.

Dated: April 26, 1974.

E. J. BAIER,
Acting Director, National Institute for Occupational Safety and Health.

[FR Doc.74–10086 Filed 4–30–74;8:45 am]

Office of the Secretary

[41 CFR Part 3–50]

PREVENTION OF CONFLICTS OF INTEREST BY FORMER EMPLOYEES

Notice of Proposed Rulemaking

Notice is hereby given in accordance with the administrative provisions in 5 U.S.C. 553, that pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the Office of the Secretary is considering an amendment to 41 CFR, Chapter 3, by adding a new Subpart 3–50.7, Prevention of Conflicts of Interest by Former Employees of the Department of Health, Education, and Welfare. Notice is hereby given that this issuance will also be published in the Department's Grants Administration and General Administration Manuals.

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 Deputy Assistant Secretary for Grants and Procurement Management, OASAM, Room 2038, HEW Switzer Building, 330 C Street SW., Washington, D.C. 20201, on or before May 31, 1974. All comments submitted pursuant to this notice will be available for public inspection during regular business hours in the Office of Grants and Procurement Management.

This amendment prohibits the award of noncompetitive discretionary grants or contracts to organizations employing certain former employees of the Department of Health, Education, and Welfare (DHEW). The amendment also establishes a reporting system in competitively awarded discretionary grants and contracts to insure that such awards are made in full compliance with the conflict of interest laws and regulations and is not tainted by improper influence or favoritism.

Dated: April 15, 1974.

S. H. CLARKE,
Deputy Assistant Secretary for Administration and Management.

As proposed, the new Subpart 3–50.7 would read as follows:

Subpart 3–50.7—Prevention of Conflicts of Interest by Former Employees of the Department of Health, Education, and Welfare

Sec.

3–50.700 Scope of subpart.
3–50.701 Definitions.
3–50.702 Solicitations for contracts and applications for discretionary grants.
3–50.703 Limitations on award of noncompetitive contracts and discretionary grants awarded without competition.
3–50.704 Treatment of competitive contracts and discretionary grants.
3–50.705 Waivers.
3–50.706 Explanatory guidelines.

§ 3–50.700 Scope of subpart.

(a) This subpart prescribes procedures for identifying and dealing with real or apparent conflicts of interest involved in contracts and discretionary grants awarded by the Department to organizations employing certain former Department of Health, Education, and Welfare (DHEW) employees. This subpart is not applicable to contracts with or discretionary grants to other Departments and agencies of the Federal Government, discretionary grants awarded to Public Health Service Hospitals, or contracts or discretionary grants awarded to State or local units of government as defined herein.

(b) This regulation is designed to ensure that no contract or discretionary grant is awarded to an organization that employs a former regular or special DHEW employee of an agency in circumstances which constitute a real or apparent conflict of interest, and to ensure that awards are based strictly on merit without improper influence or favoritism in the selection of grantees and contractors.

(c) The fact that an offeror or applicant employs or contemplates employing an agency employee or former employee shall not prejudice that offeror's or applicant's competitive standing, provided that the employment or proposed employment is consistent with Federal law and there is no taint of improper influence or favoritism by virtue of the individual's former association with this Department.

(d) The fact that employment of a former Department employee may not, under this regulation, disqualify a prospective contractor or grantee should not be regarded as an authorative determination that the former employee's conduct may not violate the criminal conflict of interest laws.

§ 3–50.701 Definitions.

(a) *Agency.* For the purposes of this regulation, an agency means the Office of Education (OE), National Institute of Education (NIE), Social and Rehabilitation Service (SRS), Social Security Administration (SSA), the six health agencies under the Assistant Secretary for Health, the Supply Operations Division, and any other staff office in the Office of the Secretary of the Regional Offices that is directly involved in the award and administration of discretionary grants or contracts.

(b) *Discretionary grant.* For purposes of this regulation, a "discretionary grant" is defined as a grant for which the amount of the grant, and the decision whether and to whom to award the grant are within the administrative discretion of the agency.

(c) *Local government.* The term "local government" means a local unit of government including specifically a county, municipality, city, town, township, school district, local public authority, special district, intrastate district, council of governments, sponsor group representative organization, and other regional or interstate government entity, or any agency or instrumentality of a local government exclusive of institutions of higher education and hospitals.

(d) *Regular employee.* A "regular employee" is one who served in a capacity exceeding 130 days during any period of 365 consecutive days, whether by temporary appointment, or permanent career appointment, and including regular officers of the Public Health Service Commissioned Corps and Reserve Officers of the Corps while on active duty.

(e) *Special Government employee.* A "special Government employee" is an employee appointed to serve for not more than 130 days during any period of 365 consecutive days, either on a full-time or intermittent basis, and who was so employed for more than 60 days during that 365 days.

(f) *State.* "State" means any of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State exclusive of State institutions of higher education and hospitals.

(g) *Grants awarded without competition.* A grant awarded without competition in a grant awarded to a single organization where the statute or regulation requires or implies that applications will be competed on the basis of merit, but the awarding agency has decided to award on a noncompetitive basis.

§ 3–50.702 Solicitations for contracts and applications for discretionary grants.

(a) The following certification will be inserted in all procurement solicitations of $2,500 or more and in all discretionary grant applications:

(1) The offeror or applicant shall certify as part of its proposal or application: whether or not the offeror or applicant now employs, is now negotiating with, or otherwise has any arrangements covering prospective employment with a present or former regular or special employee who participated or is participating personally and substantially, while an agency employee and as an employee or prospective employee of the offeror or applicant, in the subject matter to which the solicitation or application pertains. If so the offeror or applicant shall state the name of the present or former agency employee and indicates the extent of his involvement, on behalf of the offeror or applicant in (i) the application or proposal or (ii) any resultant grant or contract.

(2) The offeror or applicant shall certify as part of its proposal or application: whether or not the offeror or applicant now employs, is now negotiating with, or otherwise has any arrangements covering prospective employment with a present or former regular or special agency employee whose official responsibility within one year prior to submission of the grant application or contract proposal involved a program administered by the agency to which the proposal or application pertains and the employee or prospective employee of the offeror or applicant participated in the proposal or application. If so the offeror or applicant shall state the name of the present or former agency employee and indicate the extent of his involvement, on behalf of the offeror or applicant, in (i) the application or proposal or (ii) any resultant grant or contract.

§ 3–50.703 Limitations on award of noncompetitive contracts and discretionary grants awarded without competition.

(a) No agency may award a noncompetitive contract or a discretionary grant without competition to any organization employing a person who served in that agency as a regular employee or as a special employee if any one of the following conditions exist:

(1) The former agency employee is involved in developing or negotiating the application or proposal for the prospective grantee or contractor (recipient) concerning the subject matter in which he participated personally and substantially as an agency employee.

(2) The former agency employee will be involved in the management or administration of any contract or discretionary grant resulting from the application or proposal concerning the subject matter in which he participated personally and substantially as an agency employee.

(3) The former employee's official responsibilities involved, within one year prior to submitting the grant application or contract proposal, the subject matter of the noncompetitive grant or contract and he is or will be involved on behalf of his present employer under one of the situations described in paragraph (a) (1) and (2) of this section.

§ 3–50.704 Treatment of competitive contracts and discretionary grants.

(a) Competitive awards will be made if consistent with law and there is no evidence that the former employee exerted improper influence over the award or that the award was a result of favoritism because of the employee's former association with the Department.

(b) When disclosure under § 3–50.702 is in the affirmative, agencies should exercise all due care in determining whether an impropriety exists. They must make a thorough and documented assessment and only where tainted in fact or a possible violation of law exists will an organization be excluded from competition.

(c) Agencies are authorized to make their own determinations under this subsection provided such determinations are made at a higher than the contracting officer and the program office initiating the requirement or funding the application.

§ 3–50.705 Waivers.

Where it is in the best interests of the Government, the agency may request a waiver from the provisions of § 3–50.703 setting forth the specific circumstances that would demonstrate the need for such a waiver. The request for waiver in accordance with the explanatory guidelines contained in § 3–50.706 shall be submitted for decision, through channels, to the Deputy Assistant Secretary for Grants and Procurement Management.

§ 3–50.706 Explanatory guidelines.

In preparing the necessary justification in support of a request for waiver of the prohibition against award of a discretionary grant or contract where a present or former agency employee is involved, agency personnel shall be guided by the following:

(a) Whether the individual had a direct involvement with the program/project while employed in the agency. The extent of the involvement should be explored and explained. If the individual had a direct involvement and is directly involved in the discussions associated with or in the application or proposal under consideration or will be directly involved in administering the resulting grant or contract, then the grant or contract will not be awarded to that organization. However, if the former agency employee possesses outstanding scientific or technological qualifications he may be involved in the application, proposed or resulting grant or contract provided the best interests of the Government would be served.

(b) Whether the individual had an indirect involvement with the program while employed at the agency. The extent of the indirect involvement in influencing the award of grants and contracts should be explained. There should also be an explanation of the relationship of this involvement to the application or proposal in question as well as to any resulting grant or contract.

(c) Whether the individual was involved in working on the contract proposal or grant application in any way should be explored with the grantee or

contractor. Explain the extent of the involvement.

(d) Whether the individual had access to information while an agency employee which may place his organization in an advantageous position over others. Explain the circumstances surrounding this situation as it relates to the instant award.

[FR Doc.74-9896 Filed 4-30-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 39]

[Docket No. 74-GL-2]

GENERAL ELECTRIC CF6-6 ENGINES

Proposed Airworthiness Directive

The Federal Aviation Administration is considering amending Part 39 of the Federal Aviation Regulations by adding an Airworthiness Directive applicable to the General Electric CF6-6 Engine. There have been failures of fifth stage low pressure turbine blade retainers resulting in loss of blades from the engine. Since this condition is likely to develop in other engines of the same type, the proposed Airworthiness Directive would require replacement of existing retainers with an improved design.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the docket number and be submitted in duplicate to the Director, Great Lakes Region Federal Aviation Administration; Attention: Regional Counsel, Airworthiness Rules Docket; 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received within 30 days after publication of the Notice in the FEDERAL REGISTER will be considered by the Director before taking action upon the proposed rule. The proposals contained in this Notice may be changed in light of comments received. All comments will be available, both before and after the closing date for comments, in the Airworthiness 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:

GENERAL ELECTRIC. Applies to Models CF6-6D, 6D1, and 6H Turbofan Engines. Compliance Required by September 30, 1974.

To prevent expulsion from the engine of fifth stage low pressure turbine blades, unless already accomplished, install improved blade retainer P/N 9083M19P07 per the instructions of General Electric Service Bulletin (CF6-6) 72-399 Revision 1 dated March 20, 1974, or subsequent FAA approved revision.

Issued in Des Plaines, Illinois, on April 19, 1974.

ALAN H. GLASS,
Acting Director,
Great Lakes Region.

[FR Doc.74-9903 Filed 4-30-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SW-13]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations to alter the Hobbs, N. Mex., control zone and transition area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to Chief, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, P. O. Box 1689, Fort Worth, Texas 76101. All communications received on or before May 31, 1974, will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

(1) In § 71.171 (39 FR 354), the Hobbs, N. Mex., control zone is amended to read:

HOBBS, N. MEX.

That airspace within a 5-mile radius of the Lea County Airport (latitude 32°41'19" N., longitude 103°13'01" W.), and within 3.5 miles each side of the Hobbs VORTAC 222°T (211°M) radial extending from the 5-mile radius zone to 10.5 miles SW of the VORTAC.

(2) In § 71.181 (39 FR 440), the Hobbs, N. Mex., transition area is amended to read:

HOBBS, N. MEX.

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Lea County Airport (latitude 32°41' 19" N., longitude 103°13'01" W.), within 3.5 miles each side of the Hobbs VORTAC 222°T (211°M) radial extending from the VORTAC to 11.5 miles SW, and within 5 miles each side of the Hobbs VORTAC 042°T (031°M) radial extending from the VORTAC to 21 miles NE.

Alteration of the control zone and transition area is necessary due to cancellation of the instrument approach procedure to the Crossroads International Airport and a revised instrument approach procedure to the Lea County Airport. The proposed alterations will provide the necessary controlled airspace to contain the revised procedures.

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

Issued in Fort Worth, TX, on April 22, 1974.

HENRY L. NEWMAN,
Director, Southwest Region.

[FR Doc.74-9904 Filed 4-30-74;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-EA-25]

CONTROL ZONE AND TRANSITION AREA

Proposed Alteration

Correction

In FR Doc. 74-9074 appearing on page 14218 of the issue for Monday, April 22, 1974, in the second line of the description of the Erie, Pa. control zone, which appears in the middle column, "Eerie" should read "Erie".

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 74-20; Notice 1]

MOTOR VEHICLE SAFETY STANDARDS

Rearview Mirrors

The purpose of this notice is to propose an amendment to Standard No. 111, *Rearview Mirrors* (49 CFR 571.111) to allow installation of truck-type mirror systems in multipurpose passenger vehicles and to extend the coverage of the standard to trucks, buses and motorcycles.

Standard No. 111 currently applies only to passenger cars and multipurpose passenger vehicles, specifying the same rearview mirror requirements for each. The NHTSA has determined that a need exists to extend the standard's coverage to other vehicle types that presently lack uniform Federal regulation in order to ensure observance of minimum mirror performance levels essential to motor vehicle safety. The NHTSA also recognizes the importance of establishing an option which would allow multipurpose passenger vehicles to meet either the present passenger-car mirror requirements or to satisfy the requirements proposed herein for trucks and buses. Due to the wide variation of multipurpose passenger vehicle design, the NHTSA has determined that truck-type mirror systems would provide more efficient rearward visibility for many multipurpose passenger vehicles than the passenger car mirror systems which are presently applicable.

Trucks and buses currently lack comprehensive uniform regulation. The Bureau of Motor Carrier Safety of the Federal Highway Administration requires two mirrors on trucks and buses under its control, but specifies no requirements relating to mirror size or capability. Certain states have laws applicable to truck, bus, and motorcycle mirror systems, yet their requirements vary and do not provide for a nationwide safe level of rearward visibility in motor vehicles. The NHTSA proposes to remedy this situation by specifying minimum requirements for mirror size, capability, and location which will be applicable to all trucks, buses, and motorcycles. The systems proposed specify mirrors which are currently available and which are currently in use on many of the vehicles the NHTSA intends to regulate.

In order to ensure that motor vehicles are equipped with rearward visibility systems that best suit their configuration the NHTSA has decided that an option should be available which recognizes the impracticability of classifying trucks, buses, and multipurpose passenger vehicles into groups specifying one mirror system adequate to fulfill the safety needs of all. Therefore, it is proposed that trucks, buses, and multipurpose passenger vehicles with a GVWR of 10,000 pounds or less comply either with the present passenger car mirror requirements, or with new requirements specifying outside mirrors on both sides of the vehicle with not less than 19.5 in^2 of reflective surface. It is the Agency's intention that the driver be provided with an unobstructed view to the rear. If the vehicle resembles a passenger car with regard to its rearward visibility potential, the manufacturer will be free to equip it with a passenger car type mirror system. The proposed alternative, however, enables manufacturers to install a truck-type rearview mirror system where it better suits the particular vehicle design.

It is proposed that multipurpose passenger vehicles, trucks, and buses with a GVWR above 10,000 pounds be subject to the requirements of a mirror system that is suited to their large size. The provision proposed specifies a left and right outside mirror with at least 50 in^2 of reflective surface. Available data indicates that such a system is consistent with the NHTSA's objective to ensure adequate rearward visibility.

Motorcycles need uniform rearview mirror regulation in order to help ensure their overall safe operation. It is proposed that they be equipped with one mirror with not less than 12.5 in^2 of reflective surface, mounted so that the horizontal center of the reflective surface is at least 13 in outboard of the motorcycle's longitudinal centerline. There is insufficient data at the present time to indicate a need for a two-mirror system. However, the NHTSA is continuing to conduct research in an effort to determine the most efficient rearward visibility system for motorcycles.

The NHTSA has concluded that all mirrors required by the standard except those specified for motorcycles, should be designed to reflect an image of unit magnification. This was the intent of the initial standard. To clarify that intent, the modifying word "substantially" is being deleted in the proposal. Under this wording, any deviation from unit magnification must be limited to that due to normal production variations, and not the result of design.

In consideration of the foregoing, it is proposed that Motor Vehicle Safety Standard No. 111, 49 CFR 571.111, be amended to read as follows:

§ 571.111 Standard No. 111; rearview mirrors.

S1. *Scope.* This standard specifies requirements for the performance and location of rearview mirrors.

S2. *Purpose.* The purpose of this standard is to reduce the number of deaths and injuries that occur when the driver of a motor vehicle does not have a clear and reasonably unobstructed view to the rear.

S3. *Application.* This standard applies to passenger cars, multipurpose passenger vehicles, trucks, buses, and motorcycles.

S4. *Requirements for passenger cars.*

S4.1 *Inside rearview mirror.* Each passenger car shall have an inside rearview mirror of unit magnification.

S4.1.1 *Field of view.* Except as provided in S4.3, the mirror shall provide a field of view with an included horizontal angle measured from the projected eye point of at least 20 degrees, and sufficient vertical angle to provide a view of a level road surface extending to the horizon beginning at a point not greater than 200 feet to the rear of the vehicle when the vehicle is occupied by the driver and four passengers or the designed occupant capacity, if less, based on an average occupant weight of 150 pounds. The line of sight may be partially obscured by seated occupants or by head restraints. The location of the driver's eye reference point shall be that established in Motor Vehicle Safety Standard No. 104 (§ 571.104).

S4.1.2 *Mounting.* The passenger car mirror mounting shall provide a stable support for the mirror, and shall provide for mirror adjustment by tilting in both horizontal and vertical directions. If the mirror is in the head impact area, the mounting shall deflect, collapse, or break away without leaving sharp edges when the mirror is subjected to a force of 90 pounds in a forward or sideward direction in any plane 45° above or below the horizontal.

S4.2 *Outside rearview mirror—driver's side.*

S4.2.1 *Field of view.* Each passenger car shall have an outside mirror of unit magnification. The mirror shall provide the driver a view of a level road surface extending to the horizon from a line, perpendicular to a longitudinal plane tangent to the driver's side of the vehicle at the widest point, extending 8 feet out from the tangent plane 35 feet behind the driver's eyes, with the seat in the rearmost position. The line of sight may be partially obscured by rear body or fender contours. The location of the driver's eye reference point shall be that established in Motor Vehicle Safety Standard No. 104 (§ 571.104).

S4.2.2 *Mounting.* The mirror mounting shall provide a stable support for the mirror, and neither the mirror nor the mounting shall protrude farther than the widest part of the vehicle body except to the extent necessary to produce a field of view meeting or exceeding the requirements of S4.2.1. The mirror shall not be obscured by the unwiped portion of the windshield, and shall be adjustable by tilting in both horizontal and vertical directions from the driver's seated position. The mirror and mounting shall be free of sharp points or edges that could contribute to pedestrian injury.

S4.3 *Outside rearview mirror—passenger's side.* Each passenger car whose inside rearview mirror does not meet the field of view requirements of S4.1.1 shall have an outside rearview mirror of unit magnification installed on the passenger's side. The mirror mounting shall provide a stable support and be free of sharp points or edges that could contribute to pedestrian injury. The mirror need not be adjustable from the driver's seat, but shall be capable of adjustment by tilting in both horizontal and vertical directions.

S5. *Requirements for multipurpose passenger vehicles, trucks, and buses with GVWR of 10,000 pounds or less.*

S5.1 Each multipurpose passenger vehicle, truck and bus with GVWR of 10,000 pounds or less shall have either—

(a) Mirrors that conform to the requirements of S4.1 and S4.2; or

(b) Outside mirrors of unit magnification, each with not less than 19.5 in^2 of reflective surface, installed with stable supports on both sides of the vehicle, located so as to provide the driver a view to the rear along both sides of the vehicle, and adjustable by tilting in both the horizontal and vertical direction.

S6. *Requirements for multipurpose passenger vehicles, trucks and buses with GVWR of more than 10,000 pounds.*

S6.1 Each multipurpose passenger vehicle, truck, and bus with a GVWR of more than 10,000 pounds shall have outside mirrors of unit magnification, each with not less than 50 in^2 of reflective surface, installed with stable supports on both sides of the vehicle. The mirrors shall be located so as to provide the driver a view to the rear along both sides of the vehicle and shall be adjustable by tilting in both the horizontal and vertical direction.

S7. *Requirements for motorcycles.*

S7.1 Each motorcycle shall have a mirror with not less than 12.5 in^2 of reflective surface, installed with a stable support and mounted so that the horizontal center of the reflective surface is at least 13 inches outboard of the longitudinal centerline of the motorcycle. The mirror shall be adjustable by tilting in

both the horizontal and vertical direction.

S8. *Mirror construction.* The reflectance value of the reflective film employed on any mirror required by this standard, determined in accordance with SAE Recommended Practice J964, June 1966, shall be at least 35 percent. If a mirror is of the selective position prismatic type, the reflectance value in the night driving position shall be at least 4 percent.

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.

Comment closing date: July 1, 1974.

Proposed effective date: 6 months after publication of final rule.

(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.74-9910 Filed 4-30-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 79]

FUELS AND FUEL ADDITIVES

Extension of Comment Period

This notice extends the period for comments to the notice, published March 7, 1974 (39 FR 8929), proposing to revise 40 CFR Part 79 (previously designated 42 CFR Part 479), which provides for the registration of fuel additives.

The Environmental Protection Agency has decided that a reasonable extension of the comment closing date is one month from the existing (April 22, 1974) date, and the comment period is hereby extended to May 22, 1974.

ALVIN L. ALM,
Acting Administrator.

APRIL 25, 1974.

[FR Doc. 74-9920; Filed 4-30-74; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19962; RM-2232, etc.]

FM BROADCAST STATIONS IN CERTAIN STATES

Table of Assignments; Extension of Time

In the matter of amendment of § 73.202(b) *Table of Assignments, FM Broadcast Stations.* (Lehigh Acres, Fla.; Monticello, Fla.; Rockwell City, Iowa; Millinocket, Maine; *Aguada, P.R.;* and St. Helena, Calif.) Docket No. 19962, RM-2232, RM-2293, RM-2240, RM-2241, RM-2242, *RM-2246,* RM-2247.

1. On March 7, 1974, the Commission adopted a notice of proposed rule making in the above-entitled proceeding. Publication was given in the FEDERAL REGISTER on March 15, 1974, 39 FR 9989. Comment and reply comment dates are presently April 22 and May 1, 1974, respectively.

2. On April 19, 1974, Counsel for Aguadilla Radio and Television Corp., Inc, requested that the time for filing comments be extended to and including May 6, 1974. Counsel states that he has been retained by Aguadilla Radio and Television Corp., Inc. to represent it in connection with the proposal to assign Channel 288A to Aguada, Puerto Rico (RM-2246), and therefore requires the additional time so that he can complete a proper evaluation of the proposal and preparation of comments.

3. We are of the view that the public interest would be served by extending the time in this proceeding. Accordingly, *it is ordered* That the dates for filing comments and reply comments are extended in RM-2246 only to and including May 6 and May 20, 1974, respectively.

4. This action is taken pursuant to authority found in sections 4(i), 5(d)(1), and 303(r) of the Communications Act of 1934, as amended, and § 0.281 of the Commission's rules.

Adopted: April 19, 1974.

Released: April 23, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-9918 Filed 4-30-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Part 240]

[Release No. 34-10751]

INTRA-MEMBER COMMISSION RATE SCHEDULES OF REGISTERED NATIONAL SECURITIES EXCHANGES

Notice of Public Hearing

The Securities and Exchange Commission announced that a public investigatory hearing, ordered pursuant to the Commission's authority under the Securities Exchange Act of 1934 ("Exchange Act"), including, but not limited to, Exchange Act section 21(a), 15 U.S.C. section 78u(a), will be held beginning May 29, 1974 to receive oral and written comments, views and data concerning whether any changes should be made in the rules, policies, practices and procedures of registered national securities exchanges prescribing minimum rates of commission for business performed by one member for another "intra-member rates"). The hearing will convene at 10 a.m., Wednesday, May 29, 1974, in Room 776 at the Commission's headquarters, 500 North Capitol Street, Washington, D.C. 20549.

In Exchange Act Release No. 10383 (September 11, 1973), the Commission announced its determination not to object to the proposal of the New York Stock Exchange, Inc. ("NYSE") to increase by 10 percent its fixed commission rates on non-member orders ranging in size from $100 to $5,000, and by 15 percent on non-member orders ranging in size from $5,001 to $300,000. The Commission also announced in that Release that it would initiate action to terminate the fixing of commission rates by securities exchanges after April 30, 1975 if the exchanges have not amended their rules to effect such termination by that date and that, in order for the rate increase to continue from April 1, 1974 through April 30, 1975, the NYSE should adopt a program of rule changes, effective on or before April 1, 1974, which (a) eliminate that portion of NYSE Rule 383 prohibiting member firms from charging their customers commission rates exceeding the NYSE's commission rate schedule and (b) permit members to engage in a limited but adequate experiment in competitive commission rates. These conclusions were applied also to every exchange which adopted, and desired to continue in effect, the 10 percent and 15 percent commission rate increases. In Exchange Act Release No. 10560 (December 14, 1973), the Commission requested the exchanges to initiate timely development of such a program of rule changes.

In a letter dated February 7, 1974, the NYSE submitted to the Commission proposed amendments to its constitution and rules to rescind Rule 383, to provide for competitive commissions on both member and nonmember orders of $2,000 or less and to rescind the prohibition against charging commissions exceeding minimum rates. By letter dated February 21, 1974, the NYSE modified its proposal by withdrawing those of its proposed amendments which would have subjected intra-member commission rates to competition on orders of $2,000 or less.

In its letter, the NYSE also stated the following:

The Exchange does not believe, however, that it is necessary to amend those provisions of the Constitution dealing with floor brokerage and clearance (Article XV, Sections 2(b) and 2(c)) in order to provide the experimentation sought by the Commission in its letter of December 14, 1973. No study has been made of the likely impact in the intra-member competitive rates, but quite clearly this impact might be unexpectedly severe on those members and member organizations which are largely dependent on these floor brokerage and clearance rates. A serious erosion in floor brokerage income

could have a harmful impact on the essential market making function of specialists.

The Board of Directors is not aware that there has been any meaningful accumulation of data on an industry wide basis as to the possible impact of negotiated intra-member rates. Because of the importance of this question with regard to the restructuring of the industry, the Board of Directors urges the Commission to conduct a public investigation of this matter pursuant to section 21 of the Securities Exchange Act of 1934. This procedure would enable all interested parties to be heard and should provide the essential information needed to make an appropriate determination of this question. The Board urges that this procedure be initiated promptly so that it be completed well in advance of April 30, 1975.

In Securities Exchange Act Release No. 10670 (March 7, 1974), the Commission responded to the NYSE's modified proposals, stating:

Pending further study of, and solicitation of the public's views and comments on, the question whether the retention of your current rules fixing intramember rate charges for orders not exceeding $2,000 prevents the adequate experiment with limited price competition in which we previously indicated the exchanges should engage, we will not raise any objection if the NYSE should effect the rate proposals set forth in its letter of February 21. If the Commission determines, as a result of its study of the matter, that exchange experiments with limited price competition should be broadened to encompass intramember rates, we expect that you promptly will implement any necessary rule and constitutional changes.

Somewhat similar statement respecting intra-member rates were received from, and corresponding replies were sent to, other stock exchanges in connection with their proposals to implement, by April 1, 1974, the same limited experiment in competitive commission rates.

Interested persons who desire to appear or to submit written comments, views or data in this matter may wish to review materials submitted in the investigatory hearings conducted by the Commission in 1970 and 1971 concerning the reasonableness of, and the need for, minimum intra-member rates. These materials are contained in the following documents, which are available for inspection in the Commission's Public Reference Section, Room #6101, 1100 "L" Street, N.W., Washington, D.C. 20005 (copies of the hearing transcripts listed below may also be available in the Commission's regional offices):

Hearing transcripts. In the matter of Commission Rate Schedules of Registered National Securities Exchanges.

File No. 4–144–1–17, July 20, 1970, Pages 5996–6037.
File No. 4–144–1–18, July 21, 1970, Pages 6188–6199 and Pages 6205–6208.
File No. 4–144–1–22, July 12, 1971, Pages 7279–7295.
File No. 4–144–1–22, July 13, 1971, Pages 7551–7586 and Pages 7594–7597.
File No. 4–144–1–22, July 14, 1971, Pages 7599–7606 and Pages 7622–7625.

Exhibits. In the matter of Commission Rate Schedules of Registered National Securities Exchanges.

File No. 4–144–1–10 (NYSE).
Exhibit 29–A—"Report on New Commission Rate Schedule" dated July 13, 1970, Pages 19–20.
File No. 4–144–1–14 (NYSE).
Exhibit 71–1—"Report on New Minimum Commission Rate Schedule" dated July 12, 1971, Pages 21–26.

The purpose of the hearing is to gather comments, views and data concerning whether the initiation in the near future of a limited experiment in competitive intra-member rates of commission on orders not exceeding $2,000 would cause substantial and irreparable harm to floor brokers or to the market-making function of specialists, and whether it is necessary or appropriate in the public interest or for the protection of investors for exchanges to maintain any prescribed schedules of intra-member rates of commission. It will be necessary, if such schedules of intra-member rates are to be retained, for the Commission to have a basis upon which to judge the reasonableness of such rates. The following questions are intended to elicit such information. Persons who wish to offer oral or written statements for the record of the hearing are invited to comment on the following questions and other matters related to intra-member rates.

(1) What reason is there to conclude that an experiment until April 30, 1975 in competitive intra-member rates for orders not exceeding $2,000 would cause substantial and irreparable harm to floor brokers or to the market-making function of specialists? If members without their own floor brokers ("off-floor members") are competitively disadvantaged as against vertically-integrated members (i.e., members having their own floor brokers) by the present fixing of intra-member rates (see question (12)), will permitting fixed intra-member rates on orders not exceeding $2,000 during the period of experimentation with competitive non-member rates on such transactions, exacerbate the competitive disadvantage of off-floor members or, as between off-floor members and vertically-integrated members, cause statistically biased results respecting competitive non-member rates?

(2) Are intra-member rate schedules for (a) clearance services or (b) floor brokerage services necessary or appropriate for the protection of investors, or to insure fair dealing in securities traded upon an exchange, or to insure fair administration of an exchange?

(3) Assuming it is necessary or appropriate to have intra-member rate schedules for clearance functions, should such rates be higher than the clearing fees charged by a clearing corporation for direct mail clearance? Should they be different for orders effected for the member's own account than for orders effected by such member for other persons? (Compare Sections 2(b) and 4 of Art. XV of the NYSE Constitution.)

(4) Should intra-member rate schedules for execution be applicable to:

(a) Orders left with specialists (or, in the case of the Chicago Board Options Exchange, board brokers),

(b) Services provided by a floor broker not acting as a specialist, or

(c) Both?

(5) Should intra-member rate schedules for floor brokerage be different for different types of orders (*e.g.*, market orders, limited price orders, percentage orders, not-held orders)?

(6) Should a member who provides execution and clearance services for other members and for non-member brokers be prohibited from lowering its prices if it believes such action is necessary to retain the business it receives from correspondents?

(7) Assuming it is necessary or appropriate for exchanges to retain intra-member rate schedules for floor brokerage, what standards should be used to determine their reasonableness? Please answer the following questions separately for (a) floor brokers not acting as specialists and (b) specialists, and explain whether your answers would differ depending on whether the intra-member rate schedules would provide for a minimum rate with no maximum, a fixed rate which is both a minimum and a maximum, or a maximum rate with no minimum:

(i) What expenses should be allowable in determining floor brokerage rates?

(ii) Should rate of return on investment be the standard used to determine the reasonableness of levels of profitability? If so, what should be the base of the rate of return, i.e., equity capital or equity and debt capital?

(iii) What rate(s) of return should be allowed?

(iv) In order to provide excess floor brokerage capacity (if that is needed), must rates for floor brokerage be more than "economic cost-remunerative" (cover more than costs plus reasonable profit), or, absent such subsidy, would the number of available floor brokers increase quickly enough to accommodate sudden increases in demand? If excess capacity for floor brokerage services is needed, how much is needed and can it be supplied at lower cost by the automation of certain types of orders?

(v) Do intra-member rate schedules for floor brokerage which are more than economic cost-remunerative, or which compensation for maintaining excess capacity, unduly inhibit the automation of floor brokerage services?

(vi) Can costs and capital of non-specialist floor brokers be allocated among agency activities and their other activities? If so, how? If a member engages generally in the securities business in addition to providing floor brokerage services, should costs and capital be allocated between floor brokerage done for that member's own organization and that done for other member's organizations?

(vii) Can costs and capital of specialists be allocated among specialists' broker functions, dealer functions and their other activities?

(viii) Should the standards for measuring the reasonableness of costs and

rates of return differ in formulating intra-member rate schedules for specialists and for floor brokers?

(8) If exchanges are to retain schedules of intra-member rates of commission for specialists.

(a) Should the specialist receive all or part of the intra-member rate for floor brokrage when he acts as broker with respect to an order left on his book? (Compare NYSE Constitution Art. XV, section 2(c), which provides for payment of the full intra-member floor brokerage rate on that exchange to the specialist when he acts as broker for an order left with him, and American Stock Exchange, Inc. ("Amex") Constitution Art. VI, section 2(c), which provides under similar circumstances for payment of approximately ¾ of the intra-member rate for floor brokerage to the specialist, leaving approximately ¼ for retention by the floor broker.)

(b) Should the answer to (a) differ if specialist acts as dealer with respect to such an order? (Compare the above NYSE and Amex constitutional provisions with Midwest Stock Exchange Article XXVIII, Rule 22.)

(9) Should intra-member rates paid to specialists on orders left with them be more than economic cost-remunerative in order to subsidize the specialist's dealer obligation? If so, can the amount of subsidy be calculated (and periodically adjusted) to do no more than subsidize the dealer obligation to the extent such a subsidy is required?

(10) (a) Assuming that the quality of specialists' dealer performance can be objectively evaluated.

(i) Should floor brokerage income from the execution of orders left with all specialists on an exchange be pooled and then allocated by the exchange to specialists on the basis of performance?

(ii) If there is no pooling of floor brokerage income, should an exchange structure its schedule of rates so that a high-rated specialist would receive a larger portion of the floor brokerage income from orders left with him than he would if he were low-rated?

(iii) If there is no pooling of floor brokerage income and no differentiation in the amounts paid to specialists on the basis of their ratings, should an exchange reallocate stocks among specialists from time to time to reinforce high standards of specialist performance?

(iv) To what extent, if any, should any allocation of pooled floor brokerage income, or differentiation in amounts paid to specialists on the basis of their ratings, or periodic reallocation of stocks, take into account a specialist's profitability, or lack thereof, in addition to his dealer performance rating?

(v) To what extent, if any, should any allocation of pooled floor brokerage income, or differentiation in amounts paid to specialists on the basis of their ratings, or periodic reallocation of stocks be designed to achieve a subsidy of specialists' dealer activity in less profitable stocks?

(b) Could a prescribed intra-member rate for specialists' floor brokerage services which included an amount intended to subsidize the specialists' dealer functions meet the test of reasonableness if the quality of specialists' dealer performance cannot be objectively evaluated?

(ii) (a) Does assignment by an exchange of the book to one specialist confer an undue competitive advantage upon him over other market makers on and off such exchange who would be willing to share the specialist's dealer obligations if they participated in his subsidy?

(b) If liquidity with depth is provided by competing market makers on or off an exchange (other than the exchange specialist) and the exchange retains intra-member rates for specialists which include a subsidy,

(i) Should provision be made for such other market makers to receive a portion of the subsidy, and should the answer depend upon whether they supply such liquidity with depth for competitive reasons, or pursuant to their assumption of affirmative obligations; or

(ii) Should such market maker (including the specialist) have his own book and corresponding subsidy? If so, under what conditions?

(12) Do intra-member rates which are more than economic cost-remunerative place off-floor members at a competitive disadvantage as against vertically-integrated members? If intra-member rates on limit orders left with specialists are not to be merely economic cost-remunerative but, as a matter of policy, are to include a subsidy for the specialist's market-making function, can intra-member rates for floor brokerage be the same for floor brokers as for specialists without competitively disadvantaging off-floor members?

(13) Assuming that the specialist's dealer function should be subsidized through intra-member rates on orders left with specialists and that excess floor brokerage capacity should be subsidized through separate intra-member rates for floor brokerage, will each of these assumed needs result in identical intra-member rates for specialists' agency services and for floor brokers' services? If the two have different costs or capital requirements, should exchange-mandated intra-member rates for agency services nevertheless be the same? If the intra-member were to be different for agency services provided by specialists and floor brokers, or were to be prescribed in the case of one but not the other, would this produce results inconsistent with the protection of investors, fair dealing or fair administration of the exchange?

(14) Various securities exchanges impose charges and fees, payable by one member to another member, for services other than traditional floor brokerage and clearance. For example, when a market-maker member on the PBW Stock Exchange, Inc., effects a principal transaction in one of the stocks in which he is registered with that exchange as an alternate specialist, he must pay 1¢ per share to the regular specialist in that stock (Rule 459). On the Midwest Stock Exchange, Incorporated a member (who is not a specialist) who deals as principal with another member is entitled to receive from that other member a fee equal to the rate of floor brokerage (Art. XXVIII, Rule 22). Are such required fees and charges necessary or appropriate? What standards should be used to determine the reasonableness of such fees and charges?

Persons who wish to appear at the hearing are requested to notify the hearing officer, William E. Toomey, Room 632, Securities and Exchange Commission, 500 North Capitol Street, Washington, D.C. 20549, telephone number (202) 755-1240, as soon as possible.

Persons intending to appear should file 25 copies of the text of their prepared oral statements with the hearing officer 48 hours prior to their appearance and are invited to make additional copies of their statements available at the time of their appearance for the benefit of the press and all other interested persons.

Persons wishing to submit written statements for the Commission's consideration, in lieu of appearing personally, should file 25 copies thereof no later than June 14, 1974.

(Secs. 6, 11, 17(a), 19(b), 21(a); 48 Stat. 885, 48 Stat. 891, as amended 68 Stat. 686, 49 Stat. 1379, as amended 52 Stat. 1076, 48 Stat. 898, 48 Stat. 899; 15 U.S.C. 78f, 78k, 78q(a), 78s(b), 78u(a).)

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

APRIL 23, 1974.

INTRA-MEMBER COMMISSION RATE SCHEDULES OF REGISTERED NATIONAL SECURITIES EXCHANGES

ORDER DIRECTING PUBLIC INVESTIGATION AND DESIGNATING OFFICERS TO TAKE TESTIMONY

I. The Commission has determined to investigate facts, conditions, practices and other matters, relating to the reasonableness of intra-member commission rate schedules of registered national securities exchanges, which it deems necessary and proper to aid in the enforcement of the provisions of the Securities Exchange Act of 1934 ("Exchange Act") to protect investors and to insure fair dealing in securities traded upon such exchanges and fair administration of such exchanges.

II. *It is ordered*, Pursuant to the Commission's authority under the Exchange Act, including, but not limited to, Exchange Act section 21(a), 15 U.S.C. section 78u(a), that an investigation be made of the matters referred to in Section I hereof to aid both in the administration of the provisions of the Exchange Act and in the prescribing of rules and regulations pursuant to section 6, 11, 17(a), 19(b) and other pertinent provisions of the Exchange Act; and

It is further ordered, Pursuant to the provisions of Section 22 of the Exchange Act, that a public hearing shall be held as part of this investigation, that the public hearing shall be conducted before the Commission, any member or members thereof, or Wil-

liam E. Toomey, who is hereby named as hearing officer and empowered to administer oaths and affirmations and to perform all other duties in connection therewith as prescribed by law, at the hearing which shall commence at 500 North Capitol Street, Washington, D.C. 20549 on May 29, 1974; and

It is further ordered, Pursuant to the provisions of section 21(b) of the Exchange Act, that for the purpose of such investigation and public hearing held as part of it Lee A. Pickard, Sheldon Rappaport and Gene L. Finn and each of them, is hereby designated an officer of the Commission and shall conduct the investigation and perform all other duties in connection therewith as prescribed by law.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-9991 Filed 4-30-74;8:45 am]

Notices

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

DEPARTMENT OF STATE

[Public Notice CM-136]

STUDY GROUP 5 OF THE U.S. NATIONAL COMMITTEE FOR THE INTERNATIONAL TELEGRAPH AND TELEPHONE CONSULTATIVE COMMITTEE (CCITT)

Notice of Meeting

The Department of State announces that Study Group 5 of the U.S. CCITT National Committee will meet on May 23, 1974 at 10 a.m. in room 847 of the Federal Communications Commission, 1919 M Street, NW., Washington, D.C. This Study Group deals with matters in telecommunications relating to the development of the international digital data transmission service.

The agenda of the May 23 meeting concerns preparation for Working Group meetings of Study Group Special A of the International Telecommunication Union to be held in Geneva, Switzerland, December 5–13, 1974, and will include review of draft contributions for 4800 bps modems for use on the switched network and for 9600 bps modems for use on leased circuits.

Members of the general public who desire to attend the meeting on May 23 will be admitted up to the limit of the capacity of the meeting room.

Dated: April 23, 1974.

RICHARD T. BLACK,
Chairman,
U.S. National Committee.

[FR Doc.74-9905 Filed 4-30-74;8:45 am]

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

TECHNICAL SUBCOMMITTEE OF THE ADVISORY COMMITTEE ON EXPLOSIVES TAGGING

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C. App. section 10(a)(2)), notice is hereby given that a meeting of the Technical Subcommittee of the Advisory Committee on Explosives Tagging will be held on May 15–17, 1974, at the Holiday Inn, Livermore, California, beginning at 9 a.m. each day in the Americana Room.

The Technical Subcommittee will hear and discuss proposals from the public and private research and development sectors concerning candidate systems for the Explosives Tagging Program.

The information which will be presented to, and discussed by, the Technical Subcommittee during the meeting will constitute trade secrets and commercial or financial information obtained from a person and privileged or confidential within the ambit of title 5, United States Code, section 552(b)(4). Accordingly, the meeting of the Technical Subcommittee will, under the authority of section 10(d) of the Federal Advisory Committee Act (5 U.S.C. App. section 10(d)), not be open to the public.

Any public or private sector research and development agency which wishes to present an Explosives Tagging System Proposal to the Technical Subcommittee must file a written proposal with the Committee Manager no later than May 10, 1974. Written notification will be sent to that agency indicating time and date of their presentation to the Technical Subcommittee.

All communications regarding this Technical Subcommittee meeting should be addressed to Bureau of Alcohol, Tobacco and Firearms, Explosives Tagging Program, Room 8239, 12th and Pennsylvania Avenue NW., Washington, D.C. 20226, Attention: Mr. Robert Dexter, Committees Manager.

Dated: April 29, 1974.

[SEAL] REX D. DAVIS,
Director.

[FR Doc.74-10113 Filed 4-30-74;9:39 am]

Customs Service

[T.D. 74-137]

TUNA FISH

Tariff-Rate Quota

APRIL 23, 1974.

It has now been determined that 112,175,689 pounds of tuna may be entered for consumption or withdrawn from warehouse for consumption during the calendar year 1974 at the rate of 6 per centum ad valorem under item 112.30, Tariff Schedules of the United States. Any such tuna which is entered, or withdrawn from warehouse, for consumption during the current calendar year in excess of this quota will be dutiable at the rate of 12.5 per centum ad valorem under item 112.34 of the tariff schedules.

Pursuant to the provisions of item 112.30, Tariff Schedules of the United States, the above quota is based on the United States pack of canned tuna during the calendar year 1973.

[SEAL] VERNON D. ACREE,
Commissioner of Customs.

[FR Doc.74-9949 Filed 4-30-74;8:45 am]

Comptroller of the Currency

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document issued jointly by the Federal Deposit Insurance Corporation, the Comptroller of the Currency, and the Federal Reserve System, concerning a joint call for report of condition of insured banks, see FR Doc. 74-9857, *infra*.

COMPTROLLER OF THE CURRENCY'S REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE FOURTH NATIONAL BANK REGION

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the Fourth National Bank Region will be held at the Hueston Woods Lodge, College Corner, Ohio, on May 24, 1974 at 9 a.m.

The purpose of this meeting is to assist the Regional Administrator and Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the Fourth National Bank Region.

It is hereby determined pursuant to section 10(d) of Public Law 92-463 that the meeting is concerned with matters listed in section 552(b) of title 5 of the United States Code and particularly with exceptions (3), (4) and (8) thereof, and is therefore exempt from the provisions of section 10(a)(1) and (a)(3) of the Act (Public Law 92-463) relating to open meetings and public participation therein.

Dated: April 25, 1974.

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

[FR Doc.74-9945 Filed 4-30-74;8:45 am]

COMPTROLLER OF THE CURRENCY'S REGIONAL ADVISORY COMMITTEE ON BANKING POLICIES AND PRACTICES OF THE THIRTEENTH NATIONAL BANK REGION

Notice of Closed Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), notice is hereby given that a closed meeting of the Comptroller of the Currency's Regional Advisory Committee on Banking Policies and Practices of the Thirteenth National Bank Region will be held at the Spokane Club, Spokane, Washington on May 24, 1974

The purpose of this meeting is to assist at 9 a.m.

the Regional Administrator and Comptroller of the Currency in a continuing review of bank regulations and policies. The meeting will also apprise agency officials of current conditions and problems banks are experiencing in the Thirteenth National Bank Region.

It is hereby determined pursuant to section 10(d) of Public Law 92–463 that the meeting is concerned with matters listed in section 552(b) of Title 5 of the United States Code and particularly with exceptions (3), (4) and (8) thereof, and is therefore exempt from the provisions of section 10 (a)(1) and (a)(3) of the Act (Public Law 92–463) relating to open meetings and public participation therein.

Dated: April 25, 1974.

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

[FR Doc.74–9944 Filed 4–30–74;8:45 am]

DEPARTMENT OF DEFENSE

Department of the Air Force

PROPOSED FAMILY HOUSING PROJECT

Notice of Public Hearing

APRIL 29, 1974.

Notice is hereby given that in accordance with Department of Defense Directive 6050.1, dated March 19, 1974 (Enclosure 2, para. IVB8) the United States Air Force will conduct an informal public hearing in Fort Walton Beach, Florida, May 16, 1974, on the draft environmental statement concerning the proposed construction of family housing units for non-commissioned officers on Eglin Air Force Base, Okaloosa County, Florida. Mr. Grant C. Reynolds, Assistant General Counsel (Installations), Office of General Counsel, Department of the Air Force, will preside at the informal hearing scheduled to begin at 7:30 p.m. in the Fort Walton Beach Municipal Auditorium, Fort Walton Beach, Florida.

The project consists of construction of 150 family housing units for non-commissioned officers on Eglin AFB, Okaloosa County, Florida, and the use of approximately 36 acres of Air Force land. Included in the scope of the project are site preparation; installation of paved streets and sidewalks; sanitary sewage systems; storm drainage systems; water, gas and electrical distribution systems and other related construction.

Persons desiring to participate in the hearing are asked to call Captain Dewey W. Corley, ADTC, Office of the Staff Judge Advocate, Eglin Air Force Base, Florida 32543, 904–882–4611. Persons desiring to present written statements for inclusion in the hearing record may submit such statements to Captain Corley no later than May 23, 1974.

Copies of the draft environmental statement have been made available to the Fort Walton Beach Public Library, the Fort Walton Beach Chamber of Commerce, and the Niceville-Valparaiso Chamber of Commerce. Copies may be obtained from HQ USAF/PREV, Washington, DC 20330 and ADTC/Office of Information, Eglin Air Force Base, Florida 32543.

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

[FR Doc.74–10002 Filed 4–30–74;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

CALIFORNIA REGIONAL FORESTER'S ROAD COMMITTEE

Notice of Meeting

The California Regional Forester's Road Committee will meet at 8 a.m., May 22, 1974 at the Redwood National Park Headquarters, 1111 2d Street, Crescent City, California. The purpose of this meeting is to review present and past policies for road construction and operation and to review examples of roads as presently constructed on the Six Rivers National Forest. To examine and evaluate both past and present policies. The agenda for accomplishing these purposes are as follows:

MAY 22

8:00 a.m. Formal meeting at Redwood National Park Headquarters.
10:00 a.m. End meeting, begin field trip. U.S. 199, F.R. #17N05 & 17N04 to Bear Sale.
12:30 p.m. Lunch. Discuss Fox Roadless Study Area. F.R. #16N02 to Big Flat Area, Blackhawk Sale. Del Norte Co. French Hill Road to U.S. 199. Gordon Sale.
2:30 p.m. ETA Thunderbird Motel.
7:30 p.m. No Host Dinner/Meeting—Harbor View Grotto.

MAY 23

8:00 a.m. Leave Crescent City U.S. 199 & Del Norte Co. South Fork Road to Big Flat.
Discuss problems of constructing and maintaining a two lane road in the South Fork Canyon.
Travel to Peak 8 area via GO Road. Discuss future plans, Roadless Area Studies.
Travel via Forest Road to Red Mountain, Potato, Goose and Patch Sales. Discuss possible alternate routes for road in South Fork Canyon.

LUNCH

Travel to town of Klamath via Simpson Timber Company Road.
2:00 p.m. ETA Klamath.
Forest Service will provide transportation to Crescent City, ETA 2:45 p.m.; travel to Eureka, ETA 1500 Arcata—Eureka Airport.

The meeting will be open to the public. Persons who wish to attend should notify the Forest Supervisor, Six Rivers National Forest, 710 E. Street, Eureka, California; phone (707) 442–1721. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: The public may participate at any time on recognition of the Co-Chairman.

T. W. KOSKELLA,
Acting for Regional Forester.

[FR Doc.74–9885 Filed 4–30–74;8:45 am]

MALHEUR, UMATILLA AND WALLOWA-WHITMAN NATIONAL FORESTS, OREGON

Vegetation Management; Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for vegetation management using selective herbicides on the Malheur, Umatilla and Wallowa-Whitman National Forests, Oregon, for the period January 1, 1974 through June 30, 1975. USDA–FS–FES–(Adm)–74–52.

The environmental statement concerns a proposed use of selective herbicides for vegetation management on three National Forests located in eastern Oregon. The proposed uses are for conifer crop tree release, site preparation prior to planting, utility and road right-of-way maintenance, range improvement, noxious weed control, and poison plant control.

This final environmental statement was transmitted to CEQ on April 26, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th & Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
Pacific Northwest Region
319 S.W. Pine Street
Portland, Oregon 97204

Malheur National Forest
139 N.E. Dayton Street
John Day, Oregon 97845

Umatilla National Forest
2717 S.W. Hailey Ave.
Pendleton, Oregon 97801

Wallowa-Whitman National Forest
Federal Office Bldg.
Baker, Oregon 97814

A limited number of single copies are available upon request to Regional Forester T. A. Schlapfer, Pacific Northwest Region, P.O. Box 3623, Portland, Oregon 97208.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

D. B. TRASK,
Acting Regional Forester, Region 6.

APRIL 26, 1974.

[FR Doc.74–9889 Filed 4–30–74;8:45 am]

SOLDIER MOUNTAIN SKI AREA EXPANSION AND DEVELOPMENT

Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Soldier Mountain Ski Area Expansion and Development, Sawtooth National Forest, Idaho. The Forest Service report number is USDA–FS–FES (Adm) 74–70.

The environmental statement applies to National Forest land administered by the Intermountain Region, Forest Service, in Idaho. It covers the expansion and development of the Soldier Mountain Ski Area on the Sawtooth National Forest in Camas County, Idaho, from 235 acres to 1,240 acres, and to construct new development consisting of five chair lifts and support facilities. Ultimate area capacity will be 1,500 skiers per day.

This final environmental statement was transmitted to CEQ on April 23, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW.
Washington, D.C. 20250

Regional Planning Office
USDA, Forest Service
Federal Building, Room 2025
324-25th Street
Ogden, Utah 84401

Forest Supervisor
Sawtooth National Forest
1525 Addison Avenue East
Twin Falls, Idaho 83301

District Forest Ranger
Fairfield Ranger District
Sawtooth National Forest
Fairfield, Idaho 83327

A limited number of single copies are available upon request to Forest Supervisor E. A. Fournier, Sawtooth National Forest, 1525 Addison Avenue East, Twin Falls, Idaho 83301.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Dated: April 23, 1974.

CHARLES P. TEAGUE, Jr.,
Acting Regional Forester.

[FR Doc.74-9890 Filed 4-30-74;8:45 am]

Soil Conservation Service

BAYOU BONNE IDEE WATERSHED PROJECT, LOUISIANA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental statement for the Bayou Bonne Idee Watershed Project, Morehouse Parish, Louisiana, USDA-SCS-ES-WS-(ADM)-74-23(D).

The environmental statement concerns a plan for watershed protection, flood prevention, drainage, and recreation. The planned works of improvement include conservation land treatment, supplemented by channel work, four water control structures, and recreational development. The channel work will involve clearing and debris removal on 59 miles of existing channels, 15 miles of new channel construction, and 128 miles of enlargement by excavation to provide improved water management in a flatland watershed that is 80% agricultural cropland and grassland. Of the 187 miles of work proposed on existing streams or channels, 126 miles will involve those with only ephemeral flow, and 31 miles with intermittent flow. The balance involves either existing ponded or flowing water or completely new channels where none existed before. The recreational development will provide 97,200 visitor-days of recreation annually.

A limited supply of copies is available at the following locations to fill single copy requests:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue, S.W., Washington, D.C., 20250.

Soil Conservation Service, USDA, 3737 Government Street, Alexandria, Louisiana 71301.

Copies of the draft environmental statement have been sent for comment to various federal, state, and local agencies as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to Alton Mangum, State Conservationist, Soil Conservation Service, 3737 Government Street, Alexandria, Louisiana 71301.

Comments must be received on or before June 28, 1974 in order to be considered in the preparation of the final environmental statement.

Dated: April 22, 1974.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-9881 Filed 4-30-74;8:45 am]

SOUTH FORK OF BLACKWATER RIVER WATERSHED PROJECT, MISSOURI

Notice of Availability of Draft Environmental Impact Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Soil Conservation Service, U.S. Department of Agriculture, has prepared a draft environmental impact statement for the South Fork of Blackwater River Watershed Project, Johnson County, Missouri, USDA-SCS-EIS-WS-(ADM)-74-30(D).

The environmental impact statement concerns a plan for watershed protection, flood prevention, municipal and industrial water supply, and recreational development.

A limited supply is available at the following locations to fill single copy requests:

Soil Conservation Service, USDA, South Agriculture Building, Room 5227, 14th and Independence Avenue, SW., Washington, D.C. 20250.

Soil Conservation Service, USDA, P.O. Box 459, Parkade Plaza Shopping Center, Terrace Level, Columbia, Missouri 65201.

Copies of the draft environmental statement have been sent to various Federal, State, and local agencies for comment as outlined in the Council on Environmental Quality Guidelines. Comments are also invited from others having knowledge of or special expertise on environmental impacts.

Comments concerning the proposed action or requests for additional information should be addressed to J. Vernon Martin, State Conservationist, Soil Conservation Service, Parkade Plaza Shoping Center (Terrace Level), P.O. Box 459, Columbia, Missouri 65201.

Comments must be received on or before June 24, 1974, in order to be considered in the preparation of the final environmental statement.

(Catalog of Federal Domestic Assistance Program No. 10.904, National Archives Reference Services.)

Dated: April 17, 1974.

WILLIAM B. DAVEY,
Deputy Administrator for Water Resources, Soil Conservation Service.

[FR Doc.74-9882 Filed 4-30-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

IMMUNIZATION PRACTICES ADVISORY COMMITTEE

Notice of Meeting; Correction

The agenda and dates for the meeting of the Immunization Practices Advisory Committee for May 16-17, 1974, notice of which was published in the FEDERAL REGISTER on Wednesday, April 10, 1974, Vol. 39, No. 70, page 13016, have been changed. The meeting will be held for one day only, May 16, 1974, and will be open to the public from 8:30 a.m. to 10:30 a.m. for reports and discussions of selected diseases for which vaccine recommendations are made. From 11:00 a.m. to the end of the meeting, the Committee will review information on various biological products including their preparation, dosage, potency, and effectiveness. In that preliminary, unpublished results from the testing and evaluation of individual producers' products are involved, much of the discussion will relate to trade secrets, commercial, or financial information which constitutes privileged or confidential matter under 5 U.S.C. 552(b)(4). This session will not be open to the public, in accordance with the determination by the Director, Center for Disease Control, pursuant to the provisions of Public Law 92-463, Section 10(d).

All other aspects of the notice published on April 10, 1974, remain the same.

Dated: April 29, 1974.

H. BRUCE DULL,
Acting Director, Center for Disease Control.

[FR Doc.74-10035 Filed 4-30-74;8:45 am]

ATOMIC ENERGY COMMISSION

[Dockets Nos. 50-335, 50-389]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS—SUBCOMMITTEE ON ST. LUCIE PLANT, UNITS 1 AND 2

Notice of Meeting

APRIL 29, 1974.

In accordance with the purposes of sections 29 and 182b. of the Atomic Energy Act(42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on the St. Lucie Plant, Uits 1 and 2, will hold a meeting on May 16, 1974 in Meeting Rooms A & B of the Sheraton Inn, 1901 Palm Beach Lakes Boulevard, West Palm Beach, Florida 33401. The purpose of the meeting will be to review the application of the Florida Power and Light Company for a permit to operate Unit 1 and to construct Unit 2, which are located on Hutchinson Island in St. Lucie County, about half way between the cities of Fort Pierce and Stuart on the east coast of Florida.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

THURSDAY, MAY 16, 1974, 1:00 P.M.—5:00 P.M.

Review of the application for an operating license for Unit 1 and a construction permit for Unit 2 (presentations by the AEC Regulatory Staff and the Florida Power and Light Company and its consultants, and discussions with these groups).

In connection with the above agenda item, the Subcommittee will hold an executive session at 12:30 p.m. which will involve a discussion of its preliminary views, and an executive session at the close of the meeting, consisting of an exchange of opinions of the Subcommittee members and internal deliberations and formulation of recommendations to the ACRS. In addition, the Subcommittee may hold a closed session with the Regulatory Staff and Applicant to discuss privileged information concerning industrial security or other matters properly considered to be of a proprietary nature.

I have determined, in accordance with Subsection 10(d) of Public Law 92-463, that the executive sessions at the beginning and end of the meeting will consist of an exchange of opinions and formulation of recommendations, the discussion of which, if written, would fall within exemption (5) of 5 U.S.C. 552(b) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). It is essential to cloes such portions of the meeting to protect such privileged information and protect the free interchange of internal views and to avoid undue interference with agency or Committee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business, including provisions to carry over an incompleted open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than July 9, 1974, to the Executive Secretary, Advisory Committee on Reactor Safeguards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Such comments shall be based upon the application for a construction permit and related documents which are on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, N.W., Washington, D.C. 20545, and the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450.

(b) Those persons submitting a written stateement in accordance with paragraph (a) above may request an opportunity to make oral statements concerning the written statement. Such requests shall accompany the written statement and shall set forth reasons justifying the need for such oral statement and its usefulness to the Subcommittee. To the extent that the time available for the meeting permits, the Subcommittee will receive oral statements during a period of no more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 1:30 p.m. and 4:30 p.m. on May 16, 1974.

(c) Requests for the opportunity to make oral statements shall be ruled on by the Chairman of the Subcommittee who is empowered to apportion the time available among those selected by him to make oral statements.

(d) Information as to whether the meeting has been cancelled or rescheduled and in regard to the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted, can be obtained by a prepaid telephone call on May 14, 1974, to the Office of the Executive Secretary of the Committee (telephone 301-973-5651) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after May 21, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 and within nine days at the Indian River Junior College Library, 3209 Virginia Avenue, Ft. Pierce, Florida 33450. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 after July 17, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-10119 Filed 4-30-74;11:02 am]

[Docket Nos. 50-413A, 50-414A]

DUKE POWER CO.

Antitrust Hearing on Applications for Construction Permit and Notice for Special Prehearing Conference

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, and Part 2, notice is hereby given that a hearing will be held to consider the antitrust aspects of the applications filed under the Act by the Duke Power Company (the Applicant) for a construction permit to construct two pressurized water nuclear reactors, each designed for initial operation at approximately 3,411 megawatts (thermal). This proposed nuclear power station is to be designated as the Catawba Nuclear Station, Units 1 and 2, and will be located on the south shore of Lake Wyle in York County, South Carolina.

On May 9, 1973, the Commission published in the FEDERAL REGISTER (38 FR 1214, 1973) a letter from the Attorney General dated May 1, 1973, advising the Commission that certain antitrust aspects of the construction permit application of Duke Power Company for the Catawba Nuclear Station required a hearing pursuant to section 105(c) of the Act. A notice published with the Attorney General's letter provided that within 30 days any person whose interest may be affected by the proceeding could file a petition for leave to intervene and request for an antitrust hearing. Two petitions to intervene and requests for hearing have been filed in this antitrust proceeding: (1) Petition of North Carolina Electric Membership Corporation (N.C. EMC) and Blue Ridge Electric

Membership Corporation (Blue Ridge), June 7, 1973; (2) Joint Petition of High Point et al., municipalities in North Carolina, June 7, 1973.

On April 8, 1974, the Commission issued a Memorandum and Order in which it, inter alia: (1) Granted the petitions to intervene; (2) appointed this Licensing Board to assume jurisdiction of this matter and to conduct any hearing thereon; (3) directed this Board to consider the question of consolidation of this proceeding with the Oconee-McGuire proceeding; (4) directed this Board to take any other action under 10 CFR Part 2 which it deems warranted to resolve the underlying dispute in this proceeding in a fair and expeditious manner.

The applications and the Attorney General's letter have been placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. As they become available, the transcripts of the prehearing conference and of the hearing will also be placed in the Commission's Public Document Room, where they will be available for inspection by members of the public. Copies of all of the foregoing documents will also be available at the Public Library of Charlotte and Mecklenburg Counties, 310 North Tyron Street, Charlotte, North Carolina.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issue specified, and who has not filed a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, on or before May 31, 1974. A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified hereinabove. A member of the public does not have the right to participate in the proceeding unless he has been granted the right to intervene as a party or the right of limited appearance.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, 1717 H Street NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and twenty conformed copies of each such paper with the Commission.

The issue to be considered at a hearing is whether the activities under the construction permit would create or maintain a situation inconsistent with the antitrust laws as provided in subsection 105(a) of the Act. In its Initial Decision the Board will decide those matters in controversy relevant to that issue.

Notice is also hereby given that a Prehearing Conference to consider this matter will be held on May 13, 1974, at 9:30 a.m. local time at the Atomic Safety and Licensing Board Panel Hearing Room, Room 1202, Landow Building, 7910 Woodmont Avenue, Bethesda, Maryland. The parties to this proceeding are directed to appear at this Prehearing Conference and, inter alia, to answer the following questions:

(1) What are the prospects for settlement in this proceeding in view of the settlement negotiations presently in progress in the Oconee-McGuire proceeding?

(2) Why should not the results of discovery as compiled in the Oconee-McGuire proceeding be incorporated as part of the discovery in this proceeding?

(3) Assuming the answer to Question 2 is yes, what additional discovery, if any, would be needed?

(4) What benefits and disadvantages accrue should there be a consolidation of the Catawba proceeding with the Oconee-McGuire proceeding?

With respect to each of said questions listed above, the Board directs that written responses be filed with the Board by May 10, 1974, and that each of the parties be prepared at the Prehearing Conference to discuss the answers to said questions.

The parties are further directed to confer and prepare a Joint Statement of Issues for delivery to the Board at the said Prehearing Conference.

Issued at Bethesda, Maryland, this 25th day of April 1974.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
JOSEPH F. TUBRIDY,
Member.

GEORGE R. HALL,
Member.

JOHN B. FARMAKIDES,
Chairman.

[FR Doc.74-9951 Filed 4-30-74;8:45 am]

[Docket No. 50-323]

PACIFIC GAS & ELECTRIC CO.

Order Lifting Suspension of Certain Construction Activities

By Order dated February 4, 1972, construction activities involving clearing the off-site right-of-way and constructing the Diablo-Midway No. 3 [1] transmission line was suspended pending completion of the Commission's review pursuant to the National Environmental Policy Act of 1969 (NEPA) and the Commission's regulations, 10 CFR Part 50, Appendix D, in regard to Diablo Canyon Nuclear Power Plant, Units 1 and 2. This transmission line connects the Diablo Canyon Nuclear Power Plant, Units 1 and 2, with the Midway substation of Pacific Gas & Electric Company's system.

The environmental review by the AEC Regulatory staff was completed in May 1973 at which time the Final Environmental Statement related to the Diablo Canyon facilities was issued (38 FR 14183). With respect to Unit 1, no request for hearing was received in response to the Commission's Notice of Opportunity for Hearing pursuant to 10 CFR Part 50, Appendix D, Section C (38 FR 6223). Accordingly, the Commission's environmental review was unopposed for Unit 1 and was completed upon issuance of the Final Environmental Statement in May 1973, which relates to both Units 1 and 2. The environmental impacts associated with construction of transmission lines were considered in this Final Environmental Statement. No action was taken at that time with respect to the suspension due to the pending proceeding relating to Unit 2. Subsequently, in September 1973, a hearing was commenced pursuant to 10 CFR Part 50, Appendix D, Section B, in accordance with the Commission's Notice of Hearing (37 FR 28542), to determine whether construction activities related to Unit 2 should be continued, modified, terminated, or appropriately conditioned to protect the environment. As part of this proceeding, consideration was given to the aforementioned transmission line and the environmental impacts associated therewith. The hearing was completed with respect to all matters except the issue of conservation of energy for which the Board ordered the hearing reopened. While the hearing is continued with respect to matters relative to conservation of energy, the presiding Atomic Safety and Licensing Board (Board) has issued an Order dated April 4, 1974, authorizing lifting of suspension of construction as follows:

Applicant will confer with Staff to determine that part of the work which will have a minimal effect upon the environment. The work permitted will also be conditioned by the following:

1. Construction shall only be carried out over that portion of the line which is in the same corridor as the Diablo-Midway #2 transmission line, and

2. Construction shall only be carried out in those areas where the access roads are presently in existence.

The Board in its Order has concluded that the authorized action would result in a minimal effect upon the environment and that any effect of the authorized activity on the overall cost-benefit balancing will be insignificant.

In view of the foregoing, and pursuant to the Commission's regulations in 10 CFR Parts 2 and 50, Appendix D, *It is hereby ordered*, That the suspension of construction of the second Diablo-Midway transmission line, Diablo-Midway No. 3 transmission line, is lifted subject to the following:

1. Pacific Gas & Electric Company will confer with the Regulatory staff who shall determine that part of the work

[1] Designated therein as the second Diablo-Midway transmission line.

which will have a minimal effect upon the environment, and the work authorized by this Order shall be limited to such determination.

2. Construction shall only be carried out over that portion of the line which is in the same corridor as the Diablo-Midway No. 2 transmission line.[2]

3. Construction shall only be carried out in those areas where the access roads are presently in existence.

Dated at Bethesda, Maryland, this 24th day of April 1974.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.74-9859 Filed 4-30-74;8:45 am]

[Docket No. 50-346A, etc.]

TOLEDO EDISON CO. ET AL.

Notice of Antitrust Hearing

In the matter of The Toledo Edison and The Cleveland Electric Illuminating Company (Davis-Besse Nuclear Power Station); Cleveland Electric Illuminating Company, et al. (Perry Nuclear Power Plant). Dockets Nos. 50-346A, 50-440A, 50-441A.

Pursuant to the Atomic Energy Act of 1954, as amended (the Act), and the regulations in Title 10, Code of Federal Regulations, Part 50, and Part 2, the Atomic Energy Commission's Memorandum and Order of January 21, 1974, and the Final Memorandum and Order on Petitions to Intervene and Requests for Hearing of April 15, 1974, issued by this Atomic Safety and Licensing Board (Board), notice is hereby given that a hearing will be held to consider the antitrust aspects of the applications filed under the Act by the companies identified in the caption above (Applicants) to construct and operate nuclear reactors designated as the Davis-Besse Nuclear Power Station, and the Perry Nuclear Power Plant.

The above-captioned proceedings have been consolidated by the said Board's Memorandum and Order of April 15, 1974. A single hearing will be held at a time and place to be designated later by this Licensing Board. The members of this Board designated by the Commission are John Henry Brebbia, George R. Hall, and John B. Farmakides, Chairman. The issue to be considered in this hearing is whether the activities under the construction permit would create or maintain a situation inconsistent with the antitrust laws as provided in subsection 105(a) of the Act. In its Initial Decision the Board will decide those matters relevant to that issue which are in controversy among the parties.

The applications and the Attorney General's letter have been placed in the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. As they become available, the transcripts of the prehearing conference and of the hearing will also be placed in the Commission's Public Document Room, where they will be available for inspection by members of the public. Copies of all of the foregoing documents will also be available at the Ida Rupp Public Library, Port Clinton, Ohio, between the hours of 10 a.m. to 8:00 p.m. Monday through Saturday and at the Perry Public Library, 3753 Main Street, Perry Township, Ohio, between the hours of 12 noon to 8 p.m. Monday through Friday and from 12 noon to 5 p.m. on Saturday.

Any person who wishes to make an oral or written statement in this proceeding setting forth his position on the issue specified, but who has not filed a petition for leave to intervene, may request permission to make a limited appearance pursuant to the provisions of 10 CFR 2.715 of the Commission's rules of practice. Limited appearances will be permitted at the time of the hearing in the discretion of the Board, within such limits and on such conditions as may be fixed by the Board. Persons desiring to make a limited appearance are requested to inform the Socretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, on or before May 31, 1974.

A person permitted to make a limited appearance does not become a party, but may state his position and raise questions which he would like to have answered to the extent that the questions are within the scope of the hearing as specified hereinabove. A member of the public does not have the right to participate in the proceeding unless he has been granted the right to intervene as a party or the right of limited appearance.

Papers required to be filed in this proceeding may be filed by mail or telegram addressed to the Secretary of the Commission, United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Branch, 1717 H Street, NW., Washington, D.C. Pending further order of the Board, parties are required to file, pursuant to the provisions of 10 CFR 2.708 of the Commission's rules of practice, an original and twenty conformed copies of each such paper with the Commission.

Issued at Bethesda, Maryland, this 25th day of April 1974.

It is so ordered.

ATOMIC SAFETY AND LICENSING BOARD,
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.74-9952 Filed 4-30-74;8:45 am]

[2] Designated originally as the first Diablo-Midway transmission line.

CIVIL AERONAUTICS BOARD

[Docket No. 26600]

AEROPERU

Notice of Prehearing Conference and Hearing

In the matter of Aeroperu, foreign air carrier permit application: Lima/Cusco/Iquitos-Montreal, via Miami and foreign intermediate points; Lima/Cusco/Iquitos-Los Angeles, via foreign intermediate points; cancellation of servicio aero de transportes commerciales permit.

Notice is hereby given that a prehearing conference in this proceeding is assigned to be held on May 16, 1974, at 10 a.m. (local time), in Room 503, Universal Building, 1825 Connecticut Avenue, N.W., Washington, D.C., before Administrative Law Judge William H. Dapper.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before May 13, 1974.

Dated at Washington, D.C., April 25, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74-9926 Filed 4-30-74;8:45 am]

[Docket No. 25280; Order 74-4-128]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Specific Commodity Rates

Issued under delegated authority April 24, 1974.

An agreement has been filed with the Board pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations between various air carriers, foreign air carriers, and other carriers embodied in the resolutions of the Joint Traffic Conferences of the International Air Transport Association (IATA), and adopted pursuant to the provisions of Resolution 590 dealing with specific commodity rates.

The agreement names an additional specific commodity rate, as set forth below, reflecting a reduction from general cargo rates; and was adopted pursuant to unprotested notices to the carriers and promulgated in an IATA letter dated April 10, 1974.

Specific Commodity Item No.	*Description and Rate*
4183	Outboard Motor Parts. 220 cents per kg., minimum weight 300 kgs. From Honolulu to Auckland.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreement is adverse to the public interest or in violation of the Act, provided that approval is subject to the conditions hereinafter ordered.

Accordingly, it is ordered, That:

Agreement C.A.B. 24327 be and hereby is approved, provided that approval shall not constitute approval of the specific commodity description contained therein for purposes of tariff publication; provided further that tariff filings shall be marked to become effective on not less than 30 days' notice from the date of filing.

Persons entitled to petition the Board for review of this order, pursuant to the Board's regulations, 14 CFR 385.50, may file such petitions within ten 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 will be published in the FEDERAL REGISTER.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-9929 Filed 4-30-74;8:45 am]

[Dockets Nos. 26585, 22859; Order 74-4-140]

NATIONAL AIRLINES, INC.

Domestic Air Freight Rate Investigation; Order of Suspension

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 26th day of April, 1974.

By tariff revisions filed March 29, 1974, and marked to become effective April 28, 1974, National Airlines, Inc. (National) proposes to increase its domestic air freight rates as follows:

1. Bulk minimum charges per shipment from $10 to $12;

2. Westbound and southbound directional and all non-directional bulk and container general commodity rates by 7.5 percent, except certain city pairs, with no increases in markets of 1,800 miles and over for container rates;

3. Eastbound and northbound directional bulk and container general commodity rates, regardless of mileage, by 10 percent, but not to exceed the applicable rates in the opposite direction of the same market;

4. Cancel all specific commodity bulk rates except (a) rates on newspapers, magazines, etc., from New York to Miami, and (b) on human remains. The latter rates are to be increased by 7.5 and 10 percent, respectively; and

5. Dimensional cube rule for bulk traffic from 6.9 (6.5 for flowers) to 8.9 pounds per cubic foot.

A complaint requesting suspension and investigation of National's proposal has been filed by the Society of American Florists (SAF). The complaint alleges, inter alia, that (1) the huge rate increases resulting from the cancellation of all specific commodity rates on cut flowers, combined with another increase in general commodity rates and a significant change in the dimensional weight rule will have a significant impact on the floral industry and result in a serious diversion of air freight traffic from National; (2) the proposed rate increases will range as high as 54 percent for floral traffic, as high as 115 percent for decorative greens, and will be much more significant than on any other type of traffic; and (3) these rate increases, combined with the change in the cube rule, will result in a serious disruption of the floral industry's transportation and distribution pattern, since it will produce excessive freight charges and force the complete diversion of air freight moving via National from the principal flower-growing areas in Florida.

The complaint also states that virtually all of the floral traffic moving from Florida via National is handled at specific commodity rates; that Florida traffic is making a substantial contribution to National's revenues because it moves northbound during daylight hours in combination aircraft when the carrier has the greatest amount of unused capacity available; that the proposal will result in a wholesale diversion of all floral traffic from National to highway movement; and that floral growers cannot absorb or pass along rate increases of this magnitude, particularly when these rates have been subject to periodic increases of substantial proportions over the past four years.

In support of the proposal, National contends that (1) the revenue increase which these rate increases would provide is needed to help offset increased operating costs, primarily for fuel; (2) even with the proposed rate increase, which is expected to generate $1.7 million in additional revenue in 1974, the carrier expects to incur a $6.6 million operating loss from its air freight operations during this period; and (3) the carrier expects fuel prices to rise to an average domestic cost of 17 cents per gallon by July 1974 or over a 50 percent increase in the cost of fuel for the 6 months ended December 1974. National further contends that its estimated loss does not take into account these expected fuel price increases, and to that extent, its estimated operating loss is understated.

The proposed rates and charges are within the scope of the Domestic Air Freight Rate Investigation, Docket 22859, and their lawfulness will be determined in that proceeding. The issue now before the Board is whether to suspend the proposal or to permit it to become effective pending investigation.

The National filing is one of a series of rate increases filed by domestic carriers in recent weeks. The Board has reviewed these proposed rates in the light of industry costs of carrying air freight, which include recognition of the sharp increases in fuel costs recently experienced by the industry. Most of National's proposed rates come within those industry costs and will therefore be permitted to become effective. Other rates between points set forth in Appendix A exceed those costs and will be suspended. The rates suspended include, in general, bulk general commodity rates in markets of 1,500 miles and over, and rates for human remains.

In view of the foregoing and upon consideration of all other relevant factors, the Board finds that the proposal, to the extent it applies to rates and charges indicated in Appendix A, should be suspended. The remaining portion of the proposal, including rate increases primarily in short-haul markets, appear sufficiently related to costs that the Board will permit them to become effective. We are also permitting the proposed cancellation of numerous specific commodity rates and the revision in the cube rule consistent with our previous disposition of similar proposals by other carriers.[1] With respect to specific commodity rates, carriers should be accorded considerable flexibility as to offering such rates, which are justified primarily on a value-of-service basis.[2]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly Sections 204(a) and 1002 thereof,

It is Ordered, That:

1. Pending hearing and decision by the Board, the increased rates, charges, and provisions described in Appendix A hereto[3] are suspended and their use deferred to and including July 26, 1974, unless otherwise ordered by the Board and that no change be made therein during the period of suspension except by order or special permission of the Board;

2. Except to the extent granted herein, the complaint of the Society of American Florists in Docket 26585 is dismissed; and

3. Copies of this order shall be filed with the tariff and served upon National Air Lines, Inc., and the Society of American Florists.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-9927 Filed 4-30-74;8:45 am]

[Docket No. 25281; Order 74-4-138]

TRANSPORTES AEREOS NACIONALES, S.A.

Statement of Tentative Findings and Conclusions and Order To Show Cause

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 26th day of April 1974.

Application of Transportes Aereos Nacionales, S.A. for amendment of its foreign air carrier permit pursuant to section 402 of the Federal Aviation Act of 1958.

By Order 70-8-64 approved August 14, 1970 the Board issued a foreign air carrier permit to Transportes Aereos Nacionales, S.A. (TAN) authorizing the carrier to: (a) Engage in foreign air transportation of persons, property, and mail between a point or points in Honduras; the intermediate point Belize, British Honduras; and the terminal point Miami,

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[1] See e.g., Orders 74-1-155, 74-2-2, 74-2-63, and 74-4-54.

[2] In its decision in Docket 22157, United Air Lines, Inc., Specific Commodity Rates on Periodicals, Floral Products, and Seafood, Order 72-11-78, November 20, 1972, the Board stated, "Because of their inherently preferential nature, the Board does not normally require carriers to publish SCR's, but leaves the offering and justification of SCR's to the carriers' initiative. Once a carrier institutes a particular SCR it is still afforded a fairly broad area of discretion in revising such rates between the parameters of fully-allocated and incremental costs, subject to the Board's review."

[3] Filed as part of the original document.

Florida, subject to conditions; and (b) operate off-route charter trips, pursuant to Part 212 of the Board's Economic Regulations.

On March 5, 1973 TAN filed an application [1] requesting the deletion from its permit of the following condition:

(2) The holder shall not engage in foreign air transportation between the terminal point Miami, Florida, and points south or east of Honduras, or provide service, by interchange of equipment between the terminal point Miami, Florida, and points south or east of Honduras.

The condition imposes restrictions on the ability of TAN to serve traffic from the United States moving beyond Honduras which are no longer required under present circumstances.[2] Condition 2 was added to TAN's permit in 1960 in view of the carrier's failure to heed an earlier admonition of the Board that it modify its operations to serve primarily traffic between Miami and points in Honduras rather than traffic between Miami and points in South America. The condition was aimed specifically at precluding certain operations then being conducted by TAN in conjunction with two foreign carriers with which it was then affiliated.[3] Since those affiliations no longer exist,[4]

We do not suggest, however, that the troublesome question of Honduran national ownership and control of TAN, which still existed at the time of its most recent permit renewal, has been resolved, and we still expect to examine this matter when the carrier's permit comes before us for renewal.

the Board has no reason to conclude at this time that the retention of this special limitation on TAN's operations is necessary to assure its compliance with the Federal Aviation Act of 1958. U.S. carriers operate to Honduras free of any such restriction. Accordingly, the Board tentatively finds that: (1) it is in the public interest to amend the foreign air carrier permit held by TAN so as to delete condition number 2 from such permit [5]; and (2) TAN is fit, willing and able properly to perform the additional foreign air transportation which would be thereby authorized and to conform to the provisions of the Act and the Board's rules, regulations, and requirements thereunder.

Accordingly, it is ordered, That:

1. All interested persons be and they hereby are directed to show cause why the Board should not make final the tentative findings and conclusions herein, and why the foreign air carrier permit held by TAN should not be amended to delete condition number 2 therefrom;

2. Any interested persons having objections to the tentative findings and conclusions set forth herein or to the proposed amendment to the foreign air carrier permit held by TAN shall file such objections within 10 days after the date of service of this order, and file with the Board and serve on the persons named in paragraph 5 a memorandum of objection specifying the part or parts of the tentative findings and conclusions objected to and stating the specific grounds of any such objections; [6]

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board: *Provided,* That the Board may proceed to enter an order in accordance with the tentative findings and conclusions herein if it determines that there are no factual issues presented that warrant the holding of an evidentiary hearing;

4. In the event no objections are filed, all further procedural steps shall be deemed waived, and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein; and

5. Copies of this order shall be served upon the following: Transportes Aereos Nacionales, S.A., Braniff International, and Pan American World Airways, Inc.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-9928 Filed 4-30-74;8:45 am]

[1] A copy of the application has been transmitted to the President in accordance with section 801 of the Federal Aviation Act.

[2] The carrier has not requested the removal of the condition requiring that the carrier shall serve Miami only on flights originating or terminating in Honduras. This condition will remain in effect and prevents the carrier from operating turnaround service between Miami and the intermediate point, Belize, British Honduras. Similarly, of course, TAN would not be permitted to operate behind the homeland carrying third-country traffic to or from Miami except by connecting flights with different flight numbers.

[3] See, TAN, Foreign Air Carrier Permit, 31 CAB 246 (1960).

[4] APSA recently ceased operations and its U.S. foreign air carrier permit has been canceled. CEA is now owned by the Government of Ecuador. Thus the circumstances prevailing at the time the Board denied a similar request (Order 70-8-64) have materially changed.

[5] TAN's services are performed by LANICA using the latter's aircraft under a joint operating agreement. The arrangement was last approved by the Board in Order 71-10-5. We do not intend the removal of condition 2 of TAN's permit to constitute an authorization for any enlargement of the joint operations. Under Order 71-10-5 any amendment to the existing joint agreement between TAN and LANICA affecting air service to the United States must be filed with the Board.

[6] Since provision is made for the filing of objections to this order, petitions for reconsideration of this order will not be entertained.

[Docket No. 26516; Order 74-4-104]

PAN AMERICAN WORLD AIRWAYS, INC.

Order Authorizing Discussions Concerning Transatlantic Operations

Correction

In FR Doc. 74-9504 appearing at page 14624 in the issue for Thursday, April 25, 1974, in the second full paragraph in the third column on page 14625, the third and fourth lines should be transposed.

CITIZENS' ADVISORY COMMITTEE ON ENVIRONMENTAL QUALITY

SUBCOMMITTEE ON ENERGY

Notice of Meeting

The Subcommittee on Energy of the Citizens' Advisory Committee on Environmental Quality will meet on May 7, 1974, at 9:15 a.m. in Room 500, 1700 Pennsylvania Avenue, NW., Washington, D.C.

The Committee advises the President and the Council on Environmental quality on matters pertaining to environmental quality. The Subcommittee on Energy concentrates on matters relating to the production and use of energy. The principal purpose of the meeting is to consider various means of conserving energy and new sources of energy.

A limited number of seats—approximately 10—will be available to observers from the press and the public on a reserved, first-come basis. Requests to attend the meeting must be submitted in writing or by telephone no later than Friday, May 3, 1974, to Lawrence N. Stevens, Executive Director, Citizens' Advisory Committee on Environmental Quality, 1700 Pennsylvania Avenue, N.W., Washington, D.C. 20006, telephone (202) 223-3040. Oral statements or questioning of Committee members or other participants by observers in attendance at the meeting will not be permitted. Members of the public may file written statements with the Committee before or after the meeting.

Requests for information should be submitted to Lawrence N. Stevens (address given above).

LAWRENCE N. STEVENS,
Executive Director, Citizens' Advisory Committee on Environmental Quality.

[FR Doc.74-10066 Filed 4-30-74;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL PREVAILING RATE ADVISORY COMMITTEE

Notice of Committee Meetings

Pursuant to the provisions of section 10 of Public Law 92-463, effective January 5, 1973, notice is hereby given that meetings of the Federal Prevailing Rate Advisory Committee will be held on:

Thursday, May 2, 1974
Thursday, May 9, 1974
Thursday, May 16, 1974
Thursday, May 23, 1974
Thusrady, May 30, 1974

The meetings will convene at 10 a.m. and will be held in Room 5A06A, Civil Service Commission Building, 1900 E Street, NW., Washington, D.C.

The committee's primary responsibility is to study the prevailing rate system and from time to time advise the Civil Service Commission thereon.

At these scheduled meetings, the committee will consider proposed plans for implementation of Public Law 92–392, which law establishes pay systems for Federal prevailing rate employees.

The meetings will be closed to the public on the basis of a determination under section 10(d) of the Federal Advisory Committee Act (Public Act 92–463) that the closing is necessary in order to provide the members with the opportunity to advance proposals and counterproposals in meaningful debate on issues related solely to the Federal Wage System with the view toward ultimately formulating advisory policy recommendations for the consideration of the Civil Service Commission.

However, members of the public who wish to do so, are invited to submit material in writing to the Chairman concerning matters felt to be deserving of the committee's attention. Additional information concerning these meetings may be obtained by contacting the Chairman, Federal Prevailing Rate Advisory Committee, Room 5451, 1900 E Street, NW., Washington, D.C. 20415.

The apparent delay in publication of this meeting notice was occasioned by the need to effect compliance with the updated provisions of OMB Circular A–63, revised, on Advisory Committee Management, effective May 1, 1974.

DAVID T. ROADLEY,
Chairman, Federal Prevailing Rate Advisory Committee.

APRIL 25, 1974.

[FR Doc.74–9899 Filed 4–30–74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[OPP–32000/49]

NOTICE OF 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 264–EII. Amchem Products, Inc., Brookside Avenue, Ambler, Pennsylvania 19002. *Weedone 2,4,5–T–Odor Inhibited Special Air Spray Formula.* Active Ingredients: 2,4,5-Trichlorophenoxyacetic acid, butoxyethanol ester 59.3%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 264–EIO. Amchem Products, Inc., Brookside Avenue, Ambler, Pennsylvania 19002. *Amchem 2,4,5–TP Weed and Woody Plant Herbicide.* Active ingredients: Butoxypropyl ester of silvex [2-(2,4,5-Trichlorophenoxy) propionic acid] 62.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7850–LL. Armstrong Cork Company, 1666 K Street NW., Washington, D.C. 20006. *Armstrong Ceiling Material Coated with M–84 Bacteriostatic Finish.* Active Ingredients: Alkyl (3% C18, 17% C16, 30% C14, 50% C12) dimethyl ethylbenzyl ammonium cyclohexylsulfamate 0.095%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 32993–R. Barton Naphtha Corporation, P.O. Box 492, Bettendorf, Iowa 52722. *Glidco Pine Oil–150 for Manufacturing Germicides.* Active Ingredients: Pine Oil 100%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 32994–R. Barton Solvents Co., P.O. Box 456, Council Bluffs, Iowa 51501. *Glidco Pine Oil–150 for Manufac. turing Germicides.* Active Ingredients: Pine Oil 100%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 31521–EA. Biotech Products Corporation, Lapp Road, Waterford, New York 12188. *Biosol–P128 (Antimicrobial Concentrate).* Active Ingredients: O-Benzyl-p-chlorophenol 19.35%; O-Phenylphenol 18.30%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 31521–EE. Biotech Products Corporation, Lapp Road, Waterford, New York 12188. *Biosol–Q100 (Antimicrobial Concentrate).* Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 1.0%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 1.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 31521–EG. Biotech Products Corporation, Lapp Road, Waterford, New York 12188. *Biosol–P220 (Antimicrobial Concentrate).* Active Ingredients: O-Phenylphenol 2.47%; n-Alykyl (92% C18, 8% C16) N-ethyl morpholinium ethyl sulfate 0.39%; Triethylene Glycol Oleyl 89.69%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 31521–EL. Biotech Products Corporation, Lapp Road, Waterford, New York 12188. *Biosol–P100 (Antimicrobial Concentrate).* Active Ingredients: O-Benzyl-p-Chlorophenol 2.01%; O-Phenylphenol 2.00%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 31521–ER. Biotech Products Corporation, Lapp Road, Waterford, New York 12188. *Biosol 66–8.* Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 11.719%; Didecyl Dimethyl Ammonium Chloride 5.859%; Dioctyl Dimethyl Ammonium Chloride 5.859%; Alkyl (C14 50%, C12 40%, C16 10%) Benzyl Dimethyl Ammonium Chloride 15.625%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 31521–ET. Biotech Products Corporation, Lapp Road, Waterford, New York 12188. *Biosol 33–7.* Active Ingredients: Didecyl Dimethyl Ammonium Chloride 32.5%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 31521–RA. Biotech Products Corporation, Lapp Road, Waterford, New York 12188. *Biosol 22–3.* Active Ingredients: Didecyl Dimethyl Ammonium Chloride 25.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 31521–RI. Biotech Products Corporation, Lapp Road, Waterford, New York 12188. *Biosol 55–10.* Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 19.150%; Didecyl Dimethyl Ammonium Chloride 9.575%; Dioctyl Dimethyl Ammonium Chloride 9.575%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 31521–RL. Biotech Products Corporation, Lapp Road, Waterford, New York 12188. *Biosol 11–9.* Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 12.250%; Didecyl Dimethyl Ammonium Chloride 6.125%; Dioctyl Dimethyl Ammonium Choride 6.125%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 31521–RR. Biotech Products Corporation, Lapp Road, Waterford, New York 12188. *Biosol—Q500 (Antimicrobial Concentrate).* Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 2.58%; n-Alkyl (68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 2.58% n-Alkyl (92% C18, 8% C16) N-ethyl Morpholinium ethyl sulfates 0.36%; Triethylene Glycol 82.47%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 31521–RT. Biotech Products Corporation, Lapp Road, Waterford, New York 12188. *Biosol 44–2.* Active Ingredients: Didecyl Dimethyl Ammonium Chloride

30.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7616-GR. Chem Lab Products Inc., 2850 Coronado, Anaheim, California 92708. *Kemex II New Fire Resistant Concentrated Pool Chlorine.* Active Ingredients: Sodium Dichloro-S-Triazinetrione Dihydrate 100%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 239-EUEG. Chevron Chemical Company, Ortho Division, 940 Hensley Street, Richmond, California 94804. *Ortho Lawn Insect Spray.* Active Ingredients: Chlorpyrifos [O,O-diethyl O-(3,5,6-trichloro-2-pyridyl)phosphorothioate] 5.3%; Aromatic petroleum derivative solvent 3.0%; Petroleum distillate 87.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 1803-EE. Continental Chemical Company, 2175 Acoma Street, Sacramento, California 95815. *Con-O New Fire Resistant Chlor Concentrate Granular Chlorine.* Active Ingredients: Sodium Dichloro-S-Triazinetrione Dihydrate 100%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9147-L. W. C. Cook Company, 2525 South 50th Avenue, Cicero, Illinois 60650. *W. C. Chlorine Concentrate for Swimming Pools.* Active Ingredients: Sodium Dichloro-s-triazinetrione Dihydrate 100%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 11741-L. D. W. Davies and Company, Inc., 3200 Phillips Avenue, Racine, Wisconsin 53403. *San-A-Kleen Concentrate.* Active Ingredients: Octyl Decyl Dimethyl Ammonium Chloride 3.750%; Dioctyl Dimethyl Ammonium Chloride 1.875%; Didecyl Dimethyl Ammonium Chloride 1.875%; Alkyl (C14 50%, C12 40%, C16 10%) Benzyl Dimethyl Ammonium Chloride 5.000%; Tetrasodium Ethylenediamine Tetraacetate 3.420%; Isopropyl Alcohol 3.000%; Ethyl Alcohol 1.000%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 266-GR. DriChem Pool Products Co., 15017 East Clark Avenue, City of Industry, California 91745. *DriChem Concentrated Pool Chlorine Economy Pak.* Active Ingredients: Sodium Dichloro-S-Triazinetrione Dihydrate 100%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 7053-RL. Fremont Industries, Inc., P.O. Box 67, Shakopee, Minnesota 55379. *Fremont 2307 Sanitizer.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate (provides 14% available chlorine) 25%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 7053-RU. Fremont Industries, Inc., P.O. Box 67, Shakopee, Minnesota 55379. *Fremont 2306 Detergent Sanitizer.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate (provides 3.2% available chlorine) 5.6%; Sodium dodecylbenzene sulfonate 4.0%; Sodium Metasilicate 5.0%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 31970-O. Haynes Chemical Company, P.O. Box 30, East Grand Forks, Minnesota 56721. *Blitz (Sodium Salt of MCPA).* Active Ingredients: Sodium salt of 2-methyl-4-chlorophenoxyacetic acid 24.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 5891-RA. Mt. Hood Chemical Corporation, 4444 N.W. Yeon Avenue, Portland, Oregon 97210. *Surf Sanitizer.* Active Ingredients: Sodium Dichloro-s-triazinetrione dihydrate 25%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 5891-RI. Mt. Hood Chemical Corporation, 4444 N.W. Yeon Avenue, Portland, Oregon 97210. *Chlor-A-Sanitizer.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 18.0%; Sodium Carbonate (anhydrous) 25.0%; Sodium dodecylbenzene sulfonate 2.4%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 5891-RT. Mt. Hood Chemical Corporation, 4444 N.W. Yeon Avenue, Portland, Oregon 97210. *Sani Wash Sanitizer.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 28%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 407-GAU. Imperial Inc., P.O. Box 423, Shenandoah, Iowa 51601. *Imperial No. 4 2,4-D Low Volatile Weed Killer.* Active Ingredients: 2,4-Dichlorophenoxyacetic Acid, Butoxy Propyl Esters 72.7%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA Reg. No. 4822-97. S. C. Johnson & Son, Inc., 1525 Howe Street, Racine, Wisconsin 53403. *Johnson Bluechip Germicidal Cleaner for Hospitals.* Active Ingredients: N-alkyl (50% C14, 40% C12, 10% C16) dimethyl benzyl ammonium chlorides 3.90%; Anhydrous sodium metasilicate 2.50%; Tripotassium salt of ethylene diamine tetraacetic acid 0.75%. Method of Support: Application proceeds under 2(a) of interim policy.

EPA File Symbol 11800-RN. Midwest Agricultural Warehouse Company, 200 South Main, Fremont, Nebraska 68025. *Clean Crop Thiram Seed Protectant.* Active Ingredients: Thiram (Tetramethylthiuram disulfate) 50.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 11800-RR. Midwest Agricultural Warehouse Company, 200 South Main, Fremont, Nebraska 68025. *Clean Crop Thiram—Moly Seed Protectant for Soybeans and Other Legumes.* Active Ingredients: Thiram (Tetramethylthiuram disulfate) 35.0%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 9864-G. O'Neill Brothers Chemical, Inc., 5129 Unruh Street, Philadelphia, Pennsylvania 19135. *O'Neill Hygi-San Wash and Surface Sanitizer.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 34%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9864-L. O'Neill Brothers Chemical, Inc., 5129 Unruh Street, Philadelphia, Pennsylvania 19135. *O'Neill Hygi-San Sanitizer.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 25%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 9864-U. O'Neill Brothers Chemical, Inc., 5129 Unruh Street, Philadelphia, Pennsylvania 19135. *O'Neill Hygi-San Wash Sanitizer.* Active Ingredients: Sodium dichloro-s-triazinetrione dihydrate 28%. Method of Support: Application proceeds under 2(b) of interim policy.

EPA File Symbol 7116-L. Unichem Incorporated, P. O. Box 1565, Greenville, North Carolina 27834. *Blitz Organic Chlorine Sanitizer.* Active Ingredients: Potassium dichloro-(s)-triazinetrione 6.8%. Method of Support: Application proceeds under 2(c) of interim policy.

EPA File Symbol 7101-A. Walton-March, Inc., 1620 Old Deerfield Road, P. O. Box 340, Highland Park, Illinois 60035. *Blue Spruce Germicidal Bowl Cleaner in Pre-Measured Packets.* Active Ingredients: n-Alkyl (60% C14, 30% C16, 5% C12, 5% C18) dimethyl benzyl ammonium chlorides 4.32%; n-Alkyl 68% C12, 32% C14) dimethyl ethylbenzyl ammonium chlorides 4.32%; Sodium carbonate 38.00%; Sodium metasilicate 8.90%; Tetrasodium ethylenediamine tetraacetate 0.75%. Method of Support: Application proceeds under 2(a) of interim policy.

REPUBLISHED ITEM

The following item represents a correction and/or change in the list of Applications Received previously published in the FEDERAL REGISTER of April 19, 1974 (39 FR 13985).

EPA File Symbol 30984-L. Bionomical Chemicals & Services, Inc., 1003 Pineville Road, Chattanooga, Tennessee 37405. *Mint M-2015 Disinfectant-Detergent Sanitizer-Deodorizer.* Correction: Originally published as EPA File Symbol 30958-L.

Dated: April 23, 1974.

DOUGLAS D. CAMPT,
Acting Director,
Registration Division.

[FR Doc.74-9714 Filed 4-30-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[Dockets Nos. 20010, 20011; Files Nos. BRCT-10, BPCT-4540; FCC 74-363]

COLUMBIA BROADCASTING SYSTEM, INC., AND FIRST DELAWARE VALLEY CITIZENS TELEVISION, INC.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of:

Columbia Broadcasting System, Inc. (WCAU-TV), Philadelphia, Pennsylvania, for renewal of broadcast license. Docket No. 20010, File No. BRCT-10.

First Delaware Valley Citizens Television, Inc., Philadelphia, Pennsylvania, for construction permit for new television broadcast station. Docket No. 20011, File No. BPCT-4540.

1. The Commission has before it for consideration: (a) the above-captioned applications, one requesting a renewal of license to operate on channel 10, Philadelphia, Pennsylvania, and the other requesting a construction permit for a new television broadcast station to operate on channel 10, Philadelphia, Pennsylvania; (b) motion to dismiss the application of First Delaware Valley Citizens Television, Inc. (First Delaware), filed on April 24, 1973, by Columbia Broadcasting System, Inc. (CBS); (c) an opposition, filed on April 30, 1973, by First Delaware; and (d) a reply, filed on May 14, 1973, by CBS.

2. On April 24, 1973, CBS filed a motion to dismiss First Delaware's application for a construction permit on the grounds that the applicant had failed to timely furnish the Commission with certain financial information which had been requested by the Commission. Specifically, on February 15, 1973, the Commission sent a letter to First Delaware which raised questions concerning its financial plans for the construction and operation of its proposed station. The letter requested, among other things, that First Delaware submit a complete itemization of its first-year cost of operation. The letter also cautioned First Delaware that its failure to respond within thirty days

would result in the dismissal of its application. Subsequently, on March 20, 1973, the time within which to respond to the Commission's letter was extended until April 16, 1973, pursuant to First Delaware's request of March 14, 1973. On April 16, 1973, First Delaware filed a financial amendment to its application. The amendment did not include a detailed breakdown of first-year operating costs, but it did refer to the operating breakdown which had been submitted in the original application.[1] However, First Delaware subsequently filed a detailed operating breakdown on April 30, 1973. Nevertheless, CBS contends that First Delaware's willful failure to provide the requested breakdown by April 16, 1973, warrants the dismissal of its application for failure to respond to Commission correspondence, pursuant to § 1.568(b) of the rules. We do not agree. First Delaware filed an extensive financial amendment on April 16, 1973, in response to the Commission's letter. While that amendment did not include the requested detailed breakdown of first-year operating costs, that information was submitted two weeks later on April 30, 1973. Thus, it is clear that First Delaware intended to continue to prosecute its application and to provide the information requested by the Commission. Moreover, while the Commission expects that replies to its official correspondence will be submitted within the time specified, under the circumstances, we do not believe that the two weeks' delay in furnishing the itemized breakdown resulted in any prejudice to CBS or any undue delay in the processing of First Delaware's application. Therefore, CBS's motion to dismiss First Delaware's application will be denied.

3. The precise amount needed to construct and operate First Delaware's proposed station for three months without revenues[2] cannot be determined. However, cash in the amount of at least $3,736,250 will be needed as follows: Down payment on equipment (cost of the antenna system not included)—$641,250; three months' interest payments on bank loan—$85,000; miscellaneous expenses (including grant fee of $45,000)—$710,000; and three months' cost of operation—$2,300,000. While First Delaware states that it will purchase for $428,000 the existing antenna system of the present licensee (CBS), it has failed to furnish the Commission with any information indicating that the equipment can be purchased at the price indicated. In addition, while First Delaware indicates that the station's main studio will be located at a site to be determined in the city of Philadelphia, the applicant has not furnished the Commission with any information as to the costs associated with the construction or lease of its main studio facilities.[3] Accordingly, appropriate financial issues have been specified.

4. To meet its cash-needed requirements, First Delaware relies upon paid-in capital of $103,200, stock subscription agreement of $296,800, and a $4,000,000 bank loan from the Lincoln Bank, Philadelphia, Pennsylvania. The applicant has demonstrated the availability of the $4,000,000 bank loan. In an amendment filed February 22, 1974, the applicant indicated in section II, paragraph II(a), FCC Form 301, that 2,968 shares had been subscribed and that 1,032 shares had been issued, for a total of 4,000 shares. The information contained in the application demonstrates that the stock subscribers can meet their stock subscription commitments to the applicant in the total amount of $296,800. With respect to the stock subscriptions already paid in, since the applicant did not submit a current balance sheet at the time that it filed its February 22, 1974, amendment, the Commission cannot determine the exact amount of paid-in capital which is presently available to the applicant.[4] In the event that the applicant is able to satisfactorily demonstrate the availability of all the funds upon which it relies ($4,400,000), the applicant will still need additional funds.[5] We will, therefore, specify appropriate issues.

5. Columbia Broadcasting System, Inc., is qualified to own and operate television broadcast station WCAU–TV and except as indicated by the issues set forth below, First Delaware Valley Citizens Television, Inc., is qualified to construct, own and operate the proposed new television broadcast station. The applications are, however, mutually exclusive in that operation by the applicants as proposed would result in mutually destructive interference. The Commission is, therefore, unable to make the statutory finding that a grant of the applications would serve the public interest, convenience and necessity, and is of the opinion that they must be designated for hearing in a consolidated proceeding on the issues set forth below.

6. *Accordingly, it is ordered,* That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Columbia Broadcasting System, Inc., and First Delaware Valley Citizens Television, Inc., are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine with respect to the application of First Delaware Valley Citizens Television, Inc.:

a. The amount of paid-in capital available to the applicant.

b. The cost and terms of purchase under which the antenna system will be available to the applicant.

c. The cost of rental or construction of the applicant's main studio facilities.

d. In view of the evidence adduced under issues (b) and (c), the extent to which the applicant's cash requirements will be increased.

e. Assuming that all of the funds upon which the applicant relies will be available to it, how the applicant will obtain sufficient additional funds to be used for the construction and first three months' operation of the station.

f. Whether, in view of the evidence adduced under the proceeding issues, the applicant is financially qualified.

2. To determine which of the proposals would better serve the public interest.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which of the applications should be granted.

7. *It is further ordered,* That, the motion to dismiss filed by Columbia Broadcasting System, Inc., is denied.

8. *It is further ordered,* That, in the event of a grant of the license renewal application of Columbia Broadcasting System, Inc., its application will be subject to the following condition:

The grant is conditioned on (1) the outcome of the now-pending civil antitrust action in which Columbia Boradcasting System, Inc., is a party defendant (Civil Action File No. 70 Civ. 4202, U.S. District Court for the Southern District of New York), and (2) that the defendant shall immediately notify the Commission of the final disposition of the case.

9. *It is further ordered,* That, in the event of a grant of the application of First Delaware Valley Citizens Television, Inc., the grant will be made subject to the same AM proximity condition which was attached to the grant of the construction permit (BPCT–4403) for station WCAU–TV, Philadelphia, Pennsylvania.

10. *It is further ordered,* That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall within twenty (20) days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed

[1] In its original application, First Delaware had submitted an exhibit which set forth a breakdown of first-year operating costs on the basis of four general categories (General and Administrative, Program and Production, Sales, and Engineering and Technical). The operating breakdown did not comply with the provisions of section III, paragraph 1(b) of FCC Form 301 which requires an applicant for a new broadcast station to submit a complete itemization of first-year operating costs.

[2] As in similar cases in the past, we will not apply the standard set forth in Ultravision Broadcasting Co., 1 FCC 2d 544 (1965). Rather, we will apply our former standard which required an applicant to demonstrate that it has sufficient funds to construct and operate the proposed station for three months without revenues. Orange Nine, Inc., 7 FCC 2d 788 (1967). In this connection, it is noted that the Commission's TV Broadcast Financial Data Report for 1972 reveals that the Philadelphia television broadcast stations generated revenues on an average in excess of the applicant's anticipated first-year operating costs ($9,200,000).

[3] The breakdown of first-year operating costs submitted by First Delaware contains a figure of $500,000 for the rental of land and building. However, it is assumed that the figure relates to the rental of the transmitter site and the transmitter building.

[4] While the application contains a balance sheet for the applicant dated August 31, 1972, the balance sheet does not reflect the applicant's current position with respect to subscribed and issued stock.

[5] The exact amount of additional funds which will be required cannot be determined at this time since the present cash-needed figure of $3,736,250 will have to be increased by the cash required for the purchase of the antenna system and the construction or lease of the main studio facilities.

for the hearing and present evidence on the issues specified in this Order.

11. *It is further ordered*, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing within the time and the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: April 9, 1974.

Released: April 24, 1974.

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

[FR Doc.74-9915 Filed 4-30-74;8:45 am]

[Docket No. 20003]

JURISDICTIONAL SEPARATIONS AND RATE STRUCTURES

Notice of Inquiry; Correction

In the matter of economic implications and interrelationships arising from policies and practices relating to customer interconnection, jurisdictional separations and rate-structures.

In the Notice of Inquiry, FCC 74-344, adopted April 9, 1974, and released April 10, 1974 in theabove matter, (39 FR 13808, April 17, 1974) is corrected to indicate: "Commissioner Reid concurring in the result." after the phrase "By the Commission:".

Released: April 24, 1974.

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

[FR Doc.74-9917 Filed 4-30-74;8:45 am]

[Dockets Nos. 20008, 20009; Files Nos. BRCT-509, BPCT-4581; FCC 74-362]

POST-NEWSWEEK STATIONS OF FLORIDA, INC. AND TROPICAL FLORIDA BROADCASTING CO.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of:

Post-Newsweek Stations of Florida, Inc. (WPLG-TV), Miami, Florida, for renewal of broadcast license. Docket No. 20008, File No. BRCT-509.

Tropical Florida Broadcasting Company, Miami, Florida, for construction permit for a new television broadcast station. Docket No. 20009, File No. BPCT-4581.

1. The Commission has before it the mutually exclusive applications of Post-Newsweek Stations of Florida, Inc. (hereafter "Post-Newsweek"), for renewal of license (BRCT-509) for WPLG-TV, channel 10, Miami, Florida, and Tropical Florida Broadcasting Company (hereafter "Tropical Florida," or "Tropical"), for a construction permit (BPCT-4581) for a new television broadcast facility to operate on channel 10, Miami. Proposing as they do operation on the same channel in the same city, grant of both applications would result in mutually destructive interference. Therefore, the Commission is unable to make the required finding that grant of either application would serve the public interest, convenience and necessity without first designating both for hearing in a consolidated proceeding.

2. The Commission has before it also a variety of pleadings, including: a "Petition to Dismiss Incomplete Application," filed by Post-Newsweek on August 10, 1973 ("Opposition" filed by Tropical on August 23, 1973; "Reply" filed by Post-Newsweek on August 29, 1973); a "Petition for Pre-Designation Hearing or For an Initial Hearing Limited to Tropical Florida's Misrepresentations to the Commission," filed by Post-Newsweek on January 14, 1974; a "Motion to Dismiss Unauthorized Pleading," filed by Tropical on February 4, 1974 ("Reply" filed by Post-Newsweek on February 14, 1974); and a "Motion for a Protective Order," filed by Tropical on February 22, 1974.

3. In its original application, Tropical Florida proposed to operate from the present transmiter site of WPLG-TV, using WPLG-TV's tower. In its August 10, 1973, "Petition to Dismiss Incomplete Application," Post-Newsweek noted that Tropical had been informed in writing as of February 23, 1973, that Post-Newsweek had "no intention" of selling or leasing the land and transmitter tower of WPLG-TV to Tropical, in the event the new applicant prevailed in the comparative hearing. Post-Newsweek contended that Tropical Florida's failure to forthwith amend its application to specify a new transmitter site rendered the application fatally defective and warranted its dismissal. Tropical Florida countered that the unavailability of the WPLG-TV site had not been proven and that it would prove the availability of the site in the hearing, if necessary, and that, in any event, it was entitled to amend its application as a matter of right at any time prior to designation of the application for hearing. On February 7, 1974, Tropical amended its application to provide for mounting its antenna on the tower of WKID-TV, channel 51, Fort Lauderdale. While Tropical may have been unduly persistent in claiming the availability of the WPLG-TV transmitter site, its interpretation of the rule concerning amendments (§ 1.522(a)) is correct. At the time of filing, Tropical acted in reasonable reliance on our previous statements in United Television Co., Inc., 18 FCC 2d 363 (1969), and Central Florida Enterprise, Inc., 22 FCC 2d 260 (1970), to the effect that it is reasonable to assume that the renewal applicant will be receptive to an offer to purchase its transmitter and tower in the event the new applicant prevails. That situation may have changed when Post-Newsweek put Tropical on notice of the site's unavailablity, but the application was not "fatally defective" at the time it was filed. It follows, therefore, that Tropical was entitled to amend its application as a matter of right prior to designation, which it has done.

4. On January 14, 1974, Post-Newsweek filed a "Petition for Pre-Designation Hearing or for an Initial Hearing Limited to Tropical Florida's Misrepresentations to the Commission." In this petition, Post-Newsweek asked that Tropical be disqualified "from further pursuant of its application," alleging (and supporting its allegations by numerous affidavits) that Tropical had misrepresented in its application its efforts to ascertain community needs, and, in fact, had not interviewed many of the community leaders it claimed to have consulted, and, in other cases, had reported interviews not conducted by Tropical Florida's principals. Post-Newsweek requested that the Commission order a hearing on its allegations prior to designation of the applications for comparative hearings, and, if the allegations were sustained, dismiss Tropical Florida's application. Alternatively, Post-Newsweek suggested that the Order designating the Applications for hearing direct the Administrative Law Judge Florida's alleged misrepresentations, and then proceed to other issues, including the general comparative issue, only if Tropical Florida were not disqualified on to first try the issues raised by Tropical Florida's alleged misrepresentations, and then proceed to other issues, including the general comparative issue, only if Tropical Florida were not disqualified on that basis.

5. Although the extent of the alleged misrepresentations is perhaps unusual, the underlying issue—whether Tropical Florida and its principals have the requisite character qualifications to be a Commission licensee—is not. It is an issue routinely tried by our Administrative Law Judges in the course of comparative proceedings. Therefore, we see no reason for departing from our normal procedures solely for this case. Nor need we direct that the hearing be conducted in two phases. The order of giving evidence is ordinarily a matter for the sound discretion of the Administrative Law Judge. If he should conclude, after the presentation of evidence on the character qualifications issue, that there is no purpose in proceeding to the general comparision, there is ample precedent for not doing so. See WHDH, Inc., et al., 16 FCC 2d 1, at 7.

6. Tropical Florida apparently would have the Commission ignore Post-Newsweek's allegations concerning its ascertainment process at this time, leaving it to Post-Newsweek to file a post-designation petition to enlarge issues, to be disposed of by the Review Board, and, conceivably, the Commission on review of the Review Board's decision. We would hope that our decision to treat these issues in today's designation order, infra, will materially expedite resolution of these charges. Tropical asserts that Post-Newsweek's pleading is "analogous" to a petition to enlarge or a motion for summary decision, both matters of post-designation practice. We believe the proper analogy, if there is one, for treating the petition, is to a petition to deny. No matter whether a "petition to deny" is not timely filed, or does not properly lie against the subject application: if it raises substantial questions concerning the public interest, convenience and necessity, it is the Commission's obligation to treat those questions, treating the petition as an informal objection under

the rules (§ 1.587). See Faulkner Radio, Inc., 15 FCC 2d 780 (1968); Lebanon Broadcasting Co., 10 FCC 2d 936 (1967). Therefore, we will deal with the petition on that basis.

7. Tropical has not otherwise responded to Post-Newsweek's allegations, saying the charges will be "satisfactorily responded to and disposed of . . . at the appropriate time," which to Tropical appears to mean before the Review Board, on a motion to enlarge issues. While we do not intend to prejudge this case, we do not see any merit in postponing consideration of these charges.

8. Investigators retained by Post-Newsweek interviewed 185 persons identified by Tropical Florida in its application as community leaders with whom it had consulted during its ascertainment of community needs. Of this group, 49 executed affidavits—in the words of Post-Newsweek—"unequivocally denying, or stating that they have no recollection of, consultation by Tropical Florida." An additional 25 persons executed affidavits stating that they were interviewed concerning community problems, but do not believe the interview was by Tropical Florida or its representatives, and 30 persons have executed affidavits asserting that they did not know the purpose of the interview.

9. Affidavits of other ascertainees have been submitted which indicate they were interviewed by representatives of Tropical Florida other than the principals of the corporation, or were asked to complete a form, but did not discuss personally community problems with one of the principals of the applicant. These allegations, if true, would constitute practices inconsistent with the intention of our Primer on Ascertainment of Community Problems by Broadcast Applicants, 27 FCC 2d 650, 21 RR 2d 1507 (1971). Interviews by persons other than principals and management are not as likely to stimulate a continuing dialogue between the community and the decision making personnel of the applicant. See the Primer, supra, at 664. And the Primer makes quite clear, supra, at 668, that questionnaires do not constitute a substitute for consultations with community leaders. In addition, such interviews would, in this case, amount to a misrepresentation, inasmuch as Tropical has heretofore reported, as part of its application, that all interviews with community leaders were conducted by subscribing stockholders in the corporation.

10. These allegations raise serious questions concerning Tropical Florida's ascertainment process, and its possible efforts to deceive the Commission with regard to its consultations of community leaders. In the absence of Tropical's explanation of these charges, an evidentiary inquiry is in order. In view of Tropical's apparent election not to respond at this time, we do not feel it unfair to require that it do so in hearing, rather than before the Review Board. If Tropical has evidence which it feels would meet these charges before the Review Board, evidence also exists that will enable it to meet the issue in a hearing. Accordingly, issues will be specified to inquire into the facts and circumstances surrounding Tropical Florida's consultations with community leaders, and to determine whether Tropical Florida has misrepresented facts to the Commission concerning those consultations, and whether, in view of the evidence on those issues, Tropical should be disqualified to be a licensee of the Commission, or a comparative demerit assessed.

11. Lastly, with respect to our procedural alternatives in this case, we consider—and reject—Post Newsweek's assertion in its February 14, 1974, pleading that Tropical's failure to controvert the charges concerning its ascertainment representations warrants dismissal of its application. Post-Newsweek avers that "Court decisions confirm that the Commission is not required to hold a hearing where there are no factual issues to be resolved and the only question related to the conclusion to be drawn from the uncontested facts," citing Hartford Communications Committee v. F.C.C., 467 F. 2d 408, 411–12 (D.C. Cir. 1972). The case is totally inapposite. It involved the Commission's decision that objections to an assignment did not raise a "substantial" or "material" question requiring a hearing before grant of the assignment application. Quoting from Stone v. F.C.C., 466 F. 2d 322, at 323, the Court said: "As Judge Wilkey recently observed, a hearing is required to resolve issues which the Commission finds are either 'substantial' or 'material,' regardless of whether the facts are in dispute." 467 F. 2d 408, at 412. In the case now before us, the issue—regardless of the state of dispute—is "substantial" and "material," and therefore of the sort for which we are required to hold a hearing before we may deny the application, under section 309(a)(d)(2), and (e) of the Communications Act of 1934, as amended.

12. Where an applicant for a new station seeks the facilities of an existing station, we require, before making a finding that the applicant is financially qualified, the demonstration of the availability of sufficient funds to pay the costs of construction and three months' operating expenses, without relying on station revenues. Orange Nine, Inc., 7 FCC 2d 788, 9 RR 2d 1157 (1967).[1] On the basis of data submitted in its application, Tropical Florida will require at least $2,433,691 itemized as follows:

Down payment on equipment	$635,250
3 mo. on equipment balance plus interest[2]	152,441
Miscellaneous items not covered by manufacturer's letter of credit	551,000
Tower space and transmitter building	45,000
5 mo. interest on bank loan @ 11 percent	137,000
3 mo. working capital requirement	912,500
	2,433,191

[1] We apply this test in the knowledge that the Annual Financial Reports (FCC Form 324) of the Miami VHF television stations disclose, on the average, annual revenues in excess of the applicant's estimated first-year operating expenses ($3,650,000).

[2] The first payment on the equipment contract is due 60 days after shipment of the transmitter. We assume this will roughly cover the period of installation prior to commencement of operations.

However, Tropical has not offered any evidence in support of its estimated expenditure of $140,000 per year for the rental of studio space. In light of Tropical's proposal for a studio location on a "site-to-be-determined" basis, we think it appropriate to inquire into the reasonableness of that estimate, and the impact of any additional expense on Tropical Florida's cash-needed figure.

13. To meet its anticipated expenses, Tropical Florida relies on a $3,000,000 bank loan, and stock subscriptions totalling $308,000. The instrument which purports to commit the bank loan is on the letterhead of the Florida National Bank and Trust Co. of Miami, over the signature of John H. Manry, Jr., President. While the letter satisfactorily sets forth the rate, collateral and terms of repayment, it specifically states that the loan is "subject to approval of our loan committee," based on "then current financial statements of the corporation and of the foregoing stockholders at the time a formal loan application is submitted." According to our understanding of banking practices, this language in no way represents a "commitment," or assures that the loan will be available. Therefore, an appropriate issue will be specified.

14. Post-Newsweek is qualified to own and operate television station WPLG–TV, and, except with regard to the matters discussed above, Tropical Florida is qualified to construct, own and operate a television broadcast station. Because the applications are mutually exclusive, the Commission is of the opinion they must be designated for hearing in a consolidated proceeding on the issues set forth below.

Accordingly, it is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the above-captioned applications of Post-Newsweek Stations of Florida, Inc., and Tropical Florida Broadcasting Company, are designated for hearing in a consolidated proceeding, at a time and place to be specified, upon the following issues:

(1) To determine, with respect to the application of Tropical Florida Broadcasting Company:

(a) The facts and circumstances surrounding the applicant's consultations with community leaders to ascertain community problems.

(b) In the light of the evidence adduced on the above issue, whether the applicant has substantially complied with the Commission's Primer on Ascertainment of Community Problems by Broadcast Applicants.

(c) In the light of the evidence adduced on the above issues (a) and (b), whether the applicant has made misrepresentations to the Commission in its application.

(d) Whether, in the light of the evidence adduced on the above issue (c), the applicant should be disqualified from becoming a licensee of the Commission, or a comparative demerit assessed against it.

(e) Whether the applicant will have available a $3,000,000 loan from the

Florida National Bank and Trust Company.

(f) Whether the applicant has reasonably estimated its expenses for rental of studio space, and, if not, the impact of any additional expense on the applicant's cash-needed figure, and whether any additional funds will be required.

(g) Whether, in the light of the evidence adduced on the above issues (e), (f), and (g), Tropical Florida is financially qualified.

(2) To determine, on a comparative basis, which of the above-captioned applications, if granted, would better serve the public interest.

(3) To determine, in the light of the evidence on issues (1) and (2) above, which of the applications should be granted.

It is further ordered, That the "Petition to Dismiss Incomplete Application" filed by Post-Newsweek Stations of Florida, Inc. is denied.

It is further ordered, That the "Petition For Pre-Designation Hearing Or For An Initial Hearing Limited To Tropical Florida's Misrepresentations To The Commission," filed by Post-Newsweek Stations of Florida, Inc., is denied.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.221(c) of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission in triplicate a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

It is further ordered, That, the applicants herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.594 of the Commission's rules, give notice of the hearing, either individually or, if feasible and consistent with the rules, jointly, within the time and manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.594(g) of the rules.

Adopted: April 9, 1974.

Released: April 24, 1974.

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

[FR Doc.74-9914 Filed 4-30-74;8:45 am]

[Docket No. 20005, FCC 74-350]

REMOTE READING OF PUBLIC UTILITY METERS

Notice of Inquiry

In the matter of the development of frequency allocations and regulations applicable to the use of radio for the remote reading of public utility meters. Docket No. 20005, RM-1635, RM-1849, RM-2045.

1. The Commission has the above-captioned matter under consideration and is requesting comments on certain matters discussed herein.

2. There are currently pending before the Commission two petitions requesting amendment of the Commission's Rules to provide for the regular licensing of radio stations for use in the remote reading of public utility meters. One of the petitioners, Readex Electronics, Inc. (Readex), is an electronics equipment manufacturer; the other petitioner, Sangamo Electric Company (Sangamo), is a manufacturer of electrical and electronics equipment with its main offices in Springfield, Illinois.

3. According to the petitioners, public utility industries have a growing need for faster, more reliable and more economical means of obtaining utility consumption data than is possible through the existing manual system. The manual method of reading meters has many shortcomings, not the least of which is difficulty in gaining access to the meters. Utilities have tried to overcome this problem by installing meters outdoors, but this has proved to be only a partial solution. The petitioners believe the ultimate answer lies in the implementation of some form of remote meter reading system using radio techniques.

4. The Readex proposal (RM-1635) is to establish a new radio service to be known as the Industrial Telemetry Radio Service, which would fall within the purview of Part 91 (Industrial Radio Services) of the Commission's rules. Public Notice of the petition was issued on June 12, 1970. In October 1970, Readex filed a major amendment to its initial petition changing the proposed frequency of operation from 219.950 MHz to 462.475 MHz.

5. Readex's proposed meter reading system would utilize an interrogating transmitter in an aircraft and a large number of remotely controlled transmitters located on customers' premises. The remote units would be activated by the interrogating unit and return signals containing the meter information. The information received in the aircraft would be recorded on magnetic tape for subsequent processing. The remote units would be installed on or near the customers' premises. A single remote unit could be designed with enough storage capability for handling up to 30 different meters. The remote units would each have a unique address and would not transmit unless interrogated. The system's operation would be sequential, permitting only one remote unit to transmit at any given time.

6. Readex estimates the system will require a maximum bandwidth of 50 kHz. It hopes to verify this and other system parameters through its field test program, being carried out under FCC experimental authorizations on frequency 462.475 MHz. One discrete frequency in the 450-470 MHz band has been requested nationwide for regular operation of the Readex system. Frequency modulation would be employed in the system and effective radiated powers of 1 watt or less from the remote units and 50 watts or less from the command unit would provide the necessary range and coverage.

7. The Sangamo petition (RM-1849) was placed on public notice on August 27, 1971. A year later, Sangamo filed a major amendment to the original petition containing considerable additional information on the proposed system and recommended rule changes.[1] In the amended petition, Sangamo proposed that its automatic meter reading system, called "PURDAX" (Public Utility Revenue Data Acquisition and Collection System), operate on the harmonically related frequencies 927.95 MHz and 1855.90 MHz. In operation, the system would employ a van-mounted transmitter on 927.95 MHz used to interrogate reflective transponders which would emit signals on 1855.90 MHz. The transponders would be located on the customers' premises and derive their primary power from the radio frequency energy received from the interrogating transmitter. The transponder would use this energy to generate a signal on 1855.90 MHz which is modulated with the meter data and transmitted back to the van for storage and subsequent processing. According to Sangamo, any type of public utility meter could be read using this technique.

8. Currently, Sangamo has an experimental (developmental) authorization to operate on 929 MHz[2] and on 1858 MHz.[3] However, the Commission, at Sangamo's request, has withheld final action on the rule making petition pending completion of initial feasibility tests. Sangamo's current developmental authority will expire on September 1, 1975.

9. Awareness should be made of the fact that Sangamo's proposed 927.95 MHz frequency is in a portion of the spectrum allocated primarily for Government radio services and a more appropriate part of the spectrum for Sangamo's operation would be in the band above 928 MHz.

10. Under the Sangamo plan, the mobile interrogating transmitter could be licensed under Part 91 of the FCC's rules, and passive reflective transponders would operate on a non-licensed basis under authority of Part 15. The emission characteristic of the interrogating transmitter would be A0, and the unmodulated burst of radio frequency energy would use an effective radiated power of 200 watts. The passive transponders would employ P0 emission with a maximum effective radiated power of 100 microwatts.

11. In addition to the above-described meter reading systems proposing the use of radio, the Commission is aware that wireline meter reading systems are being tested by the Bell Telephone Laboratories. One such system involves a number of customers in the Holmdel, New Jersey area and is operated by the New Jersey Bell Telephone Company. Bell, in fact, is conducting trials in several parts of the country involving a number of utilities. Present trials are directed toward utility meter reading only, but if the concept proves feasible, other possible uses may evolve, such as the monitoring of industrial operations. Although meter reading is not now being offered as a regular service by the Bell System, it may be in the future depending on the results of the ongoing trials. The wireline approach is obviously attractive from the

[1] The new petition was designated rule making 2045.

[2] In a band allocated currently for non-Government land mobile and industrial, scientific and medical (ISM) use.

[3] In a band allocated for non-Government fixed use.

standpoint of spectrum conservation. However in a given metropolitan area it is possible that all meters of interest may not be accessible by wirelines. Some radio may therefore be necessary to augment a predominantly wired system.

12. With regard to the general subject of meter reading, it is noted that a relationship may exist between this application and other non-voice communications being conducted or proposed in land mobile frequency bands. There has been greatly increased interest in such non-voice communications in recent years, and the Commission is presently considering how to best accommodate those requirements in an efficient and compatible manner. Results of those considerations may have an impact on eventual rule making with regard to meter reading. However, we believe that the subject of meter reading is itself of sufficient importance and immediacy to warrant the issuance of this separate exploratory proceeding.

13. Although automatic meter reading systems, whether totally reliant on radio telemetry, wireline techniques or combinations thereof, are in the developmental stage, it is believed that this technological development should be examined in a public proceeding to explore potential frequency requirements and other necessary regulations. This inquiry is therefore being initiated for that general purpose and specifically to elicit comments relative to the following questions:

(a) What information is available on automatic meter reading systems and techniques under development which have not been discussed herein?

(b) Is there a compelling need to standardize automatic meter reading systems?

(c) What are the comparative operational, technical, and administrative advantages/disadvantages of a total radio telemetry meter reading system, total wireline meter reading system, or a combined wireline/radio system?

(d) What potential compatibility problems exist between the proposed meter reading systems and other existing or proposed systems using similar portions of the spectrum?

(e) With secondary provisions for non-Government telemetering in the 216–220 MHz (Docket No. 18924) and 1427–1435 (Docket No. 19451) bands, what is the feasibility of accommodating automatic meter reading requirements within those bands recognizing the constraints imposed by Government operations?

(f) What are the economic advantages, if any, of reading meters totally by wire, by radio, or combinations thereof?

(g) In addition to the economic aspects of the various types of automated meter reading techniques, as addressed in the preceding paragraph (f), what are probable sociological benefits to be derived from their employment (i.e., how would an automatic meter reading system improve customer service and relations?).

(h) Whether radio systems licensed in land mobile radio services should be used for meter reading purposes under the conditions and limitations now prescribed in the rules for non-voice communications. See, for example, § 91.103(b).

(i) If the proposals of the petitions were granted and specific frequencies were allocated for meter reading purposes, what entities should be licensed to conduct meter reading operations. If other than the utilities involved were to be the licensees, what other entities should be licensed and what problems, if any, would be raised by such arrangements?

14. Information filed in response to this inquiry will be considered by the Commission in formulating specific rule-making proposals, if appropriate, looking toward the regular accommodation of utility meter reading systems.

15. Authority for this proceeding is contained in section 4(i), 303 and 403 of the Communications Act of 1934, as amended.

16. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested persons may file comments on this matter on or before May 23, 1974, and reply comments on or before June 3, 1974.

17. In accordance with the provisions of § 1.419 of the Commission's rules, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: April 9, 1974.

Released: April 24, 1974.

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

[FR Doc.74-9916 Filed 4-30-74;8:45 am]

FEDERAL DEPOSIT INSURANCE CORPORATION

INSURED BANKS

Joint Call for Report of Condition

Pursuant to the provisions of section 7(a)(3) of the Federal Deposit Insurance Act, as amended (12 U.S.C. 1817(a)(3)), each insured bank is required to make a Report of Condition as of the close of business April 24, 1974, to the appropriate agency designated herein, within ten days after notice that such report shall be made: *Provided*, That if such reporting date is a nonbusiness day for any bank, the preceding business day shall be its reporting date.

Each national bank and each bank in the District of Columbia shall make its original Report of Condition on Office of the Comptroller Form, Call No. 489,[1] and shall send the same to the Comptroller of the Currency and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank which is a member of the Federal Reserve System, except a bank in the District fo Columbia, shall make its original Report of Condition on Federal Reserve Form 105—Call No. 211[1] and shall send the same to the Federal Reserve Bank of the District wherein the bank is located and shall send a signed and attested copy thereof to the Federal Deposit Insurance Corporation. Each insured State bank not a member of the Federal Reserve System, except a bank in the District of Columbia and a mutual savings bank, shall make its original Report of Condition and one copy thereof on FDIC Form 64—Call No. 107[1] and shall send the same to the Federal Deposit Insurance Corporation.

The original Report of Condition required to be furnished hereunder to the Comptroller of the Currency and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for Preparation of Consolidated Reports of Condition by National Banking Associations," dated November 1972.[1] The original Report of Condition required to be furnished hereunder to the Federal Reserve Bank of the District wherein the bank is located and the copy thereof required to be furnished to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the Preparation of Reports of Condition by State Member Banks of the Federal Reserve System," dated January 1973 and any amendments thereto.[1] The original Report of Condition and the copy thereof required to be furnished hereunder to the Federal Deposit Insurance Corporation shall be prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 by Insured State Banks Not Members of the Federal Reserve System," dated December 1970, and any amendments thereto.[1]

Each insured mutual savings bank not a member of the Federal Reserve System shall make its original Report of Condition and one copy thereof on FDIC Form 64 (Savings),[1] prepared in accordance with "Instructions for the Preparation of Report of Condition on Form 64 (Savings) and Report of Income on Form 73 (Savings) by Insured Mutual Savings Banks," dated December 1971, and any amendments thereto,[1] and shall send the same to the Federal Deposit Insurance Corporation.

FRANK WILLE,
Chairman, Federal Deposit Insurance Corporation.

JUSTIN T. WATSON,
Acting Comptroller of the Currency.

JEFFREY M. BUCHER,
Member, Board of Governors of the Federal Reserve System.

[FR Doc.74-9857 Filed 4-30-74;8:45 am]

FEDERAL MARITIME COMMISSION

CITY OF OAKLAND ET AL.

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).

[1] Filed as part of original document.

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 21, 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.

CITY OF OAKLAND

AND

JAPAN LINE, LTD.
KAWASAKI KISEN KAISHA, LTD.
MITSUI O.S.K. LINES, LTD.
YAMASHITA-SHINNIHON STEAMSHIP CO., LTD.

Notice of Agreement Filed by:

J. Kerwin Rooney, Esq.
Port Attorney
Port of Oakland
66 Jack London Square
P.O. Box 2064
Oakland, California 94607

Agreement No. T-2836-1, between the City of Oakland (City) and Japan Line, Ltd., Kawasaki Kisen Kaisha, Ltd., Mitsui O.S.K. Lines, Ltd., and Yamashita-Shinnihon Steamship Co., Ltd., (the Lines) modifies the parties' basic agreement providing for the 3-year nonexclusive containership preferential assignment of certain marine terminal facilities at Oakland, California, which the Lines will use primarily for handling containerized traffic. The purpose of the modification is to: (1) change the boundary lines of Parcel C; (2) add Parcel D to the assigned premises; (3) grant Matson Terminals, Inc., the right to construct improvements on, as well as the right of access over, Parcel C of the assigned premises; and (4) provide for additional $.27 per square foot per month compensation to City for the Lines' use of Parcel D.

Dated: April 26, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-9931 Filed 4-30-74;8:45 am]

CITY OF OAKLAND 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 21, 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:

Mr. J. Kerwin Rooney
Port Attorney
Port of Oakland
66 Jack London Square
P.O. Box 2064
Oakland, California 94607

Agreement No. T-1953-4, between the City of Oakland (City) and Matson Terminals, Inc. (Matson), modifies the parties' basic agreement providing for the 20-year lease to Matson of certain marine terminal property and berthing areas at Oakland, California. The purpose of the modification is to change the boundary lines of the leased premises in connection with the construction of roll-on and roll-off berthing facilities, and to grant Matson the right to construct, use and maintain, at its own expense, two mooring bollards at the leased premises.

Dated: April 26, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-9932 Filed 4-30-74;8:45 am]

COORDINATED CARIBBEAN TRANSPORT, 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, N.W., 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 21, 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.

COORDINATED CARIBBEAN TRANSPORT, INC.
MOTONAVES FLORIDA LINE, S.A.
AND
PAN AMERICAN MAIL LINE, INC.

Notice of Agreement filed by:

Edwin Longcope, Esquire
Hill, Betts & Nash
One World Trade Center
Suite 5215
New York, New York 10048

Agreement No. 10045-1, a rate agreement among the lines listed above, modifies the approved basic agreement by altering the geographic scope thereof to provide for the deletion of the Republic of Costa Rica. Accordingly, the scope of the agreement will now be between Florida ports and ports in the Republic of Panama.

Dated: April 26, 1974.

By order of the Federal Maritime Commission.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-9930 Filed 4-30-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket Nos. RI71-334, etc.]

RATE CHANGES

Order Providing for Hearing and Suspension and Allowing Rate Changes To Become Effective Subject to Refund [1]

APRIL 22, 1974.

Respondents have filed proposed changes in rates and charges for jurisdic-

[1] Does not consolidate for hearing or dispose of the several matters herein.

tional sales of natural gas, as set forth in Appendix A hereof.

The proposed changed rates and charges may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon hearings regarding the lawfulness of the proposed changes, and that the supplements herein be suspended and their use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the Regulations pertaining thereto [18 CFR Ch. I] and the Commission's rules of practice and procedure, public hearings shall be held concerning the lawfulness of the proposed changes.

(B) Pending hearings and decisions thereon, the rate supplements herein are suspended and their use deferred until date shown in the "Date Suspended Until" column. Each of these supplements shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Each Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplements, nor the rate schedules sought to be altered, shall be changed until disposition of these proceedings or expiration of the suspension period, whichever is earlier.

By the Commission.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until	Cents per Mcf*		Rate in effect subject to refund in dockets Nos.
									Rate in effect	Proposed increased rate	
RI71-334	Cabot Corp	44	[1] 11	Transwestern Pipeline Co. (Estes Gas Produces Plant, Ward County, Tex.) (Permian Basin).	$23,520	3-25-74		3-26-74	25.74	27.2	
RI71-334	do	49	[1] 11	Transwestern Pipeline Co. (Walton Gas Products Plant, Winkler County, Tex.) (Permian Basin).	104,060	3-25-74		3-26-74	24.78	27.2	
RI74-211	Continental Oil Co	181	10	El Paso Natural Gas Co. (Brown-Bassett (Ellenburger) Field, Terrell County, Texas) (Permian Basin).	18,425	3-20-74		9-20-74	[2] 19.0713	[2] 29.0	
RI73-269	Texaco Inc	179	[3] [4] 1-11	West Texas Gathering Co. (Emperor and South Kermit Field, Winkler County, Texas) (Permian Basin).	1,240,836	3-25-74		8-14-74	28.105	42.1575	
RI74-212	Sun Oil Co	340	[5] 14	El Paso Natural Gas Co. (Blinebry et al. Fields, Lea County, N. Mex.) (Permian Basin).		3-26-74	4-26-74	[10] Accepted			
	do	340	[6] 15	do	35,684	3-26-74	4-26-74	[10] Accepted	17.9023	[7] 23.0	
	do	340	[6] 16	do	91,000	3-27-74		9-27-74	[8] 23.0	36.0	
RI74-213	Gulf Oil Corp	448	2	El Paso Natural Gas Co. (Langlie Mattix (Queen) and Drinkard Pools, Lea County, N. Mex.) (Permian Basin).	614	3-28-74		9-28-74	[9] 41.30	[9] 42.48	

*Unless otherwise stated, the pressure base is 14.65 lb/in²a.
[1] Applicable only to "old gas" sold to the plant under contracts dated prior to Oct. 1, 1968.
[2] Subject to processing charge not to exceed 4.5 cents per Mcf.
[3] Substitute increase for prior periodic increase to 30.5642 cents per Mcf suspended in docket No. RI73-269.
[4] Amended by filing dated Apr. 4, 1974.
[5] Contract amendment dated Jan. 31, 1974.
[6] Applicable only to production from the Eva Owens gas wells (Drinkard Formation) pursuant to supplement No. 14.
[7] Increase to area ceiling rate.
[8] Subject to quality adjustments pursuant to opinion No. 662.
[9] Includes Btu adjustment.
[10] Accepted to be effective as of the date in the "Effective date unless suspended" column.

The proposed rate increases of Cabot Corporation reflect increases to rates that were under suspension at the time of issuance of Opinion No. 662, and consistent with prior Commission action in other cases, they are suspended for one day from the date of filing.

The proposed rate increase of Texaco Inc. under FPC Gas Rate Schedule No. 179, represents a favored nations increase which it proposes to substitute for that portion of its prior increase (i.e. in excess of 28.105¢) which is under suspension until August 14, 1974, in Docket No. RI73-269.

The remaining proposed increases exceed the applicable area ceiling rate and are suspended for five months.

[FR Doc.74-9793 Filed 4-30-74;8:45 am]

[Docket No. RP72-110]

ALGONQUIN GAS TRANSMISSION CO.

Notice of Rate Change Pursuant to Purchased Gas Cost Adjustment Provision

APRIL 25, 1974.

Take notice that Algonquin Gas Transmission Company (Algonquin Gas), on April 9, 1974, tendered for filing Seventh Revised Sheet No. 3-A to its FPC Gas Tariff, Original Volume No. 1.

This sheet is being filed pursuant to Algonquin Gas' Purchased Gas Cost Adjustment Provision set forth in Section 22 of the General Terms and Conditions of its FPC Gas Tariff, Original Volume No. 1. Algonquin Gas asserts that the rate change is being filed to reflect an increase in purchased gas costs to be paid by Algonquin Gas to its supplier, Texas Eastern Transmission Corporation (Texas Eastern), effective April 6, 1974, as a result of a rate increase issued by Texas Eastern on April 4, 1974, in Docket No. RP72-98.

The proposed effective date of the revised tariff sheet is April 6, 1974, the effective date of Texas Eastern's rate increase.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8, 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before May 2, 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.74-9960 Filed 4-30-74;8:45 am]

[Docket No. RP73-98]

ALGONQUIN GAS TRANSMISSION CO.

Filing Under Rate Schedule Pursuant to Federal Power Commission Order

APRIL 25, 1974.

Take notice that Algonquin Gas Transmission Company ("Algonquin Gas") in compliance with the Federal Power Commission order issued March 14, 1974, in the above-captioned docket on April 15, 1974, tendered for filing, Second Revised Sheet No. 11-C, superseding First Revised Sheet No. 11-

C, and Third Revised Sheet No. 11–D, superseding Second Revised Sheet No. 11–D in Algonquin Gas' FPC Gas Tariff, Original Volume No. 1.

Algonquin Gas states that Tariff Sheet Second Revised Sheet No. 11–C reflects the inclusion of the one-part rate as specified in the settlement agreement. Tariff Sheet Third Revised Sheet No. 11–D reflects a minimum monthly bill provision consistent with a one-part rate and which Algonquin Gas states reflects the minimum monthly bill provision as set forth in the Federal Power Commission order dated August 10, 1973, which accepted Algonquin Gas' initial SNG–1 rate schedule.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8, 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 6, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–9961 Filed 4–30–74;8:45 am]

ALGONQUIN GAS TRANSMISSION CO.

Informal Conference

APRIL 25, 1974.

Take notice that on April 23, 1974, Algonquin Gas Transmission Company (Algonquin Gas) filed a letter addressed to the Chief, Bureau of Natural Gas, requesting the convening of an informal conference on May 10, 1974. Algonquin Gas states that the conference would follow-up on meetings held last Fall in order to discuss the outlook for gas in the 1974–75 Winter.

Take notice that the informal conference requested by Algonquin Gas will be held at 10 a.m. (e.d.t.), May 10, 1974, in a hearing room of the Federal Power Commission, Washington, D.C., and will be open to the public. A staff member will preside.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–9962 Filed 4–30–74;8:45 am]

[Docket No. CI74–511]

AMAX PETROLEUM CORP. ET AL.

Notice of Application

APRIL 25, 1974.

On March 21, 1974, AMAX Petroleum Corporation, et al. (Applicants), 900 Town & Country Lane, Suite 400, Houston, Texas 77024, filed in Docket No. CI74–511 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to United Gas Pipe Line Company (United) from the Oaks Fields, Claiborne Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicants state that they propose to sell an estimated 4,500 Mcf of natural gas per month for one year to United from the subject acreage at 45.0 cents per Mcf at 15.025 psia within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70).

Any person desiring to be heard or to make any protest with reference to said application should on or before May 18, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–9963 Filed 4–30–74;8:45 am]

[Docket No. CI74–551]

ATLANTIC RICHFIELD CO.

Notice of Application

APRIL 24, 1974.

Take notice that on April 8, 1974, Atlantic Richfield Company (Applicant), P.O. Box 2819, Dallas, Texas 75221, filed in Docket No. CI74–551 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), from Grand Isle Block 45, offshore Louisiana, at an initial base rate in excess of the Southern Louisiana area ceiling rate for said sale set forth in § 154.105 of the Commission's regulations under the Natural Gas Act (18 CFR 154.105), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell natural gas to Tennessee from Applicant's 25 percent interest in gas produced from leased acreage located in Grand Isle Block 45, at an initial price of 47.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment,[1] pursuant to a contract dated March 15, 1974. Said contract provides for reimbursement by Tennessee to Applicant of 100 percent of any new or additional taxes. Applicant estimates monthly sales of gas from the subject acreage at 32,000 Mcf.

Applicant indicates that it has not heretofore developed the subject lease and that the USGS has extended the lease's term to July 1, 1974. Applicant states that in an effort to develop the lease acreage, Applicant has negotiated the July 1, 1974, contract with Tennessee but that Applicant cannot economically justify its share of the cost of drilling a well on the dedicated lease based on the currently applicable area rate. Applicant, therefore, requests a waiver of § 154.105 of the Commission's regulations under the Natural Gas Act (18 CFR 154.105) which limits Applicant to a 26.0-cent per Mcf rate for the subject gas.

In support of this request for waiver, Applicant adopts by reference and incorporates into its application, mutatis mutandis, the statements and data contained in Continental Oil Company's (Continental) application filed March 25, 1974, in Docket No. CI74–526.[2] Applicant states that it will not own or operate any pipelines in connection with the proposed sale nor will construct or operate any additional facilities to render the proposed gas service to Tennessee.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 17, 1974, file with the Federal Power Com-

[1] Downward adjustment from a base of 1,000 Btu per cubic foot and upward adjustment from a base of 1,015 Btu per cubic foot.

[2] The application filed by Continental Oil Company, as operator of the subject lease, indicates that Continental, Getty Oil Company, Cities Service Oil Company, and Applicant, each owning a 25 percent working interest in the subject lease acreage, propose to drill one well which appears to be sufficient to deplete the gross estimated gas reserves of 12,000,000 Mcf over a projected 12-year period. Gross costs are stated as $5,889,049, of which $3,556,249 is attributed to net leasehold investment as of January 1, 1974, and $2,322,800 is attributed to additional projected investment costs. Projected gross operating expenses are estimated at $585,416 and regulatory expense is estimated at 0.2 cent per Mcf.

mission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necssity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-9861 Filed 4-30-74;8:45 am]

[Docket No. E-8479]

CLEVELAND ELECTRIC ILLUMINATING CO.

Filing of Agreement

APRIL 24, 1974.

By letter dated October 31, 1973, the Cleveland Electric Illuminating Company (CEI) and Ohio Edison Company (OE) transmitted for filing an agreement between the two companies dated October 3, 1973 providing for CEI to supply and OE to receive power and energy from the Ashtabula No. 8 unit of CEI.

In response to the Commission's request CEI has filed additional data in support of the rates and charges under the October 3, 1973 agreement between CEI and OE. Request for waiver of the Commission's notice requirements is renewed in order to permit the October 3, 1973 agreement to become effective as of that date.

Any person desiring to be heard or to make any protest with reference to this filing should on or before May 15, 1974 file with the Federal Power Commission, Washington, D.C. 20426 petitions to intervene or protests in accordance with requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). Persons wishing to become parties to a proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's rules. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. The agreement and documents referred to in this notice are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-9862; Filed 4-30-74;8:45 am]

[Docket No. E-7731]

CLIFFS ELECTRIC SERVICE CO.

Application for Amendment of Order Authorizing the Acquisition of Securities

APRIL 25, 1974.

Take notice that on April 12, 1974, Cliffs Electric Service Company (Applicant) filed an application with the Federal Power Commission seeking authority, pursuant to section 203 of the Federal Power Act, to acquire Common (voting) Stock, at $10 par value of Upper Peninsula Generating Company in lieu of the Class A (non-voting) Stock, also $10 par value, which Applicant was authorized to acquire by a Commission order issued on July 21, 1972. The shares of Class A (non-voting) Stock already owned by Applicant would be exchanged for an equivalent amount of shares of Common (voting) Stock. Approval of the application would authorize Applicant to acquire up to a total of 1,555,445 shares of the Common Stock of Generating Company.

The Applicant is incorporated under the laws of the State of Michigan with its principal business office at Cleveland, Ohio. Cliffs is a wholly owned subsidiary of The Cleveland-Cliffs Iron Company and operates certain electric facilities in the upper peninsula of Michigan. Energy generated at these facilities is sold principally to iron mines and related mining facilities which are operated by the parent company.

Upper Peninsula Generating Company (Generating Company) is engaged in the generation of electric energy for sale to its owners, the Applicant, and Upper Peninsula Power Company (Power Company). The Applicant is the owner of record of 50 percent of the outstanding Common Stock of Generating Company and 84.4 percent of the outstanding Class A Stock; the other 50 percent of the Common Stock and 15.6 percent of the outstanding Class A Stock is owned by Power Company.

The proceeds obtained by Generating Company from the issuance and sale of Common (voting) Stock in lieu of Class A (non-voting) Stock will be used for the same construction purposes as the proceeds from the issuance and sale of the Class A (non-voting) Stock have been and are currently being used, namely, the installation of air pollution control devices for each of Generating Company's four existing units at Presque Isle, Michigan and for the construction of two additional units.

According to the Applicant, the conversion of Class A (non-voting) Stock to Common Stock will facilitate the rearrangement of the ownership and power entitlements of both the Applicant and of Upper Peninsula Power Company in Generating Company and will result in Cleveland-Cliffs Iron Company, the parent company of the Applicant, being able to avail itself of the investment tax credit and accelerated depreciation with respect to the two generating units currently under construction by Generating Company. In addition, the rearrangement of the ownership interests in Generating Company's units will result in a reduction in Upper Peninsula Power Company's current obligation to provide equity capital to Generating Company.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-9964 Filed 4-30-74;8:45 am]

[Docket No. RP74-82]

COLUMBIA GAS TRANSMISSION CORP.

Proposed Change in Rates and Charges

APRIL 24, 1974.

Take notice that on April 15, 1974, Columbia Gas Transmission Corporation (Columbia) tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1 which would increase its revenues from jurisdictional sales and service by $102,822,000 based upon the twelve months ended December 31, 1973, as adjusted. Columbia proposes June 1, 1974, as the effective date of the filing. Columbia states that the increased rates reflect an increase in rate of return to 10.25 percent, increased depreciation rates, increased transportation charges by Columbia Gulf Transmission Company, and decreased annual sales volumes.

Columbia also states that the filing reflects the elimination of 33⅓ percent of the differential which exists between historical zone rates and systemwide rates as well as the following tariff modifications:

1. The elimination of the heat content adjustment provision in Section 10.2 of the CDS Rate Schedule (which was applicable only in Zone 2), as no longer being necessary or required.

2. Modification of section 7 of the General Terms and Conditions relating

to Construction of Facilities, Facility Charge, so as to make the provision applicable in all zones on Columbia's system.

3. Modifications of the EX Rate Schedule and section 10 of the WS Rate Schedule to provide that any deliveries made thereunder shall be considered as takes within Buyer's Authorized Monthly Volume.

Columbia states that a copy of the filing was served upon its jurisdictional customers as well as interested state commissions.

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 May 14, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the filing are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-9965 Filed 5-30-74;8:45 am]

[Docket No. RP74-81]

COLUMBIA GULF TRANSMISSION CO.

Proposed Changes in FPC Gas Tariff

APRIL 24, 1974.

Take notice that Columbia Gulf Transmission Company (Columbia Gulf), on April 15, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Original Volume No. 1. The proposed changes would increase revenues from jurisdictional sales and service by approximately $16,128,000 based on the 12 month period ending December 31, 1973, as adjusted.

The increased rates reflect increases in Columbia Gulf's depreciation rates and rate of return from 9.0 percent to 10.25 percent. Columbia Gulf alleges that the increased revenues to be derived from such changes are needed to increase internally generated funds in order to attract additional outside capital "to develop new sources of gas supply having far greater costs than historically experienced by the industry."

Copies of the filing were served upon Columbia Gas Transmission Corporation.

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 May 10, 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.74-9966 Filed 4-30-74;8:45 am]

[Docket No. E-8731]

DUKE POWER CO.

Supplement to Interconnection Agreement

APRIL 24, 1974.

Take notice that on April 10, 1974 Duke Power Company (Duke) tendered for filing Revised Service Schedule F to the Interconnection Agreement between Duke and Fadkin, Inc., designated as Duke's Rate Schedule FPC No. 11. Duke states the revised Schedule provides for an increase in contract demand from 15,000 KW to 30,000 KW made at the request of the customer. Duke further states that the rate level has not been changed, but the rate form has been changed to agree with the increased energy level.

Duke proposes an effective date of May 1, 1974 for said Schedule.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., 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 filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-9967 Filed 4-30-74;8:45 am]

[Dockets Nos. RP72-155, RP73-104]

EL PASO NATURAL GAS CO.

Extension of Time and Postponement of Prehearing Conference

APRIL 24, 1974.

On April 15, 1974, El Paso Natural Gas Company filed a motion for an extension of the procedural dates set by Order issued March 29, 1974, in the above-designated matter. By letter on April 19, 1974, El Paso amended its motion to request that the prehearing conference be held on July 25, 1974. The letter states that all parties agreed to the changed date.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Evidence by El Paso, May 14, 1974.
Service of Evidence by Staff, June 11, 1974.
Service of Evidence by Interveners, June 18, 1974.
Service of Rebuttal Evidence by El Paso, July 9, 1974.
Prehearing Conference, July 25, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-9863 Filed 4-30-74;8:45 am]

[Dockets Nos. RP72-154, RP74-43]

EL PASO NATURAL GAS CO. AND NORTHWEST PIPELINE CORP.

Extension of Time and Postponement of Hearing

APRIL 23, 1974.

On April 4, 1974, El Paso Natural Gas Company filed a motion for an extension of the procedural dates fixed by order issued March 28, 1974, in the above-designated matter. The motion states that Staff Counsel has no objection to the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of direct evidence by El Paso and Northwest, April 29, 1974.
Service of Answering Evidence, May 6, 1974.
Service of Rebuttal Evidence by El Paso and Northwest, May 13, 1974.
Hearing, May 21, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-9864 Filed 4-30-74;8:45 am]

[Docket No. RP73-84]

EL PASO NATURAL GAS CO.

Extension of Time

APRIL 23, 1974.

On April 18, 1974, El Paso Natural Gas Company filed a motion for an extension of the procedural dates fixed by Order issued April 16, 1974 in the above-designated matter. The motion states that neither staff counsel nor interveners has any objection to the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Prepared Testimony, and Exhibits by El Paso, April 26, 1974.
Service of Prepared Testimony, and Exhibits by Staff, May 10, 1974.
Service of Testimony and Exhibits by Interveners, May 24, 1974.
Service of Rebuttal Evidence, June 5, 1974.
Hearing (Unchanged), June 11, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-9865 Filed 4-30-74;8:45 am]

[Docket No. E-8170]

GEORGIA POWER CO.

Further Extension of Time and Postponement of Prehearing Conference and Hearing

APRIL 23, 1974.

On April 11, 1974, a Joint Motion for further extension of time was filed by Georgia Power Company on its behalf and at the verbal request and concurrence of counsel for the Georgia Municipal Association, the Municipal Inter-

veners, Georgia Electric Membership Corporation, Mitchell County Electric Membership Corporation, and Commission Staff Counsel. On April 12, 1974, a response was filed by the Water, Light and Sinking Fund Commission of the City of Dalton, Georgia, stating that Dalton is agreeable to the extension.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of Testimony and Exhibits, April 26, 1974.
Service of Rebuttal Evidence by Company, May 15, 1974.
Prehearing Conference and Commencement of Hearing, June 19, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-9866 Filed 4-30-74;8:45 am]

[Docket No. RP73-23]

LAWRENCEBURG GAS TRANSMISSION CORP.

Filing of Substitute Gas Tariff Sheets

APRIL 24, 1974.

Take notice that on April 15, 1974, Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing two substitute gas tariff sheets to its Federal Power Commission Gas Tariff, Original Volume No. 1. The sheets are designated Substitute Fifth Revised Sheet No. 3-A (superseding Substitute Fourth Revised Sheet No. 3-A) and Substitute Fifth Revised Sheet No. 18-B (superseding Substitute Fourth Revised Sheet No. 18-B).

Lawrenceburg states that this filing is being made to reflect a revised change in Lawrenceburg's cost of gas purchased from Texas Gas Transmission Corporation (Texas Gas), that revised change being necessary to eliminate portions of rate increases due solely to increases in the Louisiana Severance Tax. Lawrenceburg further states that it is presently awaiting Commission approval of a substitute tariff sheet filing to become effective as of April 1, 1974.

Lawrenceburg requests waiver of the Commission Regulations to permit these sheets to become effective May 1, 1974; and Lawrenceburg states that copies of this filing have been mailed to its two wholesale customers, Cincinnati Gas & Electric Company and Lawrenceburg Gas Company, and also to the two interested state commissions, Public Service Commission of Indiana and the Public Utilities Commission of Ohio.

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 May 6, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc 74-9968; Filed 4-30-74; 8:45 am]

[Docket No. RP73-23]

LAWRENCEBURG GAS TRANSMISSION CORP.

Filing of Substitute Gas Tariff Sheets

APRIL 24, 1974.

Take notice that on April 12, 1974, Lawrenceburg Gas Transmission Corporation (Lawrenceburg) tendered for filing two substitute gas tariff sheets to its Federal Power Commission Gas Tariff Original Volume No. 1. The sheets are designated Substitute Fourth Revised Sheet No. 3-A (superseding Third Revised Sheet No. 3-A) and Substitute Fourth Revised Sheet No. 18-B (superseding Third Revised Sheet No. 18-B).

Lawrenceburg states that on February 26, 1974, it filed Fourth Revised Sheets Nos. 3-A and 18-B to reflect a change in the cost of gas being purchased by Lawrenceburg from Texas Gas Transmission Corporation (Texas Gas), and it requested that these sheets be given an effective date of April 1, 1974. On March 29, 1974, the Federal Power Commission issued an order which rejected proposed PGA increases by some 13 natural gas pipeline companies who had filed PGA increases which reflected increases in the Louisiana severance tax. Texas Gas, being one of these 13 companies, then filed (on April 1, 1974) an "Amendment to Motion to Place Tariff Sheets in Effect" which proposed substitute gas tariff rates in place of those previously proposed. According to Lawrenceburg, it is now filing to track the Texas Gas substitute rates.

Lawrenceburg requests waiver of the Commission's Regulations to permit its substitute tariff sheets to become effective April 1, 1974; and Lawrenceburg states that copies of its filing have been mailed to its two wholesale customers, Lawrenceburg Gas Company and Cincinnati Gas and Electric Company, and also to the two interested state commissions, Public Service Commission of Indiana and The Public Utilities Commission of Ohio.

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, N.E., 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 befor May 6, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-9969 Filed 4-30-74;8:45 am]

[Docket No. E-8725]

LOUISVILLE GAS AND ELECTRIC CO.

Changes in Rates and Charges

APRIL 24, 1974.

Take notice that Louisville Gas and Electric Company (LG&E) on April 10, 1974, tendered for filing a new rate schedule for fuel conservation power and energy, available to any electric utility system with which LG&E is interconnected. LG&E requests that the Commission assign an effective date to the proposed rate schedule not later than the date of receipt of this filing.

LG&E states that the proposed rate schedule is identical in all significant respects to LG&E's Rate Schedule FPC No. 21 which provides for bilateral exchange of Fuel Conservation Power and Energy under an interconnection agreement with Public Service Company of Indiana, except that FPC No. 2 is bilateral whereas the proposed new rate schedule is available to any interconnected utility. LG&E also states that the rates and charges included in the proposed rate schedule are those basically agreed to by the conferees and by the Commission Staff in conferences held in Docket No. E-8589. A copy of the proposed rate schedule has been mailed to each of the utilities with which LG&E has a physical interconnection.

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, N.E., 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 May 3, 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.74-9867 Filed 4-30-74;8:45 am]

[Docket No. E-8617]

MISSOURI PUBLIC SERVICE CO.

Filing of Revised Fuel Adjustment Clause

APRIL 25, 1974.

Take notice that on April 11, 1974, Missouri Public Service Company (Missouri) tendered for filing a revised fuel adjustment clause intended to be in conformance with the Opinion in Commission Order No. 633. This filing is in pur-

ported compliance with the Commission's letter to Missouri dated March 29, 1974, wherein the Commission requested Missouri to submit a revised fuel adjustment clause.

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 May 3, 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.74-9971 Filed 4-30-74;8:45 am]

[Docket No. RP72-149]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Revised Sheets

APRIL 24, 1974.

Take notice that on April 9, 1974 Mississippi River Transmission Corporation (Mississippi) tendered for filing the following tariff sheets to its FPC Gas Tariff, First Revised Volume No. 1:

1. Substitute Seventeenth Revised Sheet No. 3A
2. Substitute Alternate Seventeenth Revised Sheet No. 3A

Mississippi states that the said Substitute Sheets are to replace the Revised Sheets filed on March 1, 1974. According to Mississippi, the Substitute Sheets reflect the rates proposed to be filed by United Gas Pipe Line Company after Commission order issued March 29, 1974 in Docket No. RP74-20 rejected United's amended filing without prejudice to refiling.

Mississippi requests that Substitute Alternate Seventeenth Revised Sheet No. 3A, which reflects the amended higher rates of United, be effective April 6, 1974, if the Commission allows United's amended higher rates to become effective on that date. In the event the Commission requires the originally filed rates of United to become effective, Mississippi requests the Substitute Seventeenth Revised Sheet No. 3A become effective 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 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 May 6, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-9972 Filed 4-30-74;8:45 am]

[Docket No. RP71-125]

NATURAL GAS PIPELINE COMPANY OF AMERICA

PGA Filing To Track a Pipeline Supplier Rate Increase

APRIL 24, 1974.

Take notice that on April 9, 1974, Natural Gas Pipeline Company of America (Natural), tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1.

Natural states that the filing is made pursuant to the provisions of section 18 of Natural's FPC Gas Tariff, Third Revised Volume No. 1. Natural further states that such changes are intended to track increased cost of gas purchased from Great Lakes Gas Transmission Company (Great Lakes), a pipeline supplier to Natural. Natural proposes an effective date of May 18, 1974 to coincide with the effective date of Great Lakes' PGA Adjustment.

Natural asserts that copies of this filing are being mailed to its jurisdictional customers and to the interested state regulatory agencies.

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, N.E., 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 May 10, 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.74-9973 Filed 4-30-74;8:45 am]

[Docket No. RP71-125]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Purchased Gas Cost Adjustment to Rates and Charges

APRIL 24, 1974.

Take notice that Natural Gas Pipeline Company of America (Natural) on April 16, 1974, tendered for filing Fifteenth Revised Sheet No. 5 to its FPC Gas Tariff, Third Revised Volume No. 1 to become effective June 1, 1974, pursuant to the Purchased Gas Cost Adjustment Clause (PGA Clause) provision contained in its Tariff. Natural states that it proposes to increase its rates to reflect both a current purchased gas cost increase for producer suppliers and an amount to recover deferred purchased gas costs accumulated during the six months ended February 28, 1974.

Natural states that the PGA unit adjustment was added to alternative tariff sheets one reflecting Base Rates currently effective on motion in Docket No. RP73-110 and subject to refund and the other reflects the proposed interim Base Rates set out in Natural's Stipulation and Agreement, which is presently before the Commission in Docket No. RP73-110, adjusted by the advance payment unit adjustment filed to be effective June 1, 1974 which was submitted concurrently under separate cover.

Finally, Natural states that copies of the filing have been mailed to each of the company's jurisdictional customers and interested State's commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washnigton, 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 May 10, 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.74-9974 Filed 4-30-74;8:45 am]

[Docket No. RP73-110]

NATURAL GAS PIPELINE COMPANY OF AMERICA

Rate Changes Pursuant to Settlement Agreement

APRIL 24, 1974.

Take notice that on April 16, 1974, Natural Gas Pipeline Company of America (Natural) tendered for filing Fifteenth Revised Sheet No. 5 of its FPC Gas Tariff, Third Revised Volume No. 1 to be effective June 1, 1974.

Natural states that the purpose of the filng is to give effect to a unit adjustment to reflect the cost of service effect for Advance Payments for Gas expended by April 11, 1974 that are in excess of the amount for such expenditures stipulated in its proposed Stipulation and Agreement at Docket No. RP73-110 presently pending before the Commission. The unit adjustment was added to the Base Rates set out in Appendix A of the proposed Stipulation and Agreement.

Natural further states that it recognizes that the rate changes as filed will

not become effective unless the Commission approves the proposed Stipulation and Agreement and that the filing was made to comply with the 45 day notice of rate change as required by the settlement agreement.

Natural states that copies of the filing have been mailed to its customers and all interested parties to Docket No. RP73–110.

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 May 10, 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 wishng 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.74–9976 Filed 4–30–74;8:45 am]

[Docket No. E–7690]

NEPOOL EXECUTIVE COMMITTEE

Filing Supplemental Agreement

APRIL 23, 1974.

Take notice that on March 4, 1974 the NEPOOL Executive Committee filed the Agreement Setting Out Supplemental NEPOOL Understandings (Supplemental Agreement), dated April 2, 1973, which modifies the provisions of the New England Power Pool Agreement, dated as of September 1, 1971.

Among the major provisions of the Supplemental Agreement are: (a) support of legislation pending in the Massachusetts legislature which would provide municipalities with revenue bonding authority; (b) provision for designation of future consumer-owned units as pool-planned; (c) agreement by the parties not to oppose development of several designated generating units; (d) agreement to seek termination Docket E–7690, and not to intervene in or otherwise oppose any NEPOOL matter pending before the Commission as of the date of the Supplemental Agreement; (e) outline of procedures for electing members to the NEPOOL Executive Committee; (f) agreement by Central Maine Power Company to offer participation in two designated generating units; (g) outline of procedures for using pool transmission facilities to transfer entitlements in units which are not pool-planned; and (h) agreement to support an amendment to NEPOOL giving the NEPOOL Management Committee additional power with respect to the planning of pool transmission facilities.

Any person desiring to be heard or to make any protest with reference to the Supplemental Agreement should on or before May 15, 1974 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). Persons wishing to become parties to a proceeding or to participate as a party in any hearing related thereto must file petitions to intervene in accordance with the Commission's rules. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. The Supplemental Agreement, submitted on March 4, 1974, is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–9869 Filed 4–30–74;8:45 am]

[Docket No. E–7690]

NEPOOL POWER POOL AGREEMENT

Extension of Time and Postponement of Prehearing Conference

APRIL 23, 1974.

On April 18, 1974, Staff Counsel filed a motion for an extension of the time for filing its testimony and postponement of the prehearing conference fixed by notice issued March 13, 1974, as amended by notice issued April 8, 1974 in the above-designated matter. The motion states the Municipal Interveners and the NEPOOL Executive Committee concur in the motion.

Upon consideration, notice is hereby given that the procedural dates are modified as follows:

Service of Testimony and Exhibits by Staff, May 10, 1974.
Prehearing Conference, May 29, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–9870 Filed 4–30–74;8:45 am]

[Docket No. E–8708]

NEW YORK POWER POOL AND THE NEPOOL PARTICIPANTS

Notice of Agreement

APRIL 23, 1974.

Take notice that on March 29, 1974, the member electric corporations of the New York Power Pool (NYPP) filed on behalf of themselves and the NEPOOL Participants the document entitled "Agreement for Transportation of Energy for Fuel Conservation Purposes Between the Member Systems of the New York Power Pool and the NEPOOL Participants" (Agreement). The Agreement deals only with the transmission and delivery of electric energy generated by facilities which are not oil fired at certain offpeak hours and on Sunday. The Agreement sets alternative rates for such service as follows: 1) the charge by the NYPP members for the fuel conservation energy delivered to the NEPOOL participants shall equal the charge to NYPP for its purchase of such energy, to which shall be added a charge of $.001 per kwh for energy transmitted to the NEPOOL participants, plus the cost of losses incurred within the NYPP system in transmitting such energy: or 2) NEPOOL may elect that the amount of energy to be delivered shall be the amount received by NYPP for delivery, less the amount of losses incurred within the NYPP system in transmitting that energy. In the event of such election the charge to NEPOOL shall equal the charge to NYPP for the total energy purchased by NYPP for the account of NEPOOL, plus 1 mill per kwh of such energy purchased by NYPP.

No existing facilities will be modified nor will any new facilities be installed in order to supply service under the Agreement. The parties to the Agreement request that the Commission waive its notice requirements and establish January 1, 1974 as the effective date of the Agreement. The termination date of the Agreement is December 31, 1974.

Any person desiring to be heard or to make any protest with reference to the Agreement should on or before May 15, 1974 file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). Persons wishing to become parties to a proceeding or to participate as a party in any hearing related therein must file petitions to intervene in accordance with the Commission's rules. All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. The Agreement is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–9868 Filed 4–30–74;8:45 am]

[Docket No. RP73–8]

NORTH PENN GAS CO.

Proposed Change in Rates

APRIL 25, 1974.

Take notice that on April 12, 1974, North Penn Gas Company (North Penn) tendered for filing proposed changes in its FPC Gas Tariff, First Revised Volume No. 1. North Penn states that the revised tariff sheet contains a surcharge credit of 0.750¢ and will decrease revenues for the six-month effective period by $38,000.

North Penn states that the surcharge credit is to reflect the effect of amounts accumulated in the unrecovered purchased gas account for the six-month period September 1, 1973 through February 28, 1974 and that it has included refunds from suppliers and accruals for rate reductions which have accumulated on its books over the past years. North Penn proposes that the surcharge credit be in effect for the six-month period

June 1, 1974 through November 30, 1974.

Copies of this filing, North Penn asserts, have been mailed to each of its jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 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 May 3, 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.74-9977 Filed 4-30-74;8:45 am]

[Docket No. E-8733]

OTTER TAIL POWER CO.

Supplement to Rate Schedule

APRIL 24, 1974.

Take notice that on April 8, 1974, Otter Tail Power Company (Otter Tail) tendered for filing additional material to its Scheduling and Dispatching Agreement, dated December 31, 1970, between Otter Tail and Cooperative Power Association, designated as its Rate Schedule FPC No. 154. Otter Tail states the additional material is submitted in connection with the annual review of payments to be made by Cooperative Power Association.

Otter Tail requests an effective date of April 1, 1974, for billing under the revised determination of costs from this material.

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, N.E., 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 May 2, 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.74-9978 Filed 4-30-74;8:45 am]

[Docket No. E-8732]

PACIFIC POWER AND LIGHT CO.

Notice of Application

APRIL 25, 1974.

Take notice that on April 10, 1974, Pacific Power and Light Company (Applicant) tendered for filing pursuant to section 205 of the Federal Power Act and Part 35 of the Regulations issued thereunder, a June 14, 1973 Interconnection Agreement with the Bureau of Indian Affairs, Flathead Irrigation Project, providing for the establishment of a 34.5 Kv interconnection upon the East Shore of Flathead Lake to be used on a standby basis for emergency or planned outages by either party. Service is reciprocal in nature with no assessment of charges therefor, and replacement of delivered energy is to be made by mutual agreement. The Interconnection Agreement is requested to have an effective date of June 14, 1973.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 24, 1974, file with the Federal Power Commission, Washington, D.C. 20426, protests or petitions to intervene in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's Rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-9979 Filed 4-30-74;8:45 am]

[Docket No. E-7317]

PENNSYLVANIA POWER CO.

Further Extension of Time and Postponement of Hearing

APRIL 23, 1974.

On April 18, 1974, the Borough of Ellwood City filed a motion for a further extension of the procedural dates fixed by notice issued February 6, 1974, in the above-designated matter. The motion states that neither Pennsylvania Power Company nor Staff Counsel objects to the motion.

Upon consideration, notice is hereby given that the procedural dates in the above matter are further modified as follows:

Service of Rebuttal Evidence by Ellwood City, May 22, 1974.
Hearing, June 19, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-9871 Filed 4-30-74;8:45 am]

[Docket No. E-8570]

SOUTHERN CALIFORNIA EDISON CO.

Order Denying Rehearing and Clarifying Prior Order

APRIL 25, 1974.

On March 29, 1974, the Cities of Anaheim, Riverside, Banning, Colton, and Azuza, California (Cities) applied for rehearing of our order issued March 1, 1974, in Docket No. E-8570 insofar as that order denied Cities' Motion to reject Southern California Edison Company's (Edison) proposed rate increase and failed to address the "price squeeze" issues raised by Cities. Edison filed on March 29, 1974, a request that we clarify our March 1, 1974, order to clearly state that the interventions granted therein are limited to issues other than the "price-squeeze" and other anticompetitive issues. Edison also petitions for rehearing of that order if the Commission did not, in fact, intend to so limit the issues. In the March 1, 1974, order we suspended Edison's proposed changes in rates for five months, rejected their proposed fuel clause, set the matter for hearing, and permitted interventions filed by Cities, Anza Electric Cooperative, Inc. (Anza) and Arizona Public Service Company.

In their "Protest, Petition to Intervene, and Motion to Reject", filed on January 25, 1974, Cities alleged that Edison's rate filing has placed Cities in a "price squeeze" situation and that the investigation in this proceeding should include an inquiry into whether Edison is using its rate increase in an attempt to drive the Cities out of business in violation of the antitrust laws of the United States and of the Federal Power Act. In its Application of Rehearing, Cities request that those issues be included as part of the subject matter of this proceeding. It should be noted that in Anza's Petition to Intervene, Protest and Motion to Reject, filed on January 23, 1974, the "price squeeze" issue was also raised.

Edison states in its March 29, 1974, petition that the "price squeeze" issue and the other anticompetitive allegations are beyond the scope of the Commission's jurisdiction, and therefore the interventions in this proceeding should be limited to exclude these issues.

Upon review of these petitions, we believe that the participation of Cities and Anza in this proceeding should be limited to matters other than the "price squeeze" and general anticompetitive allegations raised by their petitions to intervene.

The allegations of "price squeeze" would require that this Commission relate Edison's wholesale rates to its rates for direct industrial service. However, as we stated in our order of September 21, 1973, in Southern California Edison Company, Docket No. E-8176, Edison's retail rate level and the accounting and rate making principles underlying that rate level are under the sole jurisdiction of the appropriate state regulatory agency, and to base wholesale rates upon direct

industrial rates would be limiting our jurisdiction on the basis of events and regulatory affairs over which we have no control. The Federal Power Act does not grant us the authority to fashion relief on the basis of retail rates. The interest of Cities and Anza in just and reasonable wholesale rates is fully protected by the participation we are granting them as hereinafter ordered.

As a separate basis for their intervention—apart from the "price squeeze" issue—Cities makes an allegation that Edison has filed "onerous rate increases, one after another", in an attempt to drive the Cities out of business, and that this constitutes anticompetitive behavior on the part of Edison. In support of this argument Cities states that the instant rate increase was filed less than four months after a 50 percent rate increase went into effect (subject to refund), bringing the combined rate increase to Cities to 84 percent. We believe that the evidentiary hearings established by the Commission will best determine whether the proposed increases in rates are in fact justified. The Federal Power Act clearly gives Edison the right to file rate increase proposals with the Commission. The mere fact of exercising this right, standing alone, does not give support to an allegation of anticompetitive behavior, and we believe that Cities' participation in this proceeding should be limited to exclude this issue.

Finally, in their Application for Rehearing, Cities contend that Edison's rate filing fails to comply with the requirements of the Commission's Regulations and that therefore the rate filing should be rejected. However, as we stated in our March 1, 1974, order, Edison filed the necessary information to cure the deficiency in its rate filing on February 4, 1974. It is within our discretion to determine whether the filing requirements under the Commission's Regulations have been met, and Cities have presented no additional information subsequent to our March 1, 1974 order to indicate that Edison has not met these requirements. Accordingly, there is no justification for rejecting Edison's rate filing.

The Commission finds:

(1) The Application of Cities for Rehearing raises no facts or points of law which would provide an appropriate basis for modifying the Commission's order of March 1, 1974, to include as part of the subject matter of this proceeding questions of "price squeeze" or anticompetitive behavior or to reject Edison's rate filing for failure to comply with the Commission's Regulations.

(2) Good cause exists to clarify the Commission's March 1, 1974, order as requested in Edison, to avoid the implication that by granting the interventions of Cities and Anza we are broadening the issues in this proceeding to include questions of "price squeeze" or anticompetitive behavior.

The Commission orders:

(A) The application of Cities for Rehearing, filed on March 29, 1974, is denied.

(B) The Commission's order of March 1, 1974, in this docket is hereby clarified to limit the participation of Cities and Anza to matters affecting rights and interests specifically set forth in their respective petitions to intervene other than the alleged industrial price squeeze and anticompetitive behavior on the part of Edison.

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

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-9980 Filed 4-30-74;8:45 am]

[Docket No. RP74-51]

SOUTHWEST GAS CORP.

Extension of Time and Postponement of Prehearing Conference and Hearing

APRIL 23, 1974.

On April 9, 1974, Staff Counsel filed a motion for an extension of the procedural dates fixed by Order issued January 18, 1974, in the above-designated matter. The motion states that all parties concur in the motion.

Upon consideration notice is hereby given that the procedural dates in the above matter are modified as follows:

Service of Staff's Testimony, May 24, 1974.
Service of Intervener's Testimony, June 13, 1974.
Service of Company's Rebuttal Testimony, June 28, 1974.
Prehearing Conference, July 9, 1974 (10 a.m. e.d.t.).
Hearing, July 16, 1974 (10 a.m. e.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-9872 Filed 4-30-74;8:45 am]

[Project 372]

SOUTHERN CALIFORNIA EDISON CO.

Additional Land Withdrawal

APRIL 24, 1974.

On February 9, 1970, Southern California Edison Company filed map Exhibit K, sheets 1 through 6 (FPC Nos. 372-54 through -59) as part of an application for a new license for Project No. 372 (Lower Tule River Project). This application includes 4.60 acres of United States lands not previously withdrawn for the project.

Therefore, in accordance with section 24 of the Federal Power Act (41 Stat. 1063), as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in Project No. 372 and are from said date of filing of the application for a new license reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by the Congress:

MOUNT DIABLO MERIDIAN, CALIFORNIA

1. All portions of the W½SW¼ of sec. 28, T. 20 S., R. 30 E., lying within the project spillway water course area shown on map Exhibit K sheet No. 2 (FPC No. 372-55) comprising 3.8 acres.

2. All portions of the N½SW¼SW¼ of sec. 29 and the SE¼SE¼ of sec. 30, T. 20 S., R. 30 E., lying within the project access road area shown on map Exhibit K sheet No. 3 (FPC No. 372-56) comprising 0.8 acre.

A re-examination of project areas shown on FPC map Nos. 372-16, -19, and -20, filed January 20, 1940, and FPC map Nos. 372-47 and -48 filed September 28, 1961, disclosed that the Commission's notice of modification of land withdrawal dated December 5, 1961, should have stated that the area of United States lands then withdrawn for Project No. 372 totaled 185.02 acres rather than 187.99 acres.

The application for new license includes the 185.02 acres previously withdrawn. The total area reserved for Project No. 372 is now 189.62 acres all of which lie within the Sequoia National Forest.

Copies of the aforementioned maps have been transmitted to the Geological Survey and Bureau of Land Management, Department of the Interior, and the Forest Service, Department of Agriculture.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-9873 Filed 4-30-74;8:45 am]

[Docket No. RP73-113]

TENNESSEE GAS PIPELINE CO.

Order Granting Staff Appeal and Establishing Procedural Dates

APRIL 25, 1974.

By our order of December 27, 1973, we required intervenors in this proceeding to serve their testimony and exhibits on all issues by April 26, 1974, and Tennessee Gas Pipeline Company (Tennessee) to serve any rebuttal evidence by May 24, 1974. The Commission's staff now appeals from the Presiding Administrative Law Judge's ruling at the prehearing conference granting Tennessee's motion to limit the scope of the direct and rebuttal evidence to be served by April 26 and May 24, 1974, and the hearing presently scheduled for June 4, 1974, to merely the issue of cost of service.

The Presiding Judge's ruling was apparently made in the hope that not requiring filing of the intervenors' direct and Tennessee's rebuttal testimony and exhibits on non-cost of service issues would afford these parties flexibility which would improve the chances of successful informal negotiations.

While we laud any effort to speed this proceeding to an appropriate conclusion, we believe that the ruling in question will have the opposite effect. The ruling removes the time pressure of a hearing and possible adverse decision which normally is an important element in most successful informal settlement negotiations. Additionally, the statements by the parties in the prehearing conference record indicate that the positions of the parties are not close enough for any flex-

ibility afforded by the Presiding Judge's ruling to have an appreciable beneficial effect on settlement negotiations.

We believe that efficiency in this proceeding is better served by requiring all the evidence and rebuttal evidence of all parties to be presented in advance of a hearing not limited to just cost of service. By proceeding in this manner, the methodology used and results sought by each party will be known and will provide the basis for discussion. No delays will be required for service of additional testimony in the event that informal settlement negotiations do not prove successful.

The parties may have relied on the Presiding Judge's ruling and may now have difficulty preparing and filing their testimony and exhibits in accordance with the schedule presented in our order of December 27, 1973. The present procedural dates should, therefore, be extended two weeks.

The Commission further finds:

(1) Extraordinary circumstances exist where prompt decision by the Commission is necessary to prevent detriment to the public interest.

(2) It is necessary and proper in the administration of the Natural Gas Act that service of all testimony and exhibits by intervenors and all rebuttal evidence by Tennessee be accomplished before commencement of a hearing on all issues in this proceeding.

The Commission orders:

(A) The appeal of staff is granted.

(B) Testimony and exhibits on all issues in this proceeding will be served by intervenors and Tennessee in accordance with the following schedule:

Service of testimony and exhibits by intervenors, May 10, 1974.
Service of Rebuttal Evidence by Tennessee, June 7, 1974.
Hearing, June 18, 1974 (10 a.m., e.d.t.).

By the Commission.[1]

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

[FR Doc.74-9982 Filed 4-30-74;8:45 am]

[Docket No. CI74-290]

TERRA RESOURCES, INC., ET AL.

Order Establishing Procedures, Setting Hearing Date, and Granting Intervention

APRIL 25, 1974.

On November 5, 1973, Terra Resources, Inc. (Operator), et al.[2] (Applicant) filed an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas in interstate commerce to Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG), from the Ten Miles Draw Field, Sweetwater County, Wyoming, all as more fully set forth in the application in this proceeding.

Applicant requests issuance of a certificate limited to a term of one year with pre-granted abandonment authorization. Applicant proposes to sell approximately 90,000 Mcf of gas per month from acreage in Wyoming (Rocky Mountain Area) at 40.0 cents per Mcf at 14.65 psia,[3] subject to upward and downward Btu adjustment. The proposed rate is in excess of the area rate of 23.75 cents per Mcf established by Commission Opinion No. 658. This application was noticed on November 12, 1973, and was published in the FEDERAL REGISTER on November 19, 1973 (38 FR 31872). On November 23, 1973, CIG filed a timely petition to intervene in support of the application.

In Order No. 431,[4] issued April 15, 1971, the Commission stated, inter alia, that it would consider limited term certificates with pre-granted abandonment, if the pipeline were to demonstrate an emergency need for such supply. To date, CIG has not been granted approval to purchase an emergency supply of gas under Order No. 431. Accordingly, in the hearing hereafter established, CIG will be required to produce evidence (1) that it has an emergency need for such supply; (2) that it has made every reasonable effort to fill its storage field during the injection season; and (3) that, if curtailment is necessary on its system, it has filed a plan for such curtailment pursuant to Section 4 of the Natural Gas Act. The proposed sale represents a sizeable volume of gas potentially available to the interstate market and due to the Nation's present shortfall of natural gas supplies, it is of critical importance that emergency supplies of gas be made available to interstate pipelines that show a need for such short-term supplies in order to avoid disruption of service to their customers. While the need for such supplies is manifest where the short-fall of supplies renders service on a pipeline's system potentially unreliable, we nevertheless must meet our statutory obligations and determine whether the proposed rate to be paid for such supply is required by the public convenience and necessity criteria of the Act. Atlantic Refining Company v. Public Service Commission of New York, 360 U.S. 378 (1960). We will therefore set this matter for hearing to establish an evidentiary record on the issues heretofore discussed. In that hearing, the record should contain evidence on whether the rate to be paid is "no higher than necessary to elicit the supply of gas" into the interstate market (Nueces Industrial Gas Company, 45 FPC 1224, 1227 (1971)), and whether that rate is in line with the prevailing normal intrastate market (Atlantic Richfield Company, ____ FPC ____, Docket No. CI73-691, order issued August 30, 1973, and ____ FPC ____, order granting rehearing issued October 10, 1973). The normal market price for this supply cannot be established merely on the basis of prices agreed to by affiliates. The price evidence must be based on arm's length negotiations and competitive bidding through non-affiliated entities. Further, Applicant and CIG should produce evidence to show that the public interest requires the certificate of Applicant's proposed sale as requested, including evidence relating to the effect, if any, on the public interest considerations of a short-term sale of gas produced from acreage involving advance payments by the pipeline buyer to the producer-seller and the inclusion of a take-or-pay provision in the contract for the short term sale.

The Commission finds:

(1) Good cause exists to set for formal hearing the application for a limited term certificate herein.

(2) The intervention of Colorado Interstate Gas Company in this proceeding may be in the public interest.

The Commission orders:

(A) The application for limited term certificate for sale of natural gas filed in Docket No. CI74-290 is hereby set for hearing.

(B) CIG is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene; and *Provided, further,* That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 7, 15 and 16 and the Commission's rules and regulations under that Act, a public hearing shall be held commencing May 16, 1974, at 10 a.m. (e.d.t.) at a hearing room of the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, concerning whether the present or future convenience and necessity requires the issuance of a limited term certificate for the sale of natural gas on the terms proposed in this application and whether the issuance of said certificate should be conditioned in any way.

(D) Applicant and all parties supporting the application shall, on or before May 3, 1974, file with the Commission and serve on all parties to this proceeding, including Commission Staff, all testimony to be sponsored in support of the instant application.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at the hearings in this proceeding and shall pre-

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[1] Commissioner Brooke, dissenting, would deny the appeal.

[2] Terra Resources, Inc. filed the application on behalf of itself and the working interest of Reading & Bates Oil and Gas Company in the several properties covered therein.

[3] Equivalent to a rate of 41.0236 cents per Mcf at the area pressure measurement base of 15.025 psia.

[4] Section 2.70 of the Commission's General Policy and Interpretations.

scribe relevant procedural matters not herein provided.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-9981 Filed 4-30-74;8:45 am]

[Dockets Nos. RP71-130, RP72-58]

TEXAS EASTERN TRANSMISSION CORP.

Proposed Changes in FPC Gas Tariff

APRIL 24, 1974.

Take notice that Texas Eastern Transmission Corporation, on April 10, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Third Revised Volume No. 1. The proposed changes consist of First Revised Sheet Nos. 17 and 24 and Second Revised Sheet No. 92N. Texas Eastern is amending Section 12.4 contained in Sheet No. 92N of its General Terms and Conditions, which currently provides for the elimination of demand charge adjustment credits when curtailment of deliveries is due to a shortage of gas on Texas Eastern's system. First Revised Sheet Nos. 17 and 24 delete references to Section 12.4 from Section 6.2 and Section 7.2, respectively, of Texas Eastern's DCQ and GS Rate Schedules.

Texas Eastern proposes to change its method of handling demand charge credits, which occur during periods of shortage of gas supply, from the current plan to a plan whereby a Demand Charge Adjustment Commodity Surcharge will be applied each month to the quantity of gas purchased that month by each Buyer. This Surcharge will be determined each month there is a curtailment due to a shortage of gas supply for the DCQ and GS Rate Schedules based on the total demand charge adjustment credits for that month and the total quantity of gas actually delivered under each Rate Schedule. Texas Eastern believes that this method is more equitable and will be more acceptable to its customers.

Texas Eastern states that copies of the filing were served upon the company's jurisdictional customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 or 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 3, 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.74-9983 Filed 4-30-74;8:45 am]

[Docket No. CP74-265]

TRANSCONTINENTAL GAS PIPE LINE CORP.

Notice of Application

APRIL 24, 1974.

Take notice that on April 11, 1974, Transcontinental Gas Pipe Line Corporation (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP74-265 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the operation of one additional point of delivery from Consolidated Gas Supply Corporation (Consolidated) to Applicant under the transportation agreement between the two companies dated September 12, 1972, authorized by the certificate issued August 23, 1972 (48 FPC 380), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

By the order issued August 23, 1972, Applicant was authorized to transport for Consolidated on a firm basis 61,327 Mcf per day for the period November 1, 1973, through October 31, 1974, and 71,548 Mcf per day for the period November 1, 1974, through October 31, 1992. Transportation volumes are delivered at a point in Clinton County, Pennsylvania, at an existing point of interconnection between the natural gas pipe line systems of the two companies, under the terms of Applicant's Rate Schedule X-56.

Applicant herein requests authority to operate one additional delivery point at the interconnection of the pipeline systems of Applicant and Texas Eastern Transmission Corporation (Texas Eastern) near Ragley, Beauregard Parish, Louisiana, pursuant to an agreement between Applicant and Consolidated, dated February 19, 1974.

Applicant states that Consolidated has agreed to pay $10,000 toward the cost of the Ragley installation, representing an approximation of the proportionate capacity of the installation which will be required to deliver Consolidated's volumes of natural gas into Transco's pipeline system for transportation.

Applicant further states that the addition of the proposed delivery point will assist Consolidated by making additional volumes of natural gas available to use the firm capacity committed to Consolidated under the September 12, 1972, transportation agreement.

The following applications, either on file with the Commission or to be filed, are acknowledged by Applicant to relate to the instant proposal:

(1) A joint application of Texas Eastern and Applicant in Docket No. CP74-224 for authorization to construct and operate the Ragley interconnection as an additional point of exchange between their systems.

(2) A joint application of Texas Eastern and Consolidated in Docket No. CP74-229 for authorization to exchange gas in order that Consolidated's Choudrant Field, Lincoln Parish, Louisiana, gas can be delivered to Applicant at Ragley for transportation.

(3) An application in Docket No. CI74-495 by CNG Producing Company (CNG) for authorization to sell its Choudrant Field gas production to Consolidated.

(4) An application to be filed by Texas Eastern for authorization to transport Consolidated's Block 118 Field, East Cameron Area, offshore Louisiana, gas from a point of delivery by Consolidated to Texas Eastern in Block 235, West Cameron Area, offshore Louisiana, to Ragley for transportation by Applicant.

(5) A joint application in Docket No. CP74-249 of Applicant, Consolidated, and Columbia Gulf Transmission Company for authorization to construct and operate 4.46 miles of pipeline connecting the Block 118 Field to Texas Eastern's Line in Block 235, West Cameron Area. Authorization is also sought for a transportation service for Texas Eastern, which has gas available from the Block 118 Field, and for an exchange between Consolidated and Columbia Gulf which will result in additional Block 118 Field gas being made available to Consolidated for eventual delivery at Ragley for transportation to Consolidated in Pennsylvania.

Any person desiring to be heard or to make any protest with reference to said application should on or before May 13, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-9874 Filed 4-30-74;8:45 am]

[Docket No. E-7721]

UPPER PENINSULA POWER CO.

Application for Amendment of Order Authorizing the Acquisition of Securities

APRIL 24, 1974.

Take notice that on April 16, 1974, Upper Peninsula Power Company (Applicant) filed an application with the Federal Power Commission seeking authority, pursuant to section 203 of the Federal Power Act, to acquire Common (voting) Stock, at $10 par value of Upper Peninsula Generating Company in lieu of the Class A (non-voting) Stock, also $10 par value, which Applicant was authorized to acquire by a Commission order issued on July 21, 1972. The shares of Class A (non-voting) Stock already owned by Applicant would be changed to an equal number of shares of Common (voting) Stock. Approval of the application would authorize Applicant to acquire up to a total of 194,190 shares of the Common Stock of Generating Company.

The Applicant is incorporated under the laws of the State of Michigan, with its principal business office at Houghton, Michigan. The Applicant operates certain electric facilities in the upper peninsula of Michigan, supplying electrical energy in a service area of 4,460 square miles with a population of approximately 140,000.

Upper Peninsula Generating Company (Generating Company) is engaged in the generation of eletcric energy for sale to its owners, the Applicant and Cliffs Electric Service Company (Service Company). The Applicant is the owner of record of 50 percent of the outstanding Common Stock of Generating Company and 15.6 percent of the outstanding Class A Stock; the other 50 percent of the Common Stock and 84.4 percent of the outstanding Class A Stock is owned by Service Company.

The proceeds obtained by Generating Company from the issuance and sale of Common (voting) Stock in lieu of Class A (non-voting) Stock will be used for the same construction purposes as the proceeds from the issuance and sale of the Class A (non-voting) Stock have been and are currently being used, namely, the installation of air pollution control devices for each of Generating Company's four existing generating units at Presque Isle, Michigan, and the construction of two additional generating units.

According to the Applicant, the conversion of Class A (non-voting) Stock to Common Stock will facilitate the rearrangement of the ownership and power entitlements of both the Applicant and Service Company in Generating Company. The rearrangement of the ownership interests in Generating Company's units will result in a reduction in Upper Peninsula Power Company's current obligation to provide equity capital to Generating Company. In addition, Cleveland-Cliffs Iron Company, the parent company of Service Company, will be able to avail itself of the investment tax credit and accelerated depreciation with respect to the two generating units currently under construction by Generating Company.

Any person desiring to be heard or to protest with reference to said application should on or before May 17, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determing the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-9875 Filed 4-30-74;8:45 am]

[Docket No. E-8158]

WISCONSIN POWER AND LIGHT CO.

Filing of Settlement Agreement

APRIL 24, 1974.

Take notice that on April 18, 1974, Wisconsin Power and Light Company (Wisconsin) tendered for filing an executed settlement agreement dated April 15, 1974, between Wisconsin and the Adams-Marquette Rural Electric Cooperative, Central Wisconsin Electric Cooperative, Columbus Rural Electric Cooperative, Rock County Electric Cooperative, and Waushara Electric Cooperative (Cooperatives) and the Municipal Wholesale Power Group (Municipals) in the above referenced docket. All parties support the proposed settlement. If the settlement agreement is approved by the Commission, it would resolve all outstanding issues in this proceeding.

Any person desiring to be heard or to protest said agreement should file comments with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426. All such comments should be filed on or before May 10, 1974. Comments will be considered by the Commission in determining the appropriate action to be taken. Copies of the agreement are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-9984 Filed 4-30-74;8:45 am]

[Power Site Classification No. 28; Project Nos. 889, 2310; Docket No. DA-1113]

U.S. FOREST SERVICE, CALIF.

Finding, Determination and Order

APRIL 25, 1974.

In order to effectuate a proposed land exchange under the Act of March 20, 1922 (42 Stat. 465) as amended, the Forest Service United States Department of Agriculture, has requested the outright revocation of the power withdrawals affecting the following described lands or a determination under section 24 of the Federal Power Act with respect thereto:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 17 N., R. 10 E.,
Sec. 34, lots 1 and 2, SE¼NE¼, SW¼NW¼, N½N½SE¼NW¼, NE¼SE¼, and NW¼SE¼.
(Approximately 201.02 acres.)

In addition, the Geological Survey has recommended the restoration of the E½NE¼SW¼ of said sec. 34 (approximately 20 acres).

The lands lie near the Pacific Gas and Electric Company's Deer Creek Powerhouse on the South Fork of Deer Creek, a tributary of the Yuba River, about 9 miles east of Nevada City, Nevada County, California. The 201.02 acres in in the Forest Service request are within the Tahoe National Forest.

The lands are variously withdrawn in Power Site Classification No. 28 and pursuant to the filings of applications for Project Nos. 889 and 2310. All of these withdrawals were made to protect certain facilities of Pacific's Deer Creek hydroelectric development which was originally licensed as Project No. 889 and subsequently made part of Project No. 2310. The existing project facilities are adequately protected by the withdrawal for Project No. 2310 and further use of the lands in connection with hydroelectric development is not contemplated. Under the circumstances, Power Site Classification No. 28 and the withdrawal for Project No. 889 no longer serve a useful purpose insofar as they pertain to the subject lands.

Those portions of the subject lands described below are variously withdrawn pursuant to the filing on March 16, 1962, of an application for license and on July 3, 1969, of an application for amendment of license for Project No. 2310. These lands are shown on map Exhibit K-19 (FPC No. 2310-119) filed July 3, 1969.

1. All portions of lot 2, the E½NE¼SW¼, and NW¼SE¼ lying within 20 feet of the center line of the right-of-way for the 60 kv Deer Creek-Drum transmission line (approximately 1.95 acres).

2. All portions of the SE¼NE¼ lying within 37.5 feet of the center line of the right-of-way for the Deer Creek penstock and associated telephone line (approximately 2.96 acres).

3. All portions of the SW¼NW¼, E½NE¼SW¼, and NW¼SE¼ lying within 20 feet of the center line of the right-of-way for the powerhouse access road (approximately 1.99 acres).

The Commission's general determination of April 17, 1922, (2nd Ann. FPC Rept. 128) is applicable to the 1.95 acres withdrawn for transmission line purposes, consequently, further action on our part is not necessary with respect to this part of the withdrawal for Project No. 2310.

Restoration of the remaining 4.95 acres withdrawn for Project No. 2310, subject to the provisions of section 24 of the

Federal Power Act, would not adversely affect the power value of the lands since the project Licensee would have the right to occupy and use the lands for project purposes.

The Commission finds:

It has no objection to cancellation of Power Site Classification No. 28 insofar as it pertains to the subject lands.

The Commission determines:

That the power value of the aforesaid 4.95 acres withdrawn for Project No. 2310 for penstock, telephone line, and access road purposes, will not be injured or destroyed by restoration to location, entry or selection under the public land laws, subject to the provisions of section 24 of the Federal Power Act.

The Commission orders:

The withdrawal pursuant to the application for Project No. 889 is hereby vacated insofar as it pertains to the subject lands.

By the Commission.

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

[FR Doc.74-9985 Filed 4-30-74;8:45 am]

FEDERAL RESERVE SYSTEM

INSURED BANKS

Joint Call for Report of Condition

CROSS REFERENCE: For a document issued jointly by the Federal Deposit Insurance Corporation, the Comptroller of the Currency, and the Federal Reserve System, concerning a joint call for report of condition of insured banks, see FR Doc. 74-9857, *supra.*

GENERAL SERVICES ADMINISTRATION

NATIONAL HEALTH RESOURCES ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given, pursuant to the Federal Advisory Committee Act, P.L. 92-463, that the next meeting of the Presidentially - appointed National Health Resources Advisory Committee will be held May 23-24, 1974, in Williamsburg, Virginia.

The subject of the meeting will be Current Concepts for Preparedness. Officials of various Federal Government agencies concerned with emergency medical preparedness will participate in the meeting.

The meeting will be held in the North Ballroom of the Williamsburg Lodge from 9 a.m. to 5 p.m. on May 23, and from 9 a.m. to 3 p.m. on May 24, 1974. The meeting will be open to the public.

In order to assure adequate seating arrangements, persons planning to attend are asked to notify Fredrick J. Haase, Staff Director, telephone 202/343-4541, as soon as possible.

Dated: April 24, 1974.

LESLIE W. BRAY, Jr., *Director, Office of Preparedness, General Services Administration.*

[FR Doc.74-9907 Filed 4-30-74;8:45 am]

[Federal Property Management Regs.; Temporary Reg. F-217]

SECRETARY OF DEFENSE

Revocation of Delegations of Authority

1. *Purpose.* This regulation revokes delegations of authority to represent the Federal Government in proceedings which have been terminated.

2. *Effective date.* This regulation is effective immediately.

3. *Expiration date.* This regulation expires April 30, 1974.

4. *Revocation.* This revocation identifies those delegations which are no longer in force due to completion of the proceedings. Accordingly, the following FPMR temporary regulations are hereby revoked:

No.	Date	Subject
F-66	Mar. 12, 1970	Delegation of authority to Secretary of Defense—regulatory proceeding.
F-157	Sept. 18, 1972	Do.

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

APRIL 24, 1974.

[FR Doc.74-9906 Filed 4-30-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

REQUESTS FOR CLEARANCE OF REPORTS

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 26, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529).

NEW FORMS

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis, Domestic Trading Losses Relating to Crude Oil Produced by Foreign Affiliates, Form BE 578(P), Quarterly, Hulett, U.S. Corp. having foreign affiliates producing crude oil.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration, Blood Donor Questionnaire, Form FDA BOB 0401, Single time, Wann, American Nat. Red Cross registered blood donors.

Center for Disease Control, Supervisory Effects on Worker Safety in Roofing Industry, Form CDC NIOSH 0422, Single time, Ellett, Foremen in roofing industry.

Health Services Administration, Navajo Health Authority Study of Health Care Services, Form HSAOA 0424, Single time, HRP/Collins, Navajo Indians Health care providers.

National Institutes of Health, Twin Response Evaluation Study Interview Form, Form OS #NIH-H6-15, Single time, Collins, Adult male twins.

REVISIONS

DEPARTMENT OF COMMERCE

Bureau of the Census, Selected Heating and Cooking Equipment, Form MA-34N, Annual, Weiner, Manufacturing establishments.

Departmental, 1974 First Quarter Report, Form FDI 102, Single time, Hulett, U.S. direct investors.

EXTENSIONS

ACTION

Response Form, Form PC 1419, Occasional, Evinger (x), Peace Corps applicant.

Foster Grandparents Program Quarterly Program Activity, Report and Semi-annual Program Profile, Form ----, Quarterly, Lowry, Grantees.

DEPARTMENT OF COMMERCE

Bureau of the Census, 1972 Survey of Business Ownership, Form MB-2, MB-2A, Single time, Hulett/Peterson/Sunderhauf, Minority owned businesses.

Bureau of East-West Trade, Notification of Delivery Verification Requirement, Form IA 863, Occasional, Evinger (x).

Request for Authorization to Distribute U.S.-Origin Commodities Stocked Abroad to Approved Customers, Form DIB 624P, Occasional, Evinger (x).

Multiple Transactions Statement by Customer of Distributor of U.S. Commodities Stocked Abroad, Form FC 243, Annual, Evinger (x).

Samples Exported to Country Groups W and Y, Form EAR 376.2, Occasional, Evinger (x).

Bureau of Economic Analysis, Ocean Freight Revenues and Expenses United States Carriers, Form BE 30, Quarterly, Evinger/Caywood (x).

American Airline Operators Foreign Revenues and Expenses, Form BE 37, Quarterly, Evinger/Caywood (x).

PHILLIP D. LARSEN, *Budget and Management Officer.*

[FR Doc.74-10072 Filed 4-30-74;8:45 am]

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

NOTICE OF OPEN MEETING

APRIL 25, 1974.

The National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a 2-day meeting, May 13 and 14, 1974. Both sessions will convene at 9 a.m. in Room 6802 of the Department of Commerce Building, 15th and Constitution Avenue NW., Washington, D.C. Both sessions will be open to the public.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science and other appropriate areas, was established by Congress by Public Law 92-125, on August 16, 1971. Its duties are to (1) undertake a continuing

review of the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before June 30 of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purposes of the National Oceanic and Atmospheric Administration.

The purpose of the meeting will be to review and further refine draft material for the Committee's annual report. In addition, however, three briefings are scheduled:

MONDAY, THE 13TH

9 to 10 a.m.—Briefing on the progress of the Senate Ocean Policy Study authorized by Senate Resolution 222.

10 to 11 a.m.—Briefing on the status of the National Fisheries Plan being prepared by the National Marine Fisheries Service, NOAA.

TUESDAY, THE 14TH

9 to 10 a.m.—Briefing on the resources and activities of the Environmental Data Service, NOAA, with particular reference to support of Coastal Zone management.

The public will be admitted to the extent of the seating available on a first come, first served basis. Questions from the public will be permitted during specific periods announced by the Chairman. Persons wishing to make formal statements should notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration or oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. The telephone number is 967–3343.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc.74–9876 Filed 4–30–74;8:45 am]

NATIONAL SCIENCE FOUNDATION

ADVISORY PANEL FOR SOCIAL PSYCHOLOGY

Notice of Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of a meeting of the Advisory Panel for Social Psychology to be held at 9 a.m. on May 16, 1974, in Room 621 and May 17, 1974, in Room 203 at 1800 G Street NW., Washington, D.C. 20550.

The purpose of the Panel is to provide advice and recommendations as part of the review and evaluation process for specific proposals and projects. The agenda will be devoted to the review and evaluation of research proposals.

This meeting is concerned with matters which are within the exemptions of 5 U.S.C. 552(b) and will not be open to the public in accordance with the determination by the Director of the National Science Foundation dated December 17, 1973, pursuant to the provisions of section 10(d) of Pub. L. 92–463.

Individuals requiring further information about this Panel may contact Dr. Roland Radloff, Program Director, Social Psychology Program, Room 205, 1800 G Street NW., Washington, D.C. 20550.

T. E. JENKINS,
Assistant Director for Administration.

APRIL 24, 1974.

[FR Doc.74–9972 Filed 4–30–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

CONTINENTAL VENDING MACHINE CORP.

Notice of Suspension of Trading

APRIL 24, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Continental Vending Machine Corporation being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from April 25, 1974 through May 4, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–9986 Filed 4–30–74;8:45 am]

[812–3620]

EQUITABLE LIFE ASSURANCE SOCIETY OF THE UNITED STATES AND SEPARATE ACCOUNTS A AND E

Application for Exemption

APRIL 25, 1974.

Notice is hereby given that The Equitable Life Assurance Society of the United States, 1285 Avenue of the Americas, New York, New York 10019 ("Equitable"), a mutual life insurance company organized under the laws of the State of New York, and Separate Account A of The Equitable Life Assurance Society of the United States ("Separate Account A") and Separate Account E of The Equitable Life Assurance Society of the United States ("Separate Account E") (the "Accounts"), open-end diversified management investment companies registered under the Act, have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order declaring that Malcolm Smith shall not be deemed an interested person of Separate Account E as that term is defined under section 2(a)(19) of the Act by reason of his status as a limited partner of Gibbons, Green and Rice ("Gibbons") which is registered as a broker-dealer under the Securities Exchange Act of 1934 ("1934 Act") and for an order of exemption to the extent noted below from the provisions of sections 17(f), 22(d), 27(a)(3) and 27(c)(2) of the Act and Rule 17f–2 thereunder. (Equitable, Separate Account A and Separate Account E are herein collectively called "Applicants".) All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein which are summarized below.

Equitable and Separate Account A are currently offering immediate variable annuity contracts which are purchased by a single payment and funded through Separate Account A and deferred variable annuity contracts which are purchased by single or periodic payments ("Current Deferred Contracts") and funded through Separate Account A or Equitable's general account ("fixed accumulation") or divided between them, as specified by the contract owner. Owners of Current Deferred Contracts funding HR–10 plans and tax-sheltered annuity arrangements will have the right to have their Contracts amended in order to transfer their fixed accumulations under such Contracts from Equitable's general account to Separate Account E without charge.

Applicants propose to offer two new types of deferred variable annuity contracts which will be called "Flexible Retirement Annuity Contracts" ("Deferred New Contracts"). Under one type, periodic payments may be made to Equitable annually or more frequently (the "Periodic Payment New Contracts") until the contract retirement date, the date the contract is surrendered for its cash value or the annuitant's prior death, whichever first occurs. Under the other, a single payment may be made to Equitable (the "Single Payment New Contracts").

The Current Deferred Contracts will no longer be offered on and after the date the Deferred New Contracts are first offered. The Current Deferred Contracts which are outstanding at that time will continue in effect and periodic payments thereunder may continue to be made.

The right to purchase a Single Payment New Contract without a sales charge when the purchase is under an insurance policy or annuity contract issued by Equitable is referred to herein as the "Purchase Right". No state premium tax is applicable to a purchase under the Purchase Right nor does an Equitable agent receive a commission on such a purchase.

After the deductions are made, the net payment is allocated to Separate Account A, Separate Account E or divided between the Accounts, in accordance with the Owner's instructions.

Section 2(a)(19) of the Act includes in the definition of "interested person" of an investment company, its investment adviser or principal underwriter,

any broker or dealer registered under the 1934 Act or any affiliated person of such a broker or dealer. Section 2(a)(3) of the Act provides in part that an "affiliated person" of another person includes any partner of such other person.

Mr. Smith is a Member of the Committee of each of the Accounts. The application states that Gibbons is engaged primarily in the business of arranging the purchase and sale of businesses and does not do any business, directly or indirectly, with Applicants. Equitable acts as investment adviser of, and may be deemed to be a principal underwriter for, each of the Accounts. It therefore appears that Mr. Smith by virtue of being an "affiliated person" of Gibbons, a registered broker-dealer, is an "interested person" of Applicants.

Applicants assert that Mr. Smith should not be deemed an "interested person" of Applicants solely because of his affiliation with Gibbons which does not hold itself out to the public as engaging, and it does not engage, in the brokerage business, the business of a dealer in securities or in the underwriting business. Gibbons does not hold cash, securities or other property for customers' accounts and does not do, and will not do, any business, directly or indirectly, with Applicants. Applicants further state that Mr. Smith's affiliation with Gibbons does not and will not impair his independence in acting on behalf of the Accounts and persons having interest therein, and that the requested exemption for Separate Account E is therefore consistent with the provisions of section 6(c).

Section 17(f) provides, in pertinent part, that a registered management investment company may maintain its securities and other investments in its own custody in accordance with such rules, regulations and orders as may be adopted by the Commission for the protection of investors. Rule 17f-2 requires, in pertinent part, that such assets be placed in a bank or other company whose functions and physical facilities are supervised by Federal or state authorities, and that access to the securities be limited to certain specified persons. The application states that the vault maintained by Equitable is comparable to the vaults in most banks and that Equitable keeps therein securities and other investments of a value in excess of $6 billion. Furthermore, as required by Equitable's By-Laws, the Finance Committee of Equitable's Board of Directors has prescribed rules and requirements to govern the custody, safekeeping and control of all securities owned or held by Equitable. In this connection, Equitable is subject to extensive supervision and regulation by the Insurance Department of the State of New York which conducts periodic examinations of the functions, physical facilities and all other aspects of Equitable's business. Accordingly, Equitable and Separate Account E request exemption from the provisions of section 17(f) and Rule 17f-2 (i) to permit custody of the securities and other investments of Separate Account E to be held by Equitable in Equitable's own vault, except for such securities and investments as may be kept in the custody of a bank having the qualifications described in section 26(a)(1) of the Act and (ii) to permit, in connection with Separate Account E, access to such vault and to the securities and similar investments in the custody of such bank, by the representative of State Insurance Departments and by not more than 20 officers or other responsible employees of Equitable, in accordance with the procedures set forth in the application.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company or principal underwriter shall sell any redeemable security to the public except at a current offering price described in the prospectus.

Section 27(a)(3) provides, in pertinent part, that the amount of sales load deducted from any one of the first twelve monthly payments under a periodic payment plan certificate may not exceed proportionately the amount deducted from any other such payment, and the amount deducted from any subsequent payment may not exceed proportionately the amount deducted from any other subsequent payment.

The application states that the elimination of the sales charge when a Single Payment New Contract is purchased under an insurance or annuity contract issued by Equitable will not arbitrarily or unfairly discriminate between different categories of investors. The application further states that the elimination of the sales charge for the Single Payment New Contract recognizes that a sales charge has already been paid in connection with the issuance of the original policy or contract. The elimination of the sales charge would be available only when a Single Payment Contract is purchased under an insurance policy or an annuity contract issued by Equitable. Similarly, sales and administrative charges have already been paid on amounts which are transferred from the fixed accumulation to Separate Account E under a Current Deferred Contract containing such a transfer right. Applicants consider that the imposition of a sales charge under such circumstances, and an administrative charge in the case of a transfer to Separate Account E under a Current Deferred Contract, would be unwarranted and not in the public interest or consistent with the protection of investors.

The Deferred New Contracts are subject to the deductions set forth below for sales and administrative expenses and for any applicable state premium tax.

Contract	Percent of payment	
	For sales expenses	For administrative expenses
Periodic payment new contract:		
First five contract year payments (per contract year):		
First $7,500	6.75	1.75
Next $17,500	5.50	1.00
Excess over $25,000	5.00	.50
Sixth and later contract year payments (per contract year):		
First $7,500	5.25	1.75
Next $17,500	5.00	1.00
Excess over $25,000	4.50	.50
Single payment new contract:		
First $7,500	5.50	2.50
Excess over $7,500	5.50	
Purchase under insurance policy or annuity contract issued by Equitable		2.50

The application states that the variation in the rates of deductions based on the amounts paid under a Periodic Payment New Contract and as between payments made in the first five contract years and in the sixth and later contract years reflect the sales costs associated with such Contracts. Applicant's state that such variations in the rate of deductions are designed to meet ordinary and necessary variations in the distribution system, do not result in large initial sales loads and do not arbitrarily or unfairly discriminate between different categories of investors. The combined charge for sales and administrative expenses with respect to any payment during the term of the contract does not exceed 8.5 percent. Applicants request that an exemption from the provisions of section 22(d) and 27(a)(3) be granted so that the Contracts may be offered and sold as proposed.

Section 27(c)(2) prohibits a registered investment company or a depositor or underwriter for such company from selling periodic payment plan certificates unless the proceeds of all payments (other than the sales load) are deposited with a bank or trustee or custodian and held under an indenture or agreement containing, in substance, the provisions required by sections 26(a)(2) and (3) for trust indentures of a unit investment trust. Section 26(a)(2) requires that the trustee or custodian segregate and hold in trust all securities and cash of the trust, places certain restrictions on charges which may be made against the trust income and corpus, and excludes from expenses which the trustee or custodian may charge against the trust any payments to the depositor or principal underwriter, other than a fee, not exceeding such reasonable amount as the Commission may prescribe, for performing bookeeping and other administrative services delegated to them by the trustee or custodian. Section 26(a)(3) governs the circumstances under which the trustee or custodian may resign.

Applicants represent that the dangers against which sections 27(c)(2) and 26(a) are directed are not present here in view of the manner in which the Contracts will be administered. In addition, Equitable is subject to extensive supervision and regulation by the New York Insurance Department which conducts comprehensive periodic examinations of all aspects of Equitable's business, including the handling of policyholders' funds. Under New York law, Equitable cannot abandon its obligations to contract owners or annuitants until they have been fully discharged. In this connection, although the terms of the Contracts will legally insulate the reserves and other contract liabilities with respect to the Accounts from liabilities arising out of any other business Equitable may conduct. Equitable's assets will be available to protect against any loss in the event of any misfeasance or mishandling of payments. Furthermore, Equitable maintains a general blanket bond of $1,000,000 under which each of its officers, employees and commission agents is covered. The bond has a $50,000 deductible clause which in effect makes Equitable a self-insurer for the first $50,000 of any loss.

In the foregoing circumstances, it is submitted that compliance with the requirements of section 27(c)(2) is not necessary for the protection of investors and, therefore, Applicants request that an exemption from section 27(c)(2) be granted.

Applicants have consented that the exemption from section 27(c)(2) be subject to the following conditions: (1) That charges under the Deferred New Contracts for administrative services shall not exceed such reasonable amounts as the Commission shall prescribe, jurisdiction being reserved to the Commission for such purposes; and (2) that the payment of sums and charges out of the assets in the Accounts shall not be deemed to be exempted from regulation by the Commission by reason of this order, provided that Applicants' consent to this condition shall not be deemed to be a concession to the Commission of authority to regulate the payment of sums and charges out of the assets in the Accounts other than charges for administrative services, and Applicants reserve the right, in any proceeding before the Commission or in any suit or action in any court, to assert that the Commission has no authority to regulate the payment of such other sums and charges.

Section 6(c) of the Act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any persons or transaction from any provision or provisions of the Act, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than May 16, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address set forth above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–9987 Filed 4–30–74;8:45 am]

[812–3615]

FML GROWTH FUND, INC., ET AL

Filing of Application for Order

APRIL 24, 1974.

Notice is hereby given that FML Growth Fund, Inc., Fidelity Mutual Life Building, Philadelphia, Pennsylvania 19110 ("Growth") and FML Equity Income Fund, Inc. ("Equity"), both registered under the Investment Company Act of 1940 ("Act") as diversified, open-end, management investment companies (collectively the "Funds"), and The Fidelity Mutual Life Insurance Company ("Fidelity"), (collectively the "Applicants"), have filed an application pursuant to section 17(b) of the Act for exemption from the provisions of section 17(a) of the Act to permit the proposed merger of Growth into Equity and pursuant to section 17(d) of the Act and Rule 17d–1 thereunder to permit the participation in such proposed merger to the extent noted below of Fidelity and FML Funds Advisory Company (the "Adviser"). All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

The Funds were organized by Fidelity under Delaware law and, at present, are relatively small in terms of net asset value. Growth's investment objective is long-term growth of capital with any income generated as incidental to this objective. Equity primarily seeks current income with capital appreciation as a secondary investment objective. Each of the Funds employ the Adviser, a wholly-owned subsidiary of Fidelity, as its investment adviser pursuant to substantially similar investment advisory agreements. The boards of directors of the Funds are identical and the same individuals, all employees of Fidelity, serve as officers of both Funds. As of March 12, 1974, Fidelity owned approximately 17% of the outstanding common stock of Growth and approximately 35% of the outstanding common stock of Equity which it intends to vote in favor of the proposed merger.

The Funds have entered into an Agreement and Plan of Merger, dated March 7, 1974 (the "Agreement"), providing for the merger of Growth and Equity with Equity being the surviving corporation (the "Surviving Corporation"). The Agreement contains a proposal to amend Equity's Certificate of Incorporation to state an investment objective of seeking growth of capital and income which, if approved, will permit the Surviving Corporation to hold all of Growth's present investments including those that have growth potential but do not produce current income. The Agreement also contains a proposal to change Equity's name to Combined Shares, Inc. Approval of the Agreement by the shareholders of each of the Funds is a condition precedent to the consummation of the proposed transaction. It is also a condition precedent, to the obligation of each of the Funds to effect the merger, that an opinion of counsel be obtained to the effect that the proposed transaction will constitute a tax-free reorganization and that no gain or loss will be recognized by either of the Funds or their shareholders as a result of the transaction. If the Agreement is approved by the requisite majority of outstanding voting securities of each of the Funds, it is anticipated that the proposed merger will take place on or before June 30, 1974.

On the effective date of the merger, each of the Funds will distribute to its respective shareholders a dividend consisting of substantially all of its undistributed net income. On such date, each outstanding share of Growth's common stock will be converted into a number of shares of the Surviving Corporation calculated on the basis of the relative net asset values of each of the Funds determined at the same point in time.

As of December 31, 1973, Growth and Equity had, respectively, net assets of $4,636,661 and $3,150,828 and had net unrealized depreciation on the securities in their portfolios in the amounts of $103,202 and $382,334, respectively. In addition, Growth had a tax loss carry forward of $1,636,696. No adjustment in the bases of exchange will be made as a result of such tax losses or net unrealized depreciation. If the merger had taken place on December 31, 1973, the shareholders of Growth would have received 477,615 shares or 59.5 percent of the Surviving Corporation and the

shareholders of Equity 324,601 shares or the remaining 40.5 percent.

Applicants state that because the boards of directors and officers of the Funds are identical and because Fidelity holds the power to vote 5 percent or more of the outstanding voting securities of each of the Funds, the Funds might be deemed to be under "common control" and each of the Applicants and the Adviser might be deemed to be an "affiliated person" of each of the others under the definition of "affiliated person" set forth in section 2(a)(3) of the Act.

Section 17(a) of the Act, in pertinent part, provides that it is unlawful for any affiliated person of a registered investment company knowingly to sell to or purchase from such registered investment company any security or other property except securities of which the investment company is the issuer. Pursuant to section 17(b) of the Act, the Commission, upon application, may grant an exemption from such prohibition after finding that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned and that the proposed transaction is consistent with the policy of each registered investment company concerned and the general purposes of the Act.

Applicants assert that the proposed transaction is fair and reasonable and does not involve overreaching on the part of any person concerned. It is represented that Growth's management has found it increasingly difficult for the fund to achieve its investment objective of long-term growth and that Growth's management believes the proposed flexible investment objectives of the Surviving Corporation will offer a better opportunity under current market conditions for Growth's shareholders to achieve their investment goals. Applicants state that both Funds are currently too small to permit their efficient, economical operation. Applicants represent that merging the Funds will increase the asset base over which to spread corporate expenses such as auditing, legal, printing, reporting and administrative costs, and, thereby, create certain savings in per share operating costs which will benefit the shareholders of the Surviving Corporation equally. Applicants estimate that such cost savings from the operation of a single fund rather than separate funds incurring separate costs will amount to approximately $7,000 in 1974.

Applicants submit that the proposed transaction is consistent with the investment policy of each of the Funds and the general purposes of the Act. Applicants state that the investment objectives of both Funds will be identical on the effective date of the merger by virtue of the fact that shareholders of both Funds will have voted to change their objectives by approving the Agreement which incorporates the change of Equity's investment objective from that of seeking current income and secondarily capital appreciation to that of stressing both policies equally. Applicants state that, although the present investment objectives of the Funds are different, as of December 31, 1973, one-half of the issues held in Equity's portfolio were also present in the portfolio of Growth.

Rule 17d–1 adopted by the Commission under section 17(d) of the Act provides that "no affiliated person of * * * any registered investment company * * * and no affiliated person of such a person * * * acting as principal, shall participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement or profit sharing plan in which such registered company * * * is a participant, and which is entered into, adopted or modified subsequent to the effective date of this rule, unless an application regarding such joint enterprise, arrangement or profit sharing plan has been filed with the Commission and has been granted by an order entered prior to the submission of such plan or modification to security holders for approval, or prior to such adoption or modification." It also provides that in passing upon such application the Commission will consider whether the participation of such registered company in such joint enterprise, joint arrangement, or profit sharing plan on the basis proposed is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from, or less advantageous than, that of other participants. Applicants submit that because each of the Funds and the Adviser anticipate cost savings as a consequence of the proposed merger and will each pay a portion of the expenses of the merger, as more fully described below, the proposed merger may be deemed a joint enterprise, joint arrangement, or profit sharing plan as defined by Rule 17d–1.

Applicants represent that, as a result of the proposed merger, the Adviser may benefit from savings resulting from the elimination of certain presently duplicated recordkeeping expenses and from a reduction in the expense ratio of the Surviving Corporation below the 1½ percent expense limitation imposed on the Adviser which in the past has necessitated a reimbursement to Equity of a portion of the Adviser's fees. It is estimated that the Adviser's savings would have been approximately $4,650 in 1973 if the Funds had been operated on a combined basis which savings would have permitted the Adviser to operate at a profit for the first time since its incorporation. Applicants further represent that the Adviser has agreed to pay 75 percent of all incremental expenses of the merger over and above the customary expenses which each of the Funds and the Adviser would incur in holding an annual meeting not involving a merger proposal. The remaining 25 percent of such incremental expenses will be borne by the Surviving Corporation. The incremental expenses of the merger are estimated at $15,000. Applicants assert that the allocation of the incremental expenses of the merger is fair and reasonable and free from overreaching in that the anticipated savings to the Funds will exceed those to the Adviser who, nevertheless, will bear 75 percent of the costs. Applicants further assert that the proposed merger is on an identical basis as between the Funds and, to the extent the Adviser's participation in the proposed merger is different from that of the Funds, the Fund's participation is not less advantageous than that of the Adviser.

Notice is further given that any interested person may, not later than May 13, 1974, submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following May 13, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–9988 Filed 4–30–74;8:45 am]

[812–3614]

MASSACHUSETTS MUTUAL LIFE INSURANCE CO.

Filing of Application for Order

APRIL 25, 1974.

Notice is hereby given that Massachusetts Mutual Life Insurance Company, 1295 State Street, Springfield, Massachusetts 01111 ("Applicant"), a mutual life insurance company organized under the laws of the Commonwealth of Massachusetts, has filed an application pursuant to Section 17(d) of the Investment Company Act of 1940 ("Act") and Rule 17d–1 thereunder for an order of the Commission permitting Applicant to engage in the transaction described below. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Pursuant to an order of the Commission issued on August 19, 1971 (Investment Company Act Release No. 6690), Applicant, which acts as investment adviser for MassMutual Corporate Investors, Inc. (the "Fund"), a non-diversified, closed-end management investment company registered under the Act, is permitted to invest concurrently for its general account in each issue of securities purchased by the Fund at direct placement, and to exercise warrants, conversion privileges and other rights at the same time as the Fund. This order is subject to several conditions, one of which requires, generally, that purchases at direct placement of securities which would be consistent with the investment policies of the Fund be shared equally by Applicant and the Fund. Another condition is that once Applicant and the Fund have acquired interests in an issuer, neither Applicant nor the Fund, unless otherwise permitted by order of the Commission, may acquire any further interest in such issuer other than interests in all respects identical.

Applicant wishes to purchase at direct placement $2,000,000 in principal amount of a new issue of 9% Senior Notes due 1994 (the "Senior Notes") of Royal Industries, Inc. ("Royal"). Applicant expects that the total amount of the Senior Notes to be issued will be $10,000,000 in principal amount and that Aetna Life Insurance Company ("Aetna"), as lead lender, will acquire $8,000,000 in principal amount of the Senior Notes. Since Applicant and the Fund each presently hold $4,000,000 in principal amount of 7¾ percent Subordinated Notes due 1987 (the "Subordinated Notes") issued by Royal on October 24, 1972 with warrants to purchase 80,000 shares each of the common stock of Royal prior to September 1, 1987 (collectively referred to as the "Outstanding Royal Securities"), Applicant requests an order permitting it to acquire the Senior Notes.

Under section 17(d) of the Act, and Rule 17d–1 thereunder, an affiliated person of a registered investment company may not effect any transaction in which such investment company is a joint participant without the permission of the Commission. In passing upon applications for orders granting such permission, the Commission is required to consider whether the participation of the investment company in such joint enterprises or arrangement on the basis proposed is consistent with the provisions, policies, and purposes of the Act and the extent to which such participation is on a basis different from, or less advantageous than, that of other participants.

Applicant submits that its proposed acquisition of the Senior Notes is not disadvantageous to the Fund and is consistent with the provisions, policies, and purposes of the Act. The Fund's investment policy restricts it to investment in long-term obligations and preferred stocks which are purchased directly from issuers and which have "equity features." Applicant represents that the Senior Notes, whose terms were primarily determined by Royal and Aetna, lack such equity features and are therefore not appropriate investments for the Fund. Applicants state that the proposed sale of the Senior Notes to it is in no way connected with the sale of the Outstanding Royal Securities to the Fund and Applicant in 1972 other than by virtue of the fact that Applicant established a relationship with Royal at that time through the acquisition of the Outstanding Royal Securities. Although the Subordinated Notes will be subordinate in right of payment to the Senior Notes, Applicant submits that the proposed investment by it will not be disadvantageous to the Fund because Royal will be receiving significant new value in consideration for issuing the Senior Notes. Applicants further submit that, if it does not purchase the Senior Notes, Royal will not be restricted from selling the Senior Notes to other investors to which the Subordinated Notes held by the Fund would also be subordinate in right of payment.

Applicant believes that the Senior Notes would be an attractive investment and submit that it will be disadvantaged if not permitted to acquire a portion of the Senior Notes. Accordingly, Applicant requests an order pursuant to Section 17(d) of the Act and Rule 17d–1 thereunder permitting it to acquire $2,000,000 in principal amount of the Senior Notes, notwithstanding the prior ownership by it and the Fund of the Outstanding Royal Securities.

Notice is further given that any interested person may, not later than May 13, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address set forth above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following May 13, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-9989 Filed 4-30-74;8:45 am]

[70-5399]

MIDDLE SOUTH UTILITIES, INC., ET AL.

Proposed Acquisition by Holding Company of Common Stock of Newly Organized System Generating Company; Acquisition of Generating Facilities; and Related Agreements for Financing, Construction and Operation

APRIL 25, 1974.

Notice is hereby given that Middle South Utilities, Inc., Two Eighty Park Avenue, New York, New York 10017 ("MSU"), a registered holding company, its principal operating subsidiaries, Arkansas Power & Light Company ("AP&L"), Arkansas-Missouri Power & Light Company ("ARK-MO"), Louisiana Power & Light Company ("LP&L"), Mississippi Power & Light Company ("MP&L") and New Orleans Public Service, Inc. ("NOPSI"), and Middle South Energy Inc. ("MSEI"), a newly organized company within the middle South System, have filed a joint application-declaration, and amendments thereto, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating Sections 6(a), 7, 9, 10 and 12 of the Act and Rules 50 (a)(2) and (a)(3) thereunder as applicable to the proposed transactions, which are summarized below.

MSU and its principal operating subsidiary companies ("System operating companies") currently have in effect plans to install substantial amounts of new generating capacity to satisfy anticipated power needs of existing and expected new customers. As a part of the overall system planning program, MP&L has undertaken the engineering and related work in connection with the Grand Gulf Project ("Project"), a two-unit nuclear generating plant with an aggregate capacity of 2,500,000 KW, to be constructed at Port Gibson, Mississippi, in MP&L's operating area, at an estimated cost of $1,227 million. Estimated completion dates for the two units are 1980 and 1982, respectively.

It is stated that, because of the size and cost of the Project relative to MP&L's current installed capability and total capitalization, it is not considered feasible for MP&L to undertake the ownership and financing of the Project. Accordingly, MSEI was organized in February, 1974 as an Arkansas corporation, to be a wholly-owned subsidiary of MSU and to construct and own electric generating facilities for the MSU System. It will operate solely as an electric generating company supplying power to the System operating companies under the terms and conditions of a System Agreement dated April 16, 1973 (described below) among the System operating companies. MSEI's authorized capital consists of 1,000,000 shares of no-par-value common stock. As an initial step in its activities MSEI will acquire the Project from MP&L as more fully described below.

Specifically, MSU, MSEI, and the System operating companies propose the following transactions: (i) MSEI will issue and sell, and MSU will purchase, 40,000 shares of MSEI's no-par common

stock for a total cash consideration of $40 million; (ii) MSEI will acquire the Project from MP&L pursuant to a sales agreement ("Sales Agreement"); (iii) MSEI and MSU will enter into an agreement ("Capital Funds Agreement"), pursuant to which MSU will undertake to furnish or cause to be furnished to MSEI sufficient capital for construction of the Project and for related purposes; (iv) MSEI and the System operating companies will enter into an agreement ("Availability Agreement") whereby, in consideration of MSEI's commitments thereunder, the System operating companies will (if payments under the System Agreement are insufficient) undertake to pay MSEI's total operating expenses as defined and shut-down costs, if any, associated with the Project; (v) MSEI will enter into an agreement ("Bank Loan Agreement") with Manufacturers Hanover Trust Company, as agent, and other banks ("Banks"), pursuant to which MSEI will borrow up to $447 million on its unsecured promissory notes ("Notes"); and (vi) MSEI and MP&L will enter into an agreement ("Service Agreement") whereby MP&L will undertake to design, construct, operate and maintain the Project in behalf of MSEI.

The Capital Funds Agreement provides that in addition to the initial $40 million of MSEI's common stock to be purchased by MSU, the latter will thereafter supply or cause to be supplied to MSEI (i) such amounts of equity capital as may be required from time to time in order to maintain the equity portion of MSEI's total capitalization at not less than 35%, and (ii) such amounts of capital as MSEI may require to complete construction of the Project, to permit activation and commercial operation thereof, and to pay in full at maturity all notes issued by MSEI under the Bank Loan Agreement. Total capitalization is defined as outstanding capital stocks of all classes plus surplus plus outstanding indebtedness for borrowed money (other than short-term debt) including revenue bond financing, if any, with respect to pollution control facilities relating to the Project. MSEI will apply the proceeds from these sources to acquire the Project from MP&L and to the construction and related costs of the Project.

Under the Bank Loan Agreement, the Banks named therein will make loans to MSEI from time to time as needed through December 31, 1979 up to the aggregate commitment of $447 million. The related Notes will be dated as of the date of issuance; will mature December 31, 1982; and will bear interest through March 31, 1977 (payable quarterly) at a rate per annum equal to 110 percent of the sum of ¼ of 1 percent plus the commercial loan rate ("MHTCO rate") charged by Manufacturers Hanover Trust Company from time to time on 90-day loans to its most responsible and substantial corporate customers, and thereafter at an annual rate equal to 110 percent of the sum of ½ of 1 percent plus the MHTCO rate. MSEI will pay quarterly a commitment fee of ½ of 1 percent on the daily average unused portion of the Banks' commitments; and MSEI may at any time cancel or reduce such commitments. MSEI may at its option prepay the Notes in whole or in part without penalty at any time. The Bank Loan Agreement further provides, among other things, (1) corresponding to the provision contained in the Capital Funds Agreement, that MSEI shall maintain its equity capital at not less than 35 percent of total capitalization; and (2) that initial loans to be made by the Banks are conditioned upon the prior sale of MSEI's common stock to MSU for the cash consideration of $40 million, and MSEI's acquisition of the Project from MP&L. It is expected that compensating balances of 5 percent will be required in connection with borrowings from the Banks. On that basis, and assuming an MHTCO rate of 10 percent per annum, MSEI's effective cost of the borrowings would be 11.87% through March 31, 1977, and 12.15 percent thereafter (exclusive of commitment fees). The proposed sale of $40 million of common stock and the $447 million bank commitment comprise the initial phase of MSEI's financing program in respect to the Project. Additional financing will be required to meet construction costs and to refund the Bank loans. Any such additional financing will be the subject of further filings with the Commission.

The Sales Agreement between MSEI and MP&L provides that MSEI shall pay, at closing, an amount equal to the original cost of each item of the Project property as reflected on MP&L's books of account at the date of closing. At December 31, 1973, such amount was approximately $19.6 million. The property may be conveyed subject to the lien of MP&L's Mortgage and Deed of Trust, dated September 1, 1944, as supplemented, but MP&L is obligated to secure a release therefrom within 60 days of the closing date. MP&L will also undertake to have transferred to MSEI all regulatory consents and approvals heretofore obtained by MP&L in respect of the Project.

Under the existing System Agreement, previously referred to, the System operating companies which have excess generating capacity sell the available excess to the other System operating companies. The purchasers agree to pay to the sellers sufficient amounts to cover the latters' related operating expenses, fixed charges on debt and a fair rate of return (presently 11.6%) on related equity investment. The proposed Availability Agreement provides, among other things, that MSEI will join in the System Agreement on or before the date when Unit No. 1 of the Project is placed in operation; that MSEI will make available to such operating companies under the terms of the System Agreement all power available at the Project and at such other generating units as may be designated by the parties; and that for MSEI's undertakings pursuant to the Availability Agreement, the System operating companies will pay to MSEI, commencing with the earlier of December 31, 1982 (whether or not the Project is then in operation) or the date on which the first unit is placed in operation, such amounts as (when added to any amounts received by MSEI under the System Agreement or otherwise) will be at least equal to (1) MSEI's operating expenses as defined (including such expenses as might be incurred by MSEI for maintenance and surveillance of either or both units in the event of permanent shut-down thereof), (2) interest charges, and (3) depreciation at the rate of 3.65% per annum. Amounts, if any, payable under the Availability Agreement will be apportioned among the System operating companies in accordance with the terms of that agreement. It is stated that the existing System Agreement has been accepted for filing with the Federal Power Commission (Docket No. E-8130); that the FPC has ordered the revision of certain service schedules thereunder; and that in order to permit participation by MSEI in the System Agreement, an amendment thereto will be filed with the FPC at an appropriate time.

The Service Agreement between MSEI and MP&L provides that following MSEI's acquisition of the Project pursuant to the Sales Agreement, MP&L will proceed with the design, construction, maintenance, and operation of the Project on behalf of MSEI. In that connection, MP&L will furnish all required labor and material in compliance with applicable standards, including those of the Atomic Energy Commission ("AEC"); will amend its application for construction permits previously filed with the AEC (Docket Nos. 50-416 and 50-417) to include MSEI as an applicant; and will use its best efforts to assist MSEI in obtaining such other consents and permits as may be necessary. MSEI will be directly liable for and pay directly the costs and expenses of non-affiliated persons, and will reimburse MP&L monthly the latter's actual costs (including overheads) for the next succeeding month of rendering such services, determined in accordance with regulatory authority having jurisdiction. The Service Agreement will be terminable by either party upon notice.

A statement of the fees and expenses (including fees of the Banks' special counsel) paid or incurred or to be paid or incurred will be supplied by amendment. It is stated that in addition to the Federal Power Commission's jurisdiction over MSEI's participation in the System Agreement, previously mentioned, a certificate of public convenience and necessity must be obtained from the Mississippi Public Service Commission prior to commencement of construction of the Project, and that MP&L and MSEI must obtain appropriate waivers, licenses, consents or permits of the AEC in connection with construction and operation thereof. It is further stated that no other State or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 20, 1974, request in writing that a hearing be held on such matter, stating

the nature of his interest, the reasons for such request, and the issues of fact or law raised by said application-declaration, as amended, which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request should be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon the applicants-declarants at the above-stated address, and proof of service (by affidavit or, in case of an attorney-at-law, by certificate) should be filed with the request. At any time after said date, the application-declaration, as amended, or as it may be further amended, may be granted and permitted to become effective as provided in Rule 23 of the General Rules and Regulations promulgated under the Act, or the Commission may grant exemption from such rules as provided in Rules 20(a) and 100 thereof or take such other action as it may deem appropriate. Persons who request a hearing or advice as to whether a hearing is ordered will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Corporate Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-9990 Filed 4-30-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

SMALL BUSINESS INVESTMENT COMPANY NATIONAL ADVISORY COUNCIL

Notice of Meeting

A meeting of the Small Business Administration Small Business Investment Company (SBIC) National Advisory Council will be held at 9 a.m. Tuesday, May 7, 1974, in Room 1003 of the SBA Central Office Building, 1441 L Street, NW., Washington, D.C. There will be a discussion of regulations and other matters which members may bring up.

JOHN JAMESON,
Director, Office of Advisory Councils, Small Business Administration.

APRIL 26, 1974.

[FR Doc.74-10003 Filed 4-30-74;8:45 am]

TARIFF COMMISSION

[332-70]

DRAFT CONVERSION OF TSUS INTO FORMAT OF BRUSSELS TARIFF NOMENCLATURE

Notice of Hearings on Certain Chapters

The U.S. Tariff Commission hereby gives notice that preliminary drafts of the following chapters of the Tariff Schedules of the United States (TSUS) converted to the format of the Brussels Tariff Nomenclature (BTN):

Chapter 6: Live trees and other plants; bulbs, roots and the like; cut flowers and ornamental foliage.
Chapter 9: Coffee, tea, maté and spices.
Chapter 18: Cocoa and cocoa preparations.
Chapter 24: Tobacco.
Chapter 67: Prepared feathers and down and articles made of feathers or of down; artificial flowers; articles of human hair; fans.
Chapter 73: Iron and steel and articles thereof.
Chapter 94: Furniture and parts thereof; bedding, mattresses, mattress supports, cushions and similar stuffed furnishings.
Chapter 95: Articles and manufactures of carving or molding material.
Chapter 98: Miscellaneous manufactured articles.
Chapter 99: Works of art, collectors' pieces, and antiques.

are being released today and that public hearings thereon will begin at 10 a.m., e.d.t., on May 28, 1974, in the Hearing Room of the Tariff Commission Building, 8th and E Streets, NW., Washington, D.C. The purpose of this hearing is to obtain the comments and views of interested parties on the preliminary draft conversion.

Requests to appear at the hearings on these chapters must be filed in writing with the Secretary of the Commission not later than May 20, 1974. Parties who have properly entered an appearance by this date will be individually notified of the date on which they are scheduled to appear. Such notice will be sent as soon as possible after May 20, 1974. Any person who fails to receive such notification by May 23, 1974, should immediately communicate with the Office of the Secretary of the Commission.

In its public notice issued March 8, 1974, regarding hearings on other chapters of the draft converted schedules (39 FR 9719 of March 13, 1974) interested parties were notified regarding the rules governing the conduct of the hearings, and the submission of written statements. The Commission's notice of March 8, 1974, applies to the hearings on the chapters being released today to the extent that it is applicable.

As each of the chapters is completed and released, copies thereof are made available for public inspection at the offices of the Commission in Washington, D.C. and New York, N.Y.; at all field offices of the Department of Commerce. The locations of these offices are listed in the notice of March 8, 1974.

Issued: April 26, 1974.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-9955 Filed 4-30-74;8:45 am]

[337-L-71]

CERTAIN EYE TESTING INSTRUMENTS INCORPORATING REFRACTIVE PRINCIPLES

Extension of Time for Submission of Information

Notice is hereby given that the date for submission of information by interested persons which is pertinent to the preliminary inquiry instituted in the above matter has been extended from April 26, 1974 to June 26, 1974.

Issued: April 26, 1974.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-9956 Filed 4-30-74;8:45 am]

[337-35]

CERTAIN HYDRAULIC TAPPETS

Notice of Investigation, Scope of Investigation and Hearing

A complaint was filed with the Tariff Commission on May 10, 1973, on behalf of Johnson Products, Inc., of Muskegon, Michigan, alleging unfair methods of competition and unfair acts in the importation and sales of certain hydraulic tappets which are embraced within the claims of U.S. Patents No. 3,358,658, Re. 25,974 and Re. 25,154. On July 29, 1973, Johnson Products, Inc., filed a supplemental complaint alleging unfair methods of competition and unfair acts in the importation and sale of certain hydraulic tappets employing the nonfunctional markings of tappets marketed by Johnson Products. The complainant alleges that the effect or tendency of the unfair methods or acts is to destroy or substantially injure an industry, efficiently and economically operated, in the United States in violation of the provisions of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Welles manufacturing Corporation, PRC Company, and Power Industries, Inc., each located in Northvale, New Jersey, have been named as importers and distributors of the subject products. Having conducted, in accordance with section 203.3 of the Commission's Rules of Practice and Procedure (19 CFR 203.3), a preliminary inquiry with respect to the matters alleged by the said complainant, the United States Tariff Commission, on April 24, 1974, ordered:

That for the purposes of section 337 of the Tariff Act of 1930, an investigation is instituted with respect to the alleged violations in the importation and sale in the United States of certain hydraulic tappets made in accordance with the claims of U.S. Patents No. 3,358,658, Re. 25,974 and Re. 25,154 with nonfunctional markings employed by the complainant, Johnson Products, Inc.

That a public hearing be held on June 10, 1974, at 10 a.m., e.d.t., in the Hearing Room, U.S. Tariff Commission Building, 8th and E Streets NW., Washington, D.C. All parties concerned will be afforded an opportunity to be present, to produce evidence, and to be heard concerning the subject matter of the investigation. Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission, in writing, at least five days in advance of the opening of the hearing.

Public notice of the receipt of the complaint and initiation of the preliminary inquiry was published in the FEDERAL REGISTER on June 19, 1973 (38 FR 16002).

Notice of an extension of time for filing written views was published in the FEDERAL REGISTER on August 3, 1973 (38 FR 20958). The complaint and supplemental complaint were served upon the named parties and all known interested parties and have been available for inspection by interested persons continually since issuance of the notice of preliminary inquiry, at the Office of the Secretary, located in the U.S. Tariff Commission Building and in the New York City office of the Commission, located in Room 437 of the Customhouse.

Issued: April 25, 1974.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-9957 Filed 4-30-74;8:45 am]

[337-33]

CERTAIN DISPOSABLE CATHETERS AND CUFFS THEREFOR

Notice of Hearing

Notice is hereby given that the United States Tariff Commission will hold a public hearing in connection with investigation No. 337-33, Certain Disposable Catheters and Cuffs Therefor, on May 8, 1974, at 10 a.m., e.d.t., in the Hearing Room of the U.S. Tariff Commission Building, 8th and E Streets NW., Washington, D.C., for the purpose of allowing complainants opportunity to show cause why the complaint should not be dismissed and the investigation terminated. Requests from interested parties for appearances at the hearing should be received by the Secretary of the Tariff Commission, in writing, at his office in Washington, D.C. 20436, not later than noon, Friday, May 3, 1974.

Notice of the institution of the investigation and the ordering of a public hearing for October 9, 1973 (subsequently postponed) was published in the FEDERAL REGISTER on August 15, 1973 (38 FR 22083). Notice of the postponement of the hearing was published in the FEDERAL REGISTER on September 19, 1973 (38 FR 26244). Notice of the public hearing held on March 12, 1974, was published in the FEDERAL REGISTER on February 7, 1974 (39 FR 3821). Notice of the resumption of the public hearing held April 23, 1974, was published in the FEDERAL REGISTER on March 18, 1974 (39 FR 10193).

Issued: April 25, 1974.

By order of the Commission.

KENNETH R. MASON,
Secretary.

[FR Doc.74-9958 Filed 4-30-74;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

EMPLOYMENT OF APPRENTICES

Special Certificates

Effective May 1, 1974, the Fair Labor Standards Amendments of 1974 increase the minimum wage required by section 6 of the Fair Labor Standards Act from $1.60 to $2.00 an hour for employees engaged in commerce, the production of goods for commerce, and many activities affecting commerce. The new rates effective May 1, 1974 are $1.90 an hour for employments of the type newly covered by the 1966 and 1974 Amendments, except for agricultural employees, for whom the new rate is $1.60 an hour.

There are "apprenctices" employed under "registered apprenticeship agreements" (as those terms are defined in § 521.2 of Part 521) pursuant to certificates issued by my authorized representatives (§ 521.6 of Part 521) at rates less than the new rates under section 6 of the Act which become effective on May 1, 1974. These outstanding special certificates remain in full force and effect in accordance with the terms and conditions under which they were issued (29 CFR Part 521).

There are also many "apprentices" employed under "registered apprenticeship agreements" and many veterans employed under approved apprentice-training programs that provide for wages at or above the currently applicable minimum rate of $1.60 but below the minimums which will become effective on May 1, 1974. The Act does not require certification for such employment prior to May 1, 1974. As a matter of policy, it is considered to be in the public interest to permit continued employment under such agreements.

Pursuant to section 14 of the Fair Labor Standards Act (52 Stat. 1062, as amended; 29 U.S.C. 214), Reorganization Plan No. 6 of 1950 (3 CFR 1949-53 Comp., p. 1004), and Secretary Orders 13-71 and 15-71 (36 FR 8755 and 8756), I have concluded that, effective May 1, 1974, where the wage rate being paid is at least $1.60 an hour (or, in Puerto Rico, the Virgin Islands, and American Samoa, not less than the wage order rate in effect on April 30, 1974) in accordance with either (a) an "apprenticeship agreement" registered prior to May 1, 1974, with a "recognized apprenticeship agency", or (b) an apprenticeship training agreement entered into prior to May 1, 1974, under a training program approved by a State veterans' approving agency pursuant to the Viet Nam Era Veterans' Readjustment Assistance Act of 1972, such an agreement together with this notice shall constitute a special certificate authorizing the employment at subminimum wages.

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

WARREN D. LANDIS,
Acting Administrator,
Wage and Hour Division.

[FR Doc.74-9924 Filed 4-30-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice 498]

ASSIGNMENT OF HEARINGS

APRIL 26, 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 112520 Sub 273, McKenzie Tank Lines, Inc., now assigned June 3, 1974, in Room 305, 1252 West Peachtree St. NW., Atlanta, Ga.

MC-C-7346, Gulf Transport Co. A Corporation—Investigation of Practices, now assigned June 3, 1974, will be held in Room 345, Federal Building, 1800 5th Ave. North, Birmingham, Ala.

MC-99610 Sub 15, Ross Neely Express, Inc., now assigned June 4, 1974, will be held in Room 345, Federal Building, 1800 5th Ave. North, Birmingham, Ala.

MC-138870 Sub 1, Mobile Truck Control, Inc., now assigned June 5, 1974, will be held in Room 345, Federal Building, 1800 5th Ave. North, Birmingham, Ala.

MC-126305 Sub 52, Boyd Brothers Transportation Co., Inc., now assigned June 10, 1974, will be held in the Department of Labor Conference Room, 2nd Floor, 908 South 20th Street, Birmingham, Ala.

MC-C-8033, Baggett Transportation Co. V. Dowa Motor Freight, Inc., et al, now assigned June 12, 1974, will be held in the Department of Labor Conference Room 2nd Floor, 908 South 20th Street, Birmingham, Ala.

MC 80430 Sub-126, Gateway Transportation Co., Inc., is continued to June 10, 1974, in the Riviera Hyatt House, 1630 Peachtree St. NW., Atlanta, Ga.

MC-217 Subs 16 & 17, Point Transfer, Inc., MC-13569 Sub 27 & 30, The Lake Shore Motor Freight Co., MC-14552 Sub 50, J. V. McNicholas Transfer Co., & MC-138286 Sub 2, John F. Scott Co., now assigned May 13, 1974, at Pittsburgh, Pa., is postponed to June 10, 1974 (2 weeks), in Room 1112, Tax Court, New Federal Building, 1000 Liberty Ave., Pittsburgh, Pa.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-9936 Filed 4-30-74;8:45 am]

[I.C.C. Order 123-A; Rev. S.O. 994]

BURLINGTON NORTHERN, INC.

Rerouting or Diversion of Traffic

Upon further consideration of I.C.C. Order No. 123 (Burlington Northern, Inc.) and good cause appearing therefor:

It is ordered, That:

I.C.C. Order No. 123 be, and it is hereby, vacated and set aside.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad

Association; and that it be filed with the Director, Office of the Federal Register.

Issued at Washington, D.C., April 18, 1974.

INTERSTATE COMMERCE COMMISSION,
R. D. PFAHLER,
Agent.

[FR Doc.74-9943 Filed 4-30-74;8:45 am]

[Ex Parte 241, Rule 19, Exemption 68]

ILLINOIS CENTRAL GULF RAILROAD CO.

Exemption Under Mandatory Car Service Rules

It appearing, that because of flood conditions there is an immediate need for shipments of ballast and other track materials for rehabilitation of roadbed at various points on the lines of the Illinois Central Gulf Railroad Company in Alabama, Louisiana and Mississippi; that shippers located on that line in Kentucky and Illinois are able to produce and load sufficient quantities of ballast and other track material; that sufficient gondola cars of suitable ownership are not available on the Illinois Central Gulf Railroad Company to enable it to load these emergency shipments of ballast and other track material; and that compliance with Car Service Rules 1 and 2 would prevent the Illinois Central Gulf Railroad Company from supplying sufficient cars to meet these emergency requirements.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the Illinois Central Gulf Railroad Company is authorized to accept empty and to move, place, and accept from connections and shippers plain gondola cars with inside length than 61 ft. 0 in. or less, loaded with ballast or other track material by shippers located on its lines in Kentucky and Illinois, and consigned to the Illinois Central Gulf Railroad Company for emergency track repairs at points in Alabama, Louisiana and Mississippi loaded with ballast for movement on its lines without regard to the provisions of Car Service Rules 1 and 2.

Effective April 15, 1974.

Expires April 30, 1974.

Issued at Washington, D.C., April 15, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-9939 Filed 4-30-74;8:45 am]

[Ex Parte 241, Rule 19, Exemption 69]

LOUISVILLE & NASHVILLE RAILROAD CO.

Exemption Under Mandatory Car Service Rules

It appearing, that there is an emergency movement of military supplies from Ft. Estill, Kentucky, to Leland, North Carolina; that the originating carrier has insufficient system cars of suitable dimensions immediately available for loading with this traffic; that sufficient cars of other ownerships having suitable dimensions are available on the lines of the originating carrier and on its connections; and that compliance with Car Service Rules 1 and 2 would prevent the timely assembly and use of such cars.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the Car Service Division of the Association of American Railroads is authorized to direct the movement to the Louisville and Nashville Railroad Company, the railroads designated by the Car Service Division are authorized to move to, and the Louisville and Nashville Railroad Company is authorized to accept, assemble, and load not to exceed one hundred (100) empty cars with military supplies from Ft. Estill, Kentucky, to Leland, North Carolina, regardless of the provisions of Car Service Rules 1(b), 2(c), 2(d), or 2(e).

Effective April 17, 1974.

Expires April 30, 1974.

Issued at Washington, D.C., April 17, 1974.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-9940 Filed 4-30-74;8:45 am]

[Notice 35]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

APRIL 26, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100.247 of the Commissions' Rules of Practice, published in the Federal Register, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 6607 (Sub-No. 12) (REPUBLICATION), filed May 11, 1973, and published in the FR issue of July 12, 1973, and republished this issue. Applicant: J. J. MINNEHAN, INC., P.O. Box 433, Scarborough, Maine 04074. Applicant's representative: Frederick T. O'Sullivan, 622 Lowell Street, Peabody, Mass. 01960. An Order of the Commission, Operating Rights Board, dated April 10, 1974, and served April 23, 1974, finds, that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of (1) *corn products and blends of corn products with other sweeteners*, in bulk, in tank vehicles, and (2) *sugar and blends of sugar with other sweeteners*, from Boston, Mass., to points in (a) New Hampshire, Vermont, and Rhode Island, (b) that part of Maine bounded by a line beginning at the junction of U.S. Highway 2 and the Maine State-New Hampshire line and extending in any easterly direction along U.S. Highway 2 to Norridgewock, Maine, thence in a northerly direction along Alternate U.S. Highway 201 to junction U.S. Highway 201, thence along U.S. Highway 201 to Bingham, Maine Highway 43, thence along the along Maine Highway 16 through Milo and La Grange, Maine, to junction Maine Highway 43 ,thence along the western shore of the Penobscot River and Penobscot Bay to Atlantic Ocean to the Maine-New Hampshire State Line, and thence along the Maine-New Hampshire State line to the point of beginning, and (c) that part of Connecticut on and east of a line beginning at the junction of Connecticut Highway 159 and the Connecticut-Massachusetts State Line and extending in a southerly direction along Connecticut Highway 159 to Hartford, Conn., thence in a southerly direction along Interstate Highway 91 to the junction of Interstate Highway 91 and U.S. Highway 5, thence in a southerly direction along U.S. Highway 5 to New Haven, Conn., including points on the above-described boundary lines, under a continuing contract or contracts with Amstar Corporation, of New York, N.Y., and Revere Sugar Refinery of Charlestown, Mass., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder.

The purpose of this republication is to indicate that service by the applicant will include points on the described boundary line with respect to Connecticut as well as Maine. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 111729 (Sub-No. 404) (REPUBLICATION), filed September 4, 1973, and published in the FR issue of November 15, 1973, and republished this issue. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representa-

tive: John M. Delany (same address as applicant). An Order of the Commission, Operating Rights Board, dated March 29, 1974, and served April 15, 1974, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of (1) *exposed and processed film and prints, complementary replacement film, and incidental dealer handling supplies* (except motion picture film used primarily for commercial theatre and television exhibition), between Fargo, N. Dak., on the one hand, and, on the other, points in South Dakota; (2) *advertising materials* between Troy, N.Y., on the one hand, and, on the other, Darien, Greenwich, and Norwalk, Conn.; and (3) *business papers, records, and audit media* (except cash letters), (a) between Findlay, Ohio, on the one hand, and, on the other, Fort Wayne and Indianapolis, Ind., Champaign, Ill., Louisville, Ky., and Lansing, Mich.; (b) between Chicago, Ill., on the one hand, and, on the other, Genoa and Gypsum, Ohio; (c) between Atlanta, Ga., on the one hand, and, on the other, points in Tennessee, Florida, Mississippi, and Virginia; (d) between Indianapolis, Ind., and Youngstown, Ohio; (e) between Peoria, Ill., on the one hand, and, on the other, points in Missouri, Ohio, and West Virginia; and (f) between Chicago, Ill., on the one hand, and, on the other, points in Iowa, that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a Certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 76 (Sub-No. 3) (NOTICE OF FILING OF PETITION TO MODIFY A COMMODITY DESCRIPTION), filed April 5, 1974. Petitioner: MAWSON & MAWSON, INC., P.O. Box 125, Langhorne, Pa. 19047. Petitioner's representative: Richard C. McGinnis, 711 Washington Building, Washington, D.C. 20005. Petitioner holds a motor *common carrier* certificate in No. MC 76 (Sub-No. 3), issued December 5, 1974, authorizing transportation, over irregular routes, of *heavy machinery*, between New York, N.Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, and Rhode Island. By the instant petition, petitioner seeks to modify its commodity description to read: "commodities, the transportation of which because of size or weight requires the special handling or special equipment." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under Sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 C.F.R. 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 240 TO THE EXTENT APPLICABLE

No. MC 2202 (Sub-No. 459) (CLARIFICATION), filed February 6, 1974, published in the FR issue of March 27, 1974, and republished, in part, as clarified this issue. Applicant: ROADWAY EXPRESS, INC., 1077 Gorge Boulevard, Akron, Ohio 44309. Applicant's representative: William O. Turney, 2001 Massachusetts Ave., NW., Washington, D.C. 20036.

NOTE.—The purpose of this partial republication is to indicate that the reference to tacking in the previous publication should be deleted. Applicant indicates that it does intend to join the regular-route authority requested herein to its existing regular-route authority. This is a matter directly related to a Section 5 proceeding in No. MC–F–12129 published in the Federal Register issue of February 13, 1974. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La. or Washington, D.C.

No. MC 24379 (Sub-No. 39) (CLARIFICATION), filed March 7, 1974, published in the FR issue of April 3, 1974, and republished, in part, as clarified this issue. Applicant: LONG TRANSPORTATION COMPANY, a Corporation, 3755 Central Avenue, Detroit, Mich. 48210. Applicant's representative: A. Charles Tell, 100 East Broad Street, Columbus, Ohio 43215.

NOTE.—The purpose of this partial republication is to indicate that the reference to tacking in the previous publication should be deleted. Applicant indicates that it does intend to join the regular-route authority requested herein to its existing regular-route authority. The rest of the notice remains as previously published. This is a matter directly related to a Section 5 proceeding in No. MC–F–12165 published in the Federal Register issue of March 20, 1974. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 110325 (Sub-No. 57) (CLARIFICATION), filed December 27, 1973, published in the FR issues of April 4, 1974, and April 10, 1974, and in third publication, in part, this issue. Applicant: TRANSCON LINES, 101 Continental Boulevard, El Segundo, Calif. 90245. Applicant's representative: Wentworth E. Griffin, 1221 Baltimore Avenue, Kansas City, Mo. 64105.

NOTE.—The purpose of this partial republication is to indicate that the reference to tacking in the two previous publications should be deleted. Applicant indicates that it does intend to join the regular-route authority requested herein to its existing regular-route authority. The rest of the notice remains as previously published. This is a matter directly related to a Section 5 proceeding in No. MC–F–12091 published in the Federal Register issue of January 23, 1974. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC–F–12039. (Amendment) (TRANSPORT MOTOR EXPRESS, INC.—PURCHASE—MEYER MOTOR TRANSPORTATION CO.), published in the November 21, 1973, issue of the FEDERAL REGISTER on page 32190. Applicants seek to amend the application to substitute UNITED AIRCRAFT CORPORATION in lieu of ESSEX INTERNATIONAL, INC., as party in control.

No. MC–F–12201. Authority sought for control by BUFFACON, INC., a noncarrier, 1285 William St., Buffalo, NY 14206, of CONTAINER TRANSFER CORPORATION, 26 E. Oneida St., Oswego, NY 13126, and for acquisition by ARTHUR V. TRAVER, SR., and IRA G. ROSS, both of Buffalo, NY 14206, of control of CONTAINER TRANSFER CORPORATION, through the acquisition by BUFFACON, INC. Applicants' attorney: Robert D. Gunderman, Suite 710 Statler Hilton, Buffalo, NY 14202. Operating rights sought to be controlled: General commodities, with the usual exceptions, as a *common carrier* over irregular routes, between Buffalo, Rochester, Syracuse, Utica, Elmira, and Binghamton, N.Y., on the one hand, and, on the other, points in New York (except New York, N.Y., and those in Nassau, Suffolk, Rockland, Westchester, Orange, Putnam, Sullivan, Ulster, Dutchess, St. Lawrence, Franklin, Clinton, and Essex Counties), with restriction. BUFFACON, INC., holds no authority from this Commission. However, it is affiliated with FRONTIER DISTRIBUTION LINE, INC., 1285 William St., Buffalo, NY 14206, MC–119449, which is authorized to operate as a *common carrier* in New York and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12202. Authority sought for control and merger by C W TRANSPORT, INC., 610 High St., Wisconsin Rapids, WI 54494, of the operating rights and property of THE OVERLAND TRANSPORTATION COMPANY, 184 Massillon Rd., Akron, OH 44305, and for acquisition by ARTHUR CLARK, also of Wisconsin Rapids, WI 54494, of control of such rights and property through the transaction. Applicants' attorneys: Jack Goodman, 39 South La Salle St., Chicago, IL 60603, and Richard A. Chenoweth, 15th Floor Akron Center Bldg., 1 Cascade Plaza, Akron, OH. Operating rights sought to be controlled and merged: *General commodities*, with the usual ex-

ceptions, as a *common carrier* over regular routes, between Cleveland, Ohio, and Anderson, S.C., between Akron, Ohio, and Charleston, W. Va., between Akron, Ohio, and junction Ohio Highway 18 and U.S. Highway 21, located about 3 miles west of Akron, between Cleveland and Dover, Ohio, between Mount Airy, N.C., and junction U.S. Highway 601 and U.S. Highway 29, located at or near Salisbury, N.C., between Charlotte, N.C., and Morganton, N.C., between Charlotte, and Statesville, N.C., between junction U.S. Highway 29 and U.S. Highway located about 2 miles east of Kings Mountain, N.C., and Shelby, N.C., between Charlotte, and Kings Mountain, N.C., between Greenville, and Anderson, S.C., between Greenville, and Belton, S.C., between Charlotte, N.C., and Columbia, S.C., between Pineville, S.C., and junction South Carolina Highway 200 and U.S. Highway 21, located about 8 miles south of Fort Lawn, S.C., between Lancaster and Fort Lawn, S.C., between Rock Hill and Columbia, S.C., between Easley, and Greenville, S.C., between Mansfield, Ohio and junction Interstate Highway 71 and U.S. Highway 30, located about 6 miles of Mansfield, between Mansfield, Ohio and junction Interstate Highway 71 and Ohio Highway 13, located about 5 miles south of Mansfield, serving various intermediate and off-route points with restriction;

General commodities with the usual exceptions, over irregular routes, from Akron, Ohio, to Augusta and Banning, Ga., Danville, Jewell, and Wytheville, Va., and Bluefield and Princeton, W. Va., from Akron, Canton, Cleveland, Dover, Hartville, and Mansfield, Ohio, and points within five miles of Akron to points in North Carolina and South Carolina, from Banning, LaGrange, and Thomaston, Ga., Lynchburg, Va., and points in North Carolina and South Carolina, to points in Ohio, between Cleveland, Ohio, and points in Ohio, from Marietta, Ohio, to points in North Carolina and South Carolina, between Riverview and Marietta, Ohio, and points in Ohio within the commercial zones of each as defined by the Commission, on the one hand, and, on the other, points in Ohio; *granite*, from Elberton and Atlanta, Ga., to points in Ohio, with restriction. C W TRANSPORT, INC., is authorized to operate as a common carrier in Illinois, Indiana, Kentucky, Michigan, Ohio, Minnesota, Missouri, West Virginia, Wisconsin, Iowa, Pennsylvania, New York, New Jersey, Louisiana, Delaware, Nebraska, Kansas, North Dakota, South Dakota, Tennessee, Arkansas, Maryland, Mississippi, North Carolina, South Carolina, Virginia, Alabama, Florida, Georgia, Oklahoma, Texas, Maine, New Hampshire, Vermont, Rhode Island, Massachusetts, Connecticut, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12203. Authority sought for control and merger by CHEROKEE HAULING & RIGGING, INC., 540–42 Merritt Ave., Nashville, TN 37203, of the operating rights and property of HORNE HEAVY HAULING, INC., 1124 DeKalb Ave. NE., Atlanta, Ga. 30307, and for acquisition by M. BRYAN STANLEY, also of Nashville, TN 37203, of control of such rights and property through the transaction. Applicant's attorney: Paul M. Daniell, P.O. Box 872, Atlanta, GA 30301. Operating rights sought to be controlled and merged: *Machinery, equipment and supplies* used in the maintenance and operation of industrial plants, as a *common carrier* over irregular routes, between points within 175 miles of Chattanooga, Tenn., including Chattanooga; *general commodities*, with the usual exceptions, between points within 15 miles of Chattanooga, Tenn., including Chattanooga; *uncrated passenger and property carrying electric vehicles*, from Peachtree City and Atlanta, Ga., to points in the United States, except Alaska, Hawaii, North Dakota, South Dakota, Nebraska, New Mexico, Colorado, Wyoming, Montana, Idaho, Utah, Arizona, Nevada, California, Oregon, and Washington; and return with *damaged, defective, or used vehicles; self-propelled construction equipment* weighing 15,000 pounds or more, and *parts and attachments* for such commodities, from Chattanooga, Tenn., to points in the United States including Alaska, but excluding Hawaii, restricted to the transportation of shipments originating at the facilities of the Lorain Division, Koehring, Inc., and Koehring Southern Division, Koehring, Inc., both at Chattanooga, Tenn.; and *Conduit, pipe, and tubing and fittings*, and *shapes, forms, strips, rods*, and *wire* (except oilfield and pipeline commodities as defined by the Commission in *Mercer Extension Oilfield Commodities* 74 M.C.C. 459), as a *contract carrier* over irregular routes, from the storage facilities used by the Allied Tube and Conduit Corporation, and the Allied Rolled Form Products Corporation, at Atlanta, Ga., to points in Georgia, Alabama, Louisiana, Texas, Mississippi, Florida, Tennessee, Kentucky, North Carolina, and South Carolina; *fencing*, from Houston, Tex., to Atlanta, Ga., with restrictions. CHEROKEE HAULING & RIGGING, INC., is authorized to operate as a *common carrier* in all of the States in the United States except Hawaii. Application has been filed for temporary authority under section 210a(b).

NOTICE

On March 18, 1974, the Peoria Terminal Company, 139 West Van Buren Street, Chicago, Illinois, filed with the Interstate Commerce Commission an application, assigned Finance Docket No. 27606, for authority to acquire trackage rights over approximately 9.5 miles of trackage of the Peoria and Pekin Union Railway Company in Peoria and Tazewell Counties, Illinois. The application, filed in conjunction with an application for a Certificate of Public Convenience and Necessity, assigned Docket No. AB–93, permitting abandonment by the Peoria Terminal Company of a segment of line located on a bridge spanning the Illinois River, is to provide a substitute route for the traffic heretofore transported over the segment of line proposed to be abandoned. Applicant's operation of the trackage rights sought would be essentially the same as heretofore performed over the segment sought to be abandoned. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Applicant's attorney is James E. Sykes, General Attorney, Chicago, Rock Island and Pacific Railroad Company, 139 West Van Buren Street, Chicago, Illinois 60605. Applicant states that the relief sought in the applications would have no discernible effect on the quality of the human environment. In accordance with the Commission regulations (49 C.F.R. 1100. 250) in Ex Parte No. 55 (Sub-No. 4), *Implementation-National Environmental Policy Act, 1969*, 340 ICC 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4) supra, Part (b)(1)–(5), 340 ICC 431, 461. Any protest submitted shall be filed with the Commission no later than thirty days from the date of first publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–9938 Filed 4–30–74;8:45 am]

[Notice 59]

MOTOR CARRIER TEMPORARY AUTHORITY APPLICATIONS

APRIL 24, 1974.

The following are notices of filing of application, except as otherwise specifically noted, each applicant states that there will be no significant effect on the quality of the human environment resulting from approval of its application, for temporary authority under section 210a(a) of the Interstate Commerce Act provided for under the new rules of Ex Parte No. MC–67, (49 CFR Part 1131) published in the FEDERAL REGISTER, issue of April 27, 1965, effective July 1, 1965. These rules provide that protests to the granting of an application must be filed with the field official named in the FEDERAL REGISTER publication, within 15 calendar days after the date of notice of the filing of the application is published in the FEDERAL REGISTER. One copy of such protests must be served on the applicant, or its authorized representative, if any, and the protests must certify that such service has been made. The protests must be specific as to the service which such protestant can and will offer, and must consist of a signed original and six (6) copies.

A copy of the application is on file, and can be examined at the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., and also in field office to which protests are to be transmitted.

MOTOR CARRIERS OF PROPERTY

No. MC 19945 (Sub-No. 43 TA), filed April 15, 1974. Applicant: BEHNKEN TRUCK SERVICE, INC., Route 13, New Athens, Ill. 62264. Applicant's representative: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis, Mo. 63101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silico Manganese Ore*, in bulk, in dump vehicles, from St. Louis Terminals Corporation, St. Louis, Mo., to Atchison, Kans., for 180 days. SUPPORTING SHIPPER: Cliff G. Pearson, General Traffic Manager, 100 Erie View Plaza, 26th Floor, Cleveland, Ohio, 44114. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Leland Office Bldg., Room 414, 527 East Capitol Avenue, Springfield, Ill. 62701.

No. MC 35831 (Sub-No. 3 TA), filed April 12, 1974. Applicant: E. A. HOLDER, INC., 2004 Polk Street, Wichita Falls, Tex. 76309. Applicant's representative: Billy R. Reid, 6108 Sharon Road, Fort Worth, Tex. 76116. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel bar joists and accessories, anchors, bridging, bolts and nuts*, when moving in mixed shipments with steel bar joists, from the plant site of Vulcraft Division of Nucor Corporation at or near Grapeland, Tex., to points in Arkansas, Arizona, Louisiana, New Mexico, and Oklahoma, for 180 days. SUPPORTING SHIPPER: Vulcraft Division of Nucor Corporation, P.O. Box 186, Grapeland, Tex. 75844. SEND PROTESTS TO: H. C. Morrison, Sr., District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 9A27 Federal Building, 819 Taylor St., Fort Worth, Tex. 76102.

No. MC 50069 (Sub-No. 487 TA), filed April 12, 1974. Applicant: REFINERS TRANSPORT & TERMINAL CORPORATION, 445 Earlwood Avenue, Oregon, Ohio 43616. Applicant's representative: Jack A. Gollan (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Neon gas*, in bulk, in tank vehicles, between Riverton, N.J., and Batavia, Ill., for 180 days. SUPPORTING SHIPPER: National Accelerator Laboratory, Batavia, Ill. SEND PROTESTS TO: Keith D. Warner, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 313 Federal Office Building, 234 Summit Street, Toledo, Ohio 43604.

No. MC 51658 (Sub-No. 10 TA) (CORRECTION), filed March 11, 1974, published in the Federal Register issue of March 26, 1974, as No. MC 105656 (Sub-No. 6 TA) and republished as corrected this issue. Applicant: TOM PASQUALE, doing business as PASQUALE TRUCKING COMPANY, 905 Erie Avenue, Logansport, Ind. 46947. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages*, from St. Paul, Minn., to Logansport, Ind., and (2) malt beverage empty containers, from Logansport, Ind., to St. Paul, Minn., for 180 days. SUPPORTING SHIPPER: D'Andrea Distributing Co., Inc., 421 High Street, Logansport, Ind. 46947. SEND PROTESTS TO: J. H. Gray, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 345 West Wayne Street, Room 204, Fort Wayne, Ind. 46802.

NOTE.—The purpose of this republication to change the number to No. MC 51658 (Sub-No. 10 TA) in lieu of No. MC 105656 (Sub-No. 6 TA) which was published in the Federal Register in error.

No. MC 107295 (Sub-No. 710 TA), filed April 15, 1974. Applicant: PRE-FAB TRANSIT CO., a Corporation, 100 South Main Street, P.O. Box 146, Farmer City, Ill. 61842. Applicant's representative: Bruce J. Kinnee (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building board*, from Meridian, Miss., to Baton Rouge and New Orleans, La., for 180 days. SUPPORTING SHIPPER: Maurice Ray Knight, Traffic Manager, The Flintkote Company, P.O. Box 1551, Meridian, Miss. 39301. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Leland Office Building, Room 414, 527 East Capitol

No. MC 111401 (Sub-No. 413 TA), filed April 11, 1974. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Pascagoula, Miss., to points in Kansas, Oklahoma, and Texas, for 180 days. SUPPORTING SHIPPER: Phillips Petroleum Company, Inc., 151 Phillips Building Annex, Bartlesville, Okla. 74004, Vernon E. Brady, Transportation Analyst. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240—Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 111401 (Sub-No. 414 TA), filed April 15, 1974. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Blvd., P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Victor R. Comstock (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Tulsa, Okla., to Atlanta, Dalton, Hartwell, Oakland City, and Tucker, Ga., for 180 days. SUPPORTING SHIPPER: G. D. Kelley, Mgr., Motor Carrier Rates & Services, Sun Oil Co. of Pennsylvania, Box 2039, Tulsa, Okla. 74102. SEND PROTESTS TO: C. L. Phillips, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 240–Old P.O. Bldg., 215 NW. Third, Oklahoma City, Okla. 73102.

No. MC 112750 (Sub-No. 311 TA), filed April 12, 1974. Applicant: PUROLATOR COURIER CORP., 2 Nevada Drive, Lake Success, N.Y. 11040. Applicant's representative: John M. Delany (same address as above). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents, written instruments* (except currency and negotiable securities) as are used in the business of banks and banking institutions, from Lake Success, N.Y., to Toms River, N.J., for 90 days. SUPPORTING SHIPPER: First State Bank, 1201 Rt. 37, Toms River, N.J., SEND PROTESTS TO: Anthony D. Giaimo, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 26 Federal Plaza, New York, N.Y. 10007.

No. MC 113908 (Sub-No. 319 TA), filed April 15, 1974. Applicant: ERICKSON TRANSPORT CORPORATION, 2105 East Dale Street, P.O. Box 3180 Glenstone Station, Springfield, Mo. 65804. Applicant's representative: B. B. Whitehead (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar, vinegar stock, and vinegar stock concentrate*, in bulk, from Kansas City, Mo. and Memphis, Tenn., to Terre Haute, Ind., for 180 days. SUPPORTING SHIPPER: Speas Company, 2400 Nicholson Avenue, Kansas City, Mo. 64120. SEND PROTESTS TO: John V. Barry, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Building, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 115162 (Sub-No. 289 TA), filed April 16, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal fireplaces and components*, from points in Madison and Limestone Counties, Ala., to points in Madison County, La., for 180 days. SUPPORTING SHIPPER: Fireside Distributor, Inc., 2225 Broadway, Anderson, Ind. 46012. SEND PROTESTS TO: Clifford W. White, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Room 1616—2121 Building, Birmingham, Ala. 35203.

No. MC 115162 (Sub-No. 290 TA), filed April 16, 1974. Applicant: POOLE TRUCK LINE, INC., P.O. Drawer 500, Evergreen, Ala. 36401. Applicant's representative: Robert E. Tate (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tractors, agricultural implements, farm machinery, and industrial and con-*

struction machinery, and equipment, and parts and attachments for tractors, agricultural implements, farm machinery, and industrial and construction machinery and equipment, lawn and garden equipment with parts and attachments, from Coldwater, Ohio, to points in Alabama, Arkansas, Florida, Georgia, North Carolina, Louisiana, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Missouri, for 180 days. RESTRICTION: Restricted to traffic originating at the plant sites and warehouses of AVCO New Idea Farm Equipment Div., AVCO Distributing Corp., and destined to points in the states specified or to points in foreign commerce. SUPPORTING SHIPPER: Avco New Idea Farm Equipment Division, Avco Distributing Corporation, First and Sycamore Streets, Coldwater, Ohio 45828. SEND PROTESTS TO: Clifford W. White, District Supervisor, Bureau of Operations, Interstate Commerce Commission, Room 1616—2121 Building, Birmingham, Ala. 35203.

No. MC 117119 (Sub-No. 500 TA), filed April 16, 1974. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., P.O. Box 188, Elm Springs, Ark. 72728. Applicant's representative: L. M. McLean (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepared flour and icing mixes* (except in bulk), from the plantsite of Chelsea Milling Co. at Chelsea, Mich., to points in Oklahoma and Texas, for 180 days. SUPPORTING SHIPPER: Chelsea Milling Company, Chelsea, Mich. 48118. SEND PROTESTS TO: District Supervisor William H. Land, Jr., Interstate Commerce Commission, Bureau of Operations, 2519 Federal Office Building, 700 West Capitol, Little Rock, Ark. 72201.

No. MC 119669 (Sub-No. 46 TA), filed April 15, 1974. Applicant: TEMPCO TRANSPORTATION, INC., 546 South 31A, P.O. Box 886, Columbus, Ind. 47201. Applicant's representative: Donald McCameron (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *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 the plantsite and facilities of John Morrell & Co., Amarillo, Tex., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, for 180 days. SUPPORTING SHIPPER: John Morrell & Co., 208 S. LaSalle Street, Chicago, Ill. 60604. SEND PROTESTS TO: District Supervisor James W. Habermehl, Interstate Commerce Commission, Bureau of Operations, 802 Century Bldg., 36 S. Penn. St., Indianapolis, Ind. 46204.

No. MC 119880 (Sub-No. 59 TA), filed April 16, 1974. Applicant: DRUM TRANSPORT, INC., Off.: 617 Chicago Street, P.O. Box 2056, East Peoria, Ill. 61611. Applicant's representative: B. N. Drum (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flavored syrups*, in bulk, in tank vehicles, from ports of entry between the United States and Mexico located at or near Laredo, Tex., to Humboldt, Tenn.; New Orleans, La.; Jacksonville, Fla.; Modesto, Calif.; and points in Texas, for 180 days. SUPPORTING SHIPPER: Mr. Francisco Garcia Palacio, Delicias Tropicales S.A., Apartado Postal No. 653, Nuevo Laredo, Tamaulipas, Mexico. SEND PROTESTS TO: District Supervisor Richard K. Shullaw, 219 S. Dearborn Street, Room 1086, Interstate Commerce Commission, Bureau of Operations, Everett McKinley Dirksen Building, Chicago, Ill. 60604.

No. MC 123048 (Sub-No. 305 TA), filed April 15, 1974. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 5021 21st Street, P.O. Box A, Racine, Wis. 53406. Applicant's representative: Carl S. Pope (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements, equipment, and accessories*, from Pella, Iowa, to the United States/Canada border crossings in North Dakota and Minnesota, restricted to shipments originating at the facilities of Vermeer Manufacturing Company at or near Pella, Iowa, for 180 days. SUPPORTING SHIPPER: Vermeer Manufacturing Co., P.O. Box 200, Pella, Iowa 50219, (Sam De Haan, Traffic Manager). SEND PROTESTS TO: District Supervisor John E. Ryden, Interstate Commerce Commission, Bureau of Operations, 135 West Wells Street, Room 807, Milwaukee, Wis. 53203.

No. MC 123075 (Sub-No. 25 TA), filed April 12, 1974. Applicant: SHUPE & YOST, INC., North U.S. 85 Bypass, P.O. Box 1123, Greeley, Colo. 80631. Applicant's representative: Stuart L. Poelman, 7th Floor, Continental Bank Building, Salt Lake City, Utah 84101. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt and salt products*, from the plantsite of Great Salt Lake Mineral & Chemical Corporation located near Little Mountain, Utah, to points in Nebraska and South Dakota on and west of U.S. Highway 83, under continuing contract with Carey Salt Company of Hutchinson, Kans., for 180 days. SUPPORTING SHIPPER: Carey Salt Divison of Interpace Corporation, P.O. Box 1728, Hutchinson, Kans. 87501. SEND PROTESTS TO: District Supervisor Roger L. Buchanan, Interstate Commerce Commission, Bureau of Operations, 2022 Federal Building, Denver, Colo. 80202.

No. MC 123115 (Sub-No. 10 TA), filed April 15, 1974. Applicant: BEN PACKER, doing business as PACKER TRANSPORTATION CO., 465 South Rock Boulevard, Sparks, Nev. 89431. Applicant's representative: Ben Packer (same address as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber and wood products*, from points in Lyon County, Nev., to points in Arizona, California, Colorado, Idaho, Montana, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington and Wyoming for 180 days. SUPPORTING SHIPPERS: Sundown Timber Company, P.O. Box 265, Silver Springs, Nev. 89429; Sundown Sales Corp., P.O. Box 265, Silver Springs, Nev. 89429; and Union Forest Products, 735 South Sutter, Stockton, Calif. 95203. SEND PROTESTS TO: District Supervisor Robert G. Harrison, Interstate Commerce Commission, Bureau of Operation, Room 203 Federal Building, 705 North Plaza St., Carson City, Nev. 89701.

No. MC 124692 (Sub-No. 135 TA), filed April 15, 1974. Applicant: SAMMONS TRUCKING, a Corporation, P.O. Box 1447, Missoula, Mont. 59801. Applicant's representative: James B. Hovland, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery, parts and attachments*, from Aberdeen, S. Dak., to points in Montana, Nebraska, North Dakota, and Wyoming, restricted to the transportation of traffic originating at the facilities of Farmhand, Inc., for 180 days. SUPPORTING SHIPPER: Farmhand, Inc., 201 South 3rd St., Hopkins, Minn. 55343. SEND PROTESTS TO: Paul J. Labane, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Rm. 222 U.S. Post Office Building, Billings, Mont. 59101.

No. MC 126140 (Sub-No. 5 TA), filed April 15, 1974. Applicant: TRANSPETRO, INC., P.O. Box 124, Wood River, Ill. 62095. Applicant's representative: William M. Cox, Jr., 16 W. Lorena Ave., Wood River, Ill. 62095. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Road oil and asphalt*, in bulk, in tank vehicles, from Morrisonville, Ill., to points in Missouri, for 180 days. SUPPORTING SHIPPER: E. V. Linder, President, Louis Marsch, Inc., Morrisonville, Ill. 62456. SEND PROTESTS TO: Harold C. Jolliff, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Leland Office Building, Room 414, 527 East Capitol Avenue, Springfield, Ill. 62701.

No. MC 134592 (Sub-No. 7 TA), filed April 16, 1974. Applicant: HERB MOORE AND HAZEL MOORE, doing business as H & H TRUCKING CO., 10360 N. Vancouver Way, Portland, Oreg. 97217. Applicant's representative: Philip Skofstad, 3076 E. Brunside, Portland, Oreg. 97214. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer* (except in bulk, in tank vehicles) from the International Boundary line between the United States and Canada at or near Blaine and Sumas, Wash., to points in Washington west of U.S. Highway 97, for

180 days. SUPPORTING SHIPPER: Nulife Fertilizers, Division of Hygrade Food Products Corp., Box 883, 1424 Thorne Rd., Tacoma, Wash. 98401. SEND PROTESTS TO: District Supervisor W. J. Huetig, Interstate Commerce Commission, Bureau of Operations, 114 Pioneer Courthouse, Portland, Oreg. 97204.

No. MC 135072 (Sub-No. 6 TA), filed April 16, 1974. Applicant: HEATER TRUCKING, INC., Mail: 6887 Versailles Road, Box 122, North Evans, N.Y. 14112, and 505 Como Park Blvd., Buffalo, N.Y. 14225. Applicant's representative: William J. Hirsch, Suite 1125, 43 Court Street, Buffalo, N.Y. 14202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt*, in bulk and *equipment* utilized in the application of asphalt, for the account of Allied Bitumens, Inc., between points in Allegany, Cattaraugus, Chautauqua, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Steuben, Wayne, and Wyoming Counties, N.Y., and Bradford Cameron, Clarion, Crawford, Elk, Erie, Jefferson, Lycoming, McKean, Potter, Tioga, Venango, and Warren Counties, Pa., for 90 days. SUPPORTING SHIPPER: Allied Bitumens, Inc., 505 Como Park Boulevard, Buffalo, N.Y. 14227. SEND PROTESTS TO: George M. Parker, District Supervisor, Bureau of Operations, Interstate Commerce Commission, 612 Federal Building, 111 West Huron Street, Buffalo, N.Y. 14202.

No. MC 135535 (Sub-No. 5 TA) (CORRECTION), filed March 21, 1974, published in the FEDERAL REGISTER issue of April 4, 1974, and republished as corrected this issue. Applicant: EL DORADO TRANSPORTATION, INC., 206 North Concord, Minneapolis, Kans. 67467. Applicant's representative: Clyde N. Christey, 641 Harrison Street, Topeka, Kans. 66603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Travel trailers*, between plant site and/or storage facilities of El Dorado Industries, Inc., at or near Minneapolis, Kans., on the one hand and points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia, on the other, under a continuing contract with El Dorado Industries, Inc., of Minneapolis, Kans., for 180 days.

NOTE.—Applicant does not intend to tack with present authority or interline with other carriers.

SUPPORTING SHIPPER: El Dorado Industries, Inc., R.R. 2—P.O. Box 266, Minneapolis, Kans. 67467. SEND PROTESTS TO: Thomas P. O'Hara, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 234 Federal Building, Topeka, Kans. 66603.

NOTE.—The purpose of this republication is to add the states of New Hampshire, New Jersey, New York, Nebraska, Missouri, and North Carolina.

No. MC 136816 (Sub-No. 2 TA), filed April 16, 1974. Applicant: THE UNIVERSE COMPANY, INC., 3523 L. Street, Omaha, Nebr. 68107. Applicant's representative: Donald L. Stern, 530 Univac Bldg., 7100 West Center Road, Omaha, Nebr. 68106. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts, and articles distributed by meat packinghouses*, as described in Sections A & C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except hides and commodities in bulk), from Omaha, Nebr., to points in Indiana, Ohio, and that part of Pennsylvania on and west of U.S. Highway 219, for 180 days. SUPPORTING SHIPPERS: Union Packing Co., Carl Frolm, President, 4501 South 36th Street, Omaha, Nebr. 68107; Flavorland of Sioux City, J. E. Deloss, Traffic Manager, 1911 Cunningham Drive, Sioux City, Iowa 51107; and Wilson & Co., Inc., A. N. Brent, Manager Transportation, 4545 Lincoln Blvd., Oklahoma City, Okla. 73105. SEND PROTESTS TO: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operations, Suite 620, Union Pacific Plaza Building, 110 North 14th Street, Omaha, Nebr. 68102.

No. MC 138557 (Sub-No. 4 TA), filed April 1, 1974. Applicant: WALT KEITH TRUCKING, INC., Route #1, P.O. Box 30, Rushville, Mo. 64484. Applicant's representative: Patrick E. Quinn, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, 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 commodities in bulk, in tank vehicles), from the plantsite of World Wide Meats at or near Denison, Iowa, to points in Indiana, Ohio, Pennsylvania, New York, New Jersey, Massachusetts, Michigan, Connecticut, Utah, Missouri, Nebraska, Minnesota, California, Wyoming, Oregon, Florida, Illinois, and the District of Columbia, for 180 days. RESTRICTION: The operations authorized herein are limited to a transportation service to be performed under a continuing contract or contracts, with World Wide Meats, Inc. of Denison, Iowa. SUPPORTING SHIPPER: World Wide Meats, Inc., P.O. Box 257, Denison, Iowa 51442. SEND PROTESTS TO: Vernon V. Coble, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 600 Federal Office Buildig, 911 Walnut Street, Kansas City, Mo. 64106.

No. MC 139697 (Sub-No. 1 TA), filed April 16, 1974. Applicant: EDWARD BRUCE WAGONER, doing business as DELIGHT TRANSPORTATION COMPANY, Route 1, Box 12301, Kingsville, Md. 21087. Applicant's representative: Morton E. Kiel, Suite 6193, 5 World Trade Center, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by a manufacturer of garden tractors and *materials, supplies and equipment* used in the conduct of such business, under a continuing contract with Wheel Horse Products, Inc., (1) from South Bend, Ind., to Charlotte, N.C., Etters and Leetsdale, Pa., Richmond, Va., Minneapolis, Minn., Columbus, Ohio, Chamblee, Ga., West Springfield, Mass., and North Kansas City, Mo.; and (2) from Carlisle, Pa., Ames, Iowa, and Jefferson City, Mo., and points in Wisconsin, to South Bend, Ind., for 180 days. SUPPORTING SHIPPER: Mr. James Brown, Distribution Manager, Wheel Horse Products, Inc., 515 West Ireland Road, South Bend, Ind. 46614. SEND PROTESTS TO: William L. Hughes, District Supervisor, Interstate Commerce Commission, Bureau of Operations, 814–B Federal Building, Baltimore, Md. 21201.

No. MC 139701 TA, filed April 15, 1974. Applicant: KENNETH L. BERGNER AND JAMES DAWDY, doing business as J. D. CARTAGE SERVICE, 720 18th Street, Sioux City, Iowa 51105. Applicant's representative: Bradford E. Kistler, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Grain storage systems and materials* used in the construction and erection of grain storage systems, from Mansfield, Ohio, to points in Kansas, Nebraska, and points in Iowa located west of U.S. Highway 63 and (2) *Damaged or rejected shipments of commodities* referred to (1) above, from points in Kansas, Nebraska and points in Iowa located west of U.S. Highway 63, to Mansfield, Ohio for 180 days. RESTRICTION: Restricted against transportation of commodities in bulk and further restrictions to a transportation service to be performed under a continuing contract or contracts with Farm Automation, Inc., Beatrice, Nebr. SUPPORTING SHIPPER: Farm Automation, Inc., James L. Hays, President, Route 4, Beatrice, Nebr. 68310. SEND PROTESTS TO: Carroll Russell, District Supervisor, Interstate Commerce Commission, Bureau of Operation, Suite 620, Union Pacific Plaza Building, 110 North 14th Street, Omaha, Nebr. 68102.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-9937 Filed 4-30-74;8:45 am]

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

CHARLES M. RUSSELL WILDLIFE RANGE

Amended Notice of Hearing

The Notice of Public Hearing to discuss wilderness recommendations for Charles M. Russell National Wildlife Range, published in the Federal Register on April 17, 1974, is hereby amended to indicate the continuance of the public hearing at 9 a.m. May 29, at V.F.W. Hall, Jordan, Montana.

The hearing record will remain open until June 28, 1974.

LYNN A. GREENWALT,
Director, Bureau of Sport Fisheries and Wildlife.

APRIL 30, 1974.

ED HASTEY,
Acting Director, Bureau of Land Management.

[FR Doc. 74-10143 Filed 4-30-74;11:01 am]

Geological Survey

EARTHQUAKE STUDIES ADVISORY PANEL

Notice of Public Meeting

Pursuant to Public Law 92-463, effective January 5, 1973, notice is hereby given that an open meeting of the Earthquake Studies Advisory Panel will be held beginning at 8:30 a.m. (local time) on Thursday, June 6, 1974, and continuing through Friday, June 7, 1974. The Advisory Panel will meet in the Director's Conference Room, U.S. Geological Survey, National Center, 12201 Sunrise Valley Drive, Reston, Virginia 22092.

(1) *Purpose.* The Advisory Panel was appointed to advise the Geological Survey on earthquake plans and programs which are conducted in cooperation with universities, industry, and other Federal and State government agencies in a coordinated national program for earthquake research.

(2) *Membership.* The Advisory Panel is chaired by Prof. Frank Press and is currently composed of the following members: Prof. Clarence R. Allen, Prof. Ray W. Clough, Prof. C. Martin Duke, Prof. Charles Fairhurst, Prof. David T. Griggs, Prof. Richard H. Jahns, Prof. Leon Knopoff, Dr. F. Beach Leighton, Rev. William V. Stauder, S.J., Prof. Karl V. Steinbrugge, Prof. Gilbert White, and Prof. Robert V. Whitman.

(3) *Agenda.* Review of progress on development of a national program of eatrhquake hazards reduction and formulation of long-range plans for earthquake research.

For more detailed information about the meeting, please call Dr. Robert M. Hamilton, Chief, Office of Earthquake Studies, Reston, Va. (703) 860-6472.

VINCENT E. MCKELVEY,
Director, U.S. Geological Survey.

[FR Doc.74-9891 Filed 4-30-74;8:45 am]

Bureau of Land Management

[CA 696]

CALIFORNIA

Order Providing for Opening of Public Lands; Correction

APRIL 24, 1974.

In FR Doc. 74-8946 appearing on page 13902 of the issue of Thursday, April 18, 1974, the following correction as to date should be made.

Date in second paragraph should read prior to 10 a.m., on May 1, 1974.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74-10084 Filed 4-30-74;8:45 am]

ASSISTANT DISTRICT MANAGER, PHOENIX DISTRICT, ARIZONA

Redelegation of Authority

The Assistant District Manager, Phoenix District, under the supervision of the District Manager, may exercise the authority of the District Manager as delegated in Part III, section 3, of Bureau Order No. 701, as amended.

Approved: April 22, 1974.

RILEY E. FOREMAN,
District Manager.

[FR Doc.74-9879 Filed 4-30-74;8:45 am]

[DES 74-49]

OUTER CONTINENTAL SHELF OFFSHORE LOUISIANA

Availability of Draft Environmental Impact Statement and of Public Hearing Regarding Possible Oil and Gas Lease Sale

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental impact statement relating to a possible Outer Continental Shelf general oil and gas lease sale of 295 tracts of submerged lands on the Outer Continental Shelf in the Gulf of Mexico offshore Louisiana.

Single copies of the draft environmental statement can be obtained from the Office of the Manager, Gulf of Mexico Outer Continental Shelf Office, Bureau of Land Management, Suite 3200, The Plaza Tower, 1001 Howard Avenue, New Orleans, Louisiana 70113, and from the Office of Public Affairs, Bureau of Land Management (130), Washington, D.C. 20240.

Copies of the draft environmental statement will also be available for public review in the main public libraries in the following cities: New Orleans, Lafayette, and Baton Rouge, Louisiana.

A composite map of the area of the Gulf of Mexico offshore Louisiana, upon which tracts being considered for leasing have been depicted and a listing of these tracts may also be obtained from either the Bureau of Land Management's Gulf of Mexico Outer Continental Shelf Office or the Office of Public Affairs, Bureau of Land Management at the above listed addresses.

In accordance with 43 CFR 3301.4, a public hearing will be held beginning at 9 a.m. on June 5, 1974, in the Delta Ballroom, Delta Towers Hotel, 1732 Canal Street, New Orleans, Louisiana 70112, for the purpose of receiving comments and suggestions relating to the possible lease sale.

The hearing will provide the Secretary with additional information from both the public and private sectors to help evaluate fully the potential effects of the possible offering of the 295 tracts on the total environment, aquatic resources, aesthetics, recreation and other resources in the entire area during the exploration, development and operation phases of the leasing program.

The hearing will also provide the Secretary, under section 102(2)(C) of the National Environmental Policy Act of 1969, with the opportunity to receive additional comments and views of interested state and local agencies.

Interested individuals, representatives of organizations and public officials wishing to testify at the hearing are requested to contact the Manager, Gulf of Mexico Outer Continental Shelf Office, Bureau of Land Management, at the above listed address by 4:15 p.m. May 30, 1974. Written comments from those unable to attend the hearing should be addressed to the Director (Attn: 732), Bureau of Land Management, U.S. Department of the Interior, Washington, D.C. 20240. The Department will accept written testimony and comments on the draft environmental statement until June 20, 1974. This should allow ample time for those unable to testify at the hearing to make their views known and for the submission of supplemental materials by those presenting oral testimony. Time limitations make it necessary to limit the length of oral presentations to ten minutes. An oral statement may be supplemented, however, by a more complete written statement which may be submitted to the hearing officer at the time of presentation of the oral statement. Written statements presented in person at the hearing will be considered for inclusion in the hearing record. To the extent that time is available after presentation of oral statements by those who have given advance notice, the hearing officer will give others present an opportunity to be heard.

After all testimony and comments have been received and analyzed a final environmental statement will be prepared.

CURT BERKLUND,
Director, Bureau of Land Management.

Approved: April 30, 1974.

WILLIAM W. LYONS,
Deputy Under Secretary of the Interior.

[FR Doc.74-10121 Filed 4-30-74;10:45 am]

Bureau of Mines

LIGNITE ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given that the Lignite Advisory Committee will meet May 9, 1974, from 9 a.m. to 4:30 p.m. at the U.S. Bureau of Mines Grand Forks Energy Research Laboratory, Grand Forks, North Dakota. The committee was established by the Secretary of the Interior under provisions of Public Law 454, 80th Congress (30 U.S.C. 404). Its purpose is to perform consultative functions, when required by the Secretary, in evaluating the operations of the Lignite Research Laboratory in the conduct of programs designed to fulfill the stated objectives of the Act. This meeting will be open to the public during which time a review will be made of current year progress and an evaluation of the planned activities for FY 1975. Persons desiring information concerning this meeting may contact: Gordon H. Gronhovd, Chief, Grand Forks Energy Research Laboratory, Telephone (701) 775-4207.

The agenda of the meeting is set forth below.

Dated: April 24, 1974.

THOMAS A. HENRIE,
Acting Director.

Agenda of the Lignite Advisory Committee Meeting, on May 9, 1974:

9:00 a.m.—Opening remarks.
9:15 a.m.—Approval of Minutes—1973 Meeting.
9:25 a.m.—Review of research program at Grand Forks during the year 1973.
9:40 a.m.—Outlook of research programs for Grand Forks for FY 1975.
10:10 a.m.—SO_2 removal by ash-alkali scrubbing.
10:30 a.m.—Electrostatic Precipitation.
10:40 a.m.—Combustion and ash fouling.
11:00 a.m.—Reclamation of spoil banks.
11:45 a.m.—Recess for lunch.
2:00 p.m.—Drying, handling, and storage of low-rank coal.
2:30 p.m.—Carbonization.
2:40 p.m.—Discussion and suggestions of Committee for future action.
3:15 p.m.—Concluding remarks.

[FR Doc.74-9892 Filed 4-30-74;8:45 am]

Office of Coal Research

GENERAL TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given, pursuant to Executive Order 11686, and as required by the Federal Advisory Committee Act (86 Stat. 770), that a meeting of the General Technical Advisory Committee of the Office of Coal Research will convene at 9 a.m., May 21, 1974, at the SeaTac Holiday Inn (near SeaTac International Airport), Room 747-A, Tacoma, Washington.

The Committee is composed of qualified technical representatives from industry and research organizations.

The following agenda items will be discussed, and the meeting will be open to the public:

Welcoming Remarks, by Dr. S. William Gouse, Acting Director, Office of Coal Research.
Presentation, by Member of Secretariat.
Status of OCR Staffing, by Dr. S. William Gouse.
National Fluidized Bed Program, by Mr. Wayne McCurdy (OCR), HUD, BOM, EPA, TVA, and EPRI.
Methanol from Coal, Proposed Action, by Dr. Alexander Mills, OCR.
Status Report on FMC "COED" Pilot Plant, Princeton, New Jersey;
Multi-Test Facility, Cresap, West Virginia;
BI-GAS Pilot Plant, Homer City, Pennsylvania;
IGT HYGAS Pilot Plant, Chicago, Illinois; and
CO_2 Acceptor Pilot Plant, Rapid City, South Dakota, Projects, Drs. Paul Yavorsky and Raymond Vener, OCR.
Request for Proposal (RFP) Procedures, by Dr. S. William Gouse.
HRI and Other New Projects, by Drs. Raymond Vener and Paul Yavorsky, OCR.
Pioneer and Demonstration Programs, by Dr. S. William Gouse.
General Discussion.

Records shall be kept of all proceedings of the General Technical Advisory Committee (and shall be available for public review at the Office of Coal Research, United States Department of the Interior, 2100 M Street NW., Washington, D.C. 20037).

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

Dated: April 23, 1974.

S. WILLIAM GOUSE,
Acting Director,
Office of Coal Research.

[FR Doc.74-9888 Filed 4-30-74;8:45 am]

Office of the Secretary

[INT FES 74-19]

PROPOSED GILA GRAVITY MAIN CANAL REHABILITATION AND BETTERMENT—GILA PROJECT, ARIZONA

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a final environmental statement for the proposed rehabilitation and betterment of the Gila Gravity Main Canal, a Gila Project facility located in Yuma County, Arizona. The proposed work would consist of rock excavation and benching, improvement and construction of access roads, and modification and construction of drainage inlet structures. The improvements are planned to permit continued operation of the canal at design capacity to sustain irrigation at present levels in the Gila and Yuma Auxiliary Project areas.

Copies of the environmental statement are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240. Telephone (202) 343-4991.
Division of Engineering Support, Technical Services and Publications Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225. Telephone (303) 234-3007.
Office of the Regional Director, Bureau of Reclamation, Nevada Highway and Park Street, Boulder City, Nevada 89005. Telephone (702) 293-8527.
Yuma Projects Office, Bureau of Reclamation, 3800 Avenue 3E, Yuma, Arizona 85364. Telephone (602) 726-2657.

Single copies of the statement may be obtained on request to the Commissioner of Reclamation or the Regional Director.

Dated: April 24, 1974.

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

[FR Doc.74-9886 Filed 4-30-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

ELECTRONIC INSTRUMENTATION TECHNICAL ADVISORY COMMITTEE

Notice of Meeting

The Electronic Instrumentation Technical Advisory Committee of the U.S. Department of Commerce will meet May 9, 1974 at 9:30 a.m. in Room 6705 of the Main Commerce Building, 14th and Constitution Avenue, N.W., Washington, D.C.

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

Agenda items are as follows:

1. Comments by the chairman.
2. Presentation of papers or comments by the public.
3. Discussion of committee objectives and tasks.
4. Executive session:
a. Review of, and comments on, preliminary survey by committee members.
b. Study assignments of specific product parameters.
c. Study assignments on foreign availability.

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

With respect to agenda item (4), "Executive session," the Assistant Secretary of Commerce for Administration, on April 25, 1974, determined, pursuant to Section 10(d) of Public Law 92-463, that this agenda item should be exempt from the provision of sections 10 (a)(1) and (a)(3), relating to open meetings and public participation therein, because the meeting will be concerned with matters listed in 5 U.S.C. 552(b)(1).

Further information may be obtained from Charles C. Swanson, Director, Operations Division, Office of Export Administration, Room 1620, U.S. Department of Commerce, Washington, D.C. 20230 (A/C 202-967-4196).

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

Dated: April 26, 1974.

RAUER H. MEYER,
Director, Office of Export Administration, Bureau of East-West Trade, U.S. Department of Commerce.

[FR Doc.74-9954 Filed 4-30-74;8:45 am]

National Oceanic and Atmospheric Administration

MARINE FISHERIES ADVISORY COMMITTEE AND JOINT NATIONAL ADVISORY COMMITTEE ON THE OCEANS AND ATMOSPHERE

Notice of Public Meetings

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C., Appendix I (Supp. II, 1972), notice is hereby given of the meeting of the joint National Advisory Committee on the Oceans and Atmosphere-Marine Fisheries Advisory Committee Subcommittee on the National Fisheries Plan on Monday, May 20, 1974, to be followed by the meeting of the Marine Fisheries Advisory Committee on Tuesday, Wednesday, and Thursday, May 21, 22, and 23, 1974. The meetings will commence at 2 p.m. on May 20, at 8:30 a.m. on May 21 and at 8 a.m. on May 22 and 23. Both meetings are to be held at the Department of Commerce Building, 14th Street between E and Constitution Avenue, NW., Washington, D.C., in Room 6802.

The items for discussion at the meetings will include the following:

NATIONAL FISHERIES PLAN SUBCOMMITTEE

MAY 20, 1974

2 p.m.—Review of Progress in development of the National Fisheries Plan.

MARINE FISHERIES ADVISORY COMMITTEE

MAY 21, 1974

8:30 a.m.—Role of NMFS in the State-Federal Program—Workshop.

MAY 22, 1974

8 a.m.—Introduction and Announcements.
8:45 a.m.—NMFS Organization.
9:15 a.m.—Fish Inspection.
10:15 a.m.—Report on Publication Costs.
10:45 a.m.—Law of the Sea Discussion.
12 noon—Lunch Break.
1:30 p.m.—Report of Fuel Situation.
2:15 p.m.—NMFS Program for Marine Recreational Fishing, Response to MAFAC Recommendations.
3:15 p.m.—Status of and Proposed Plans for Fish and Wildlife Coordination Act.
4:00 p.m.—Incidental Take of Marine Mammals in Connection with Commercial Fishing Operations.
4:30 p.m.—Adjourn for the day.

MAY 23, 1974

8:00 a.m.—Report on NMFS State-Federal Program Workshop.
9:00 a.m.—NMFS Policy on Gear Development Activities.
10:00 a.m.—National Fisheries Plan and the Eastland Resolution.
11:00 a.m.—Report on Conditional Fisheries.
12 noon—Lunch Break.
1:30 p.m.—Report on NMFS Enforcement and Surveillance Program.
2:30 p.m.—Report on High Seas Fisheries Conservation Act.
3:30 p.m.—Contingency Items to be discussed on a time-available basis, among which are:
a. Legislation Relating to Fisheries.
b. Further Report on Foreign Investment.
4:30 p.m.—Adjourn Meeting.

The meetings will be open to the public throughout.

Dated: April 23, 1974.

ROBERT M. WHITE,
Administrator, National Oceanic and Atmospheric Administration.

[FR Doc.74-9884 Filed 4-30-74;8:45 am]

National Technical Information Service

GOVERNMENT-OWNED INVENTIONS

Notice of Availability for Licensing

The inventions listed below are owned by the U.S. Government and are available for licensing in accordance with the licensing policy of each Agency-sponsor.

Copies of Patent applications, either paper copy (PC) or microfiche (MF), can be purchased from the National Technical Information Service (NTIS), Springfield, Virginia 22151, at the prices cited. Requests for copies of patent applications must include the PAT-APPL number and the title.

Paper copies of patents cannot be purchased from NTIS but are available from the Commissioner of Patents, Washington, D.C. 20231, at $0.50 each.

Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

U.S. ATOMIC ENERGY COMMISSION, Assistant General Counsel for Patents, Washington, DC 20545.

Patent 3,754,141: Shipping and Storage Container for High Power Density Radioactive Materials; filed 12 July 1972, patented 21 August 1973; not available NTIS.

Patent 3,760,225: High Current Plasma Source; filed 6 June 1972, patented 18 September 1973; not available NTIS.

DEPARTMENT OF THE AIR FORCE, AF/JACP, Washington, DC 20314.

Patent 3,424,578: Method of Producing Permanent Magnets of Rare Earth Metals Containing Co, or Mixtures of Co, Fe and Mn; filed 5 June 1967, patented 28 January 1969; not available NTIS.

Patent 3,706,608: Combustion Tailoring of Solid Propellants by Oxidizer Encasement; filed 24 March 1970, patented 19 December 1972; not available NTIS.

Patent 3,709,748: Ionic Interhalogen Oxidizing Agent and Method; filed 26 May 1970, patented 9 Januay 1973; not available NTIS.

Patent 3,712,142: Magnetic and Pressure Transducer; filed 17 November 1971, patented 23 January 1973; not available NTIS.

Patent 3,713,044: N2 Pumped Tunable Dye Laser; filed 17 May 1972, patented 23 January 1973; not available NTIS.

Patent 3,714,404: Birefringent Optical Correlator; filed 11 March 1970, patented 30 January 1973; not available NTIS.

Patent 3,714,561: Transducer for Measuring the Displacement of an Electrically Conductive Objective; filed 24 November 1970, patented 30 January 1973; not available NTIS.

Patent 3,715,759: Unfurlable Isotropic Antenna; filed 8 March 1970, patented 6 February 1973; not available NTIS.

Patent 3,716,410: Lithium Battery Electrolyte Additive and Method of Improving Discharge Rate; filed 27 September 1971, patented 13 February 1973; not available NTIS.

Patent 3,717,628: Method for the Preparation of 2,3-Dimethyl Aziridine. Filed 9 October 1970, patented 20 February 1973; not available NTIS.

Patent 3,718,398: Method of Aligning Laser Beam by Rotation; filed 29 April 1971, patented 27 February 1973; not available NTIS.

Patent 3,722,039: Plastic Zipper/Closure for Flexible Containers; filed 9 February 1971, patented 27 March 1973; not available NTIS.

Patent 3,722,875: Adjustable Suspension Unit; filed 29 April 1971, patented 27 March 1973; not available NTIS.

Patent 3,722,969: Ball and Roller Bearing Retainer Improvement for High Speed Operation; filed 4 January 1972, patented 27 March 1973; not available NTIS.

Patent 3,725,282: Passive Wake Quenching System Using Nonablating Material, Sulfur and a Solid Noble Gas Fluoride; filed 15 April 1971, patented 3 April 1973; not available NTIS.

Patent 3,725,737: Corona Discharge Electrode Structure for Electrofluid Dynamic Generator; filed 8 November 1971, patented 3 April 1973; not available NTIS.

Patent 3,725,798: Proton Maser Antenna tuning Means filed 3 September 1971, patented 3 April 1973; not available NTIS.

Patent 3,725,814: Apparatus for Locking the Frequency of a Laser to an Atomic Absorption Line; filed 10 September 1971, patented 3 April 1973; not available NTIS.

Patent 3,725,815: Photoelastic Mode-Locking of Q-Switched Lasers Using Birefringent Crystals; filed 10 January 1972, patented 3 April 1973; not available NTIS.

Patent 3,725,816: Fan Geometry Mixing Laser; filed 28 April 1972, patented 3 April 1973; not available NTIS.

Patent 3,725,827: High Coupling Low Diffraction Acoustic Surface Wave Delay Line; filed 17 May 1972, patented 3 April 1973; not available NTIS.

Patent 3,725,913: Microwave Sensitivity Time Control Circuit; filed 22 November 1971, patented 3 April 1973; not available NTIS.

U.S. DEPARTMENT OF AGRICULTURE, Chief, Research Agreements and Patent Mgmt. Branch, Federal Building, General Services Division, Agricultural Research Service, Hyattsville, Maryland 20782.

Patent application 395,025: Method of Chemically Inducing Lightwood Formation in Pine Trees; filed 7 September 1973, PC $4.00/MF $1.45.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets NW., Washington, DC 20240.

Patent 2,983,810: Photoflash Unit; filed 12 May 1958, patented 9 May 1961; not available NTIS.

Patent 2,991,421: Fish Guidance Direct Current Switching Devices; filed 19 November 1959, patented 4 July 1961; not available NTIS.

Patent 3,028,183: Sealed Ball Joint for Electrodes; filed 30 November 1959, patented 3 April 1962; not available NTIS.

Patent 3,054,295: Method and Apparatus for Determining Rate of Pressure Change; filed 26 June 1958, patented 18 September 1962; not available NTIS.

Patent 3,069,907: Magnetic Type Current Meter; filed 22 July 1960, patented 25 December 1962; not available NTIS.

Patent 3,075,900: Method for Separating Molybdenum from Tungsten by Electrolysis from a Fused Electrolyte Bath; filed 25 November 1960, patented 29 January 1963; not available NTIS.

Patent 3,078,997: Flotation Process for Concentration of Phenacite and Bertrandite; filed 24 February 1961, patented 26 February 1963; not available NTIS.

Patent 3,103,202: Method of Treating Oyster Shells and other Collectors to Diminish Predation; filed 31 May 1962, patented 10 September 1963; not available NTIS.

Patent 3,104,928: Bathkymograph; filed 29 March 1962, patented 24 September 1963; not available NTIS.

Patent 3,305,567: Nitrated Fatty Acid Esters; filed 22 July 1963, patented 21 February 1967; not available NTIS.

Patent 3,321,009: High Temperature Heat Exchange Using Liquid Metal; filed 1 June 1965, patented 23 May 1967; not available NTIS.

Patent 3,323,653: Multimembrane Apparatus for Demineralizing Liquids; filed 20 March 1963, patented 6 June 1967; not available NTIS.

Patent 3,323,857: Selective Extraction and Separation of Lanthanides with a Quaternary Ammonium Compound; filed 16 December 1965, patented 6 June 1967; not available NTIS.

Patent 3,329,265: Flotation of Mica: filed 18 August 1964, patented 4 July 1967; not available NTIS.

Patent 3,337,889: Mechanical Device for Cleaning the Interior of Large Aquarium Tanks; filed 11 March 1966, patented 29 August 1967; not available NTIS.

Patent 3,385,669: Method of Preparing Zirconium Carbide Fibers and the Product Thereof; filed 21 April 1965, patented 28 May 1968; not available NTIS.

Patent 3,390,985: Consolidation and Forming by High-Energy-Rate Extrusion of Powder Material; filed 10 August 1966, patented 2 July 1968; not available NTIS.

Patent 3,450,267: Porous Membrane Support: filed 28 August 1967, patented 17 June 1969; not available NTIS.

Patent 3,463,814: Chemical Cycle for Evaporative Water Desalination Plant; filed 24 March 1967, patented 26 August 1969; not available NTIS.

Patent 3,463,981: On-Off Servo Control for a Fluid Level Sensor Including a Differential Transformer Pickoff with Limit Override; filed 25 November 1966, patented 26 August 1969; not available NTIS.

Patent 3,464,502: Hydraulic-Drive Drilling; filed 6 November 1967, patented 2 September 1969; not available NTIS.

Patent 3,464,766: Stereo-Image Alternator System; filed 28 October 1966, patented 2 September 1969; not available NTIS.

Patent 3,466,189: Method for Improving Heat Transfer in Condensers; filed 2 September 1966, patented 9 September 1969; not available NTIS.

Patent 3,476,654: Multistage Flash Distillation with Scale Removal; filed 29 September 1967, patented 4 November 1969; not available NTIS.

Patent 3,477,942: Hydrocarbon Fuels from Coal or Any Carbonaceous Material; filed 28 July 1967, patented 11 November 1969; not available NTIS.

Patent 3,479,266: Inorganic Ion Exchange Membranes for Use in Electric Separatory Processes; filed 30 November 1967, patented 18 November 1969; not available NTIS.

Patent 3,479,267: Inorganic Ion Exchange Membranes for use in Electrical Separatory Processes; filed 30 November 1967, patented 18 November 1969; not available NTIS.

Patent 3,479,638: Beamforming in Seismic Surveying; filed 29 July 1968, patented 18 November 1969; not available NTIS.

Patent 3,482,635: Polyacrylamide Removal from Porous Media; filed 6 March 1967, patented 9 December 1969; not available NTIS.

Patent 3,483,649: Electrical Trawl Net System; filed 29 October 1968, patented 16 December 1969; not available NTIS.

Patent 3,518,448: Intermittent Timer Circuit; filed 13 February 1969, patented 30 June 1970; not available NTIS.

Patent 3,551,209: Formation of Skeletal Metal Solid Electrolyte Fuel Cell Electrodes; filed 21 May 1969, patented 29 December 1970; not available NTIS.

Patent 3,553,501: Ultrasonic Piezoelectric Transducer Cartridge; filed 16 February 1968, patented 5 January 1971; not available NTIS.

Patent 3,968,869: Preparation of Maps; filed 30 November 1956, patented 24 January 1961; not available NTIS.

Patent 3,974,184: Bundle Conductor Spacer; filed 19 August 1958, patented 7 March 1961; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA–Code GP–2, Washington, DC 20546.

Patent 3,730, 151: Evacuated Displacement Compression Molding; patented 18 December 1973; not available NTIS.

[FR Doc.74–9687 Filed 4–30–74;8:45 am]

GOVERNMENT-OWNED INVENTIONS

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Requests for licensing information should be directed to the address cited below for each agency.

DOUGLAS J. CAMPION,
Patent Program Coordinator, National Technical Information Service.

Patent application 338,728: Improved Air Generating Mechanism for an Aircraft Air Cushion Takeoff and Landing System; filed 7 March 1973; PC $5.00/MF $1.45.

Patent 3,747,558: Cross-Mounted Mask Changer with Thickness Monitoring; filed 3 November 1972, patented 24 July 1973; not available NTIS.

Patent 3,747,875: V/Stol Aircraft-by-Pass Engine Having a Double, Thrust Diverter Valve Assembly; filed 4 November 1971, patented 24 July 1973; not available NTIS.

Patent 3,748,892: High Precision Dilatometer; filed 18 April 1972, patented 31 July 1973; not available NTIS.

Patent 3,749,022: Two-Stage Arming Mechanism; filed 14 October 1971, patented 31 July 1973; not available NTIS.

Patent 3,749,914: Vehicle Attitude Sensor; filed 21 December 1970, patented 31 July 1973; not available NTIS.

Patent 3,749,963: Device to Aid in Centering of High Energy Electric Particle Beams in an Evacuated Drift Tube; filed 19 May 1970, patented 31 July 1973; not available NTIS.

Patent 3,750,013: Microstrip Plasma Probe; filed 21 October 1970, patented 31 July 1973; not available NTIS.

Patent 3,750,048: Window for High Power Gaseous Lasers; filed 17 May 1972, patented 31 July 1973; not available NTIS.

Patent 3,750,182: Suppressed Sidelobe Equal Beamwidth Millimeter Horn Antenna; filed 8 August 1972, patented 31 July 1973; not available NTIS.

U.S. DEPARTMENT OF AGRICULTURE, Chief, Research Agreements and Patent Mgmt. Branch, Federal Building, General Services Division, Agricultural Research Service, Hyattsville, Maryland 20782.

Patent application 272,812: Novel Process for the Preparation of Tris (Hydroxymethyl) Phospine and Tris (Hydroxymethyl) Phosphine oxide; filed 18 July 1972; PC $4.00/MF $1.45.

Patent application 288,813: N,N-BIS(2-(3-Carboalkoxypropionyloxy)Ethyl - Oleamides; filed 13 September 1972; PC $5.00/MF $1.45.

Patent application 293,748: Electrostatic Yarn Bulking; filed 29 September 1972; PC $4.00/MF $1.45.

Patent application 295,778: Process for Improving Abrasion Resistance of Resilient Fabrics; filed 6 October 1972, PC $4.00/MF $1.45.

Patent application 311,611: Dry-Structured Foams from Animal Hide Glues; filed 4 December 1972; PC $4.00/MF $1.45.

Patent application 348,801: N-Substituted Fatty Acid Amide Lubricants; filed 6 April 1973; PC $4.25/MF $1.45.

Patent application 376,973: Chicken Coop Unstacking Machine; filed 6 July 1973; PC $4.00/MF $1.45.

Patent application 382.793: Pyrolyzed Tall Oil Products as Synthetic Rubber Tackifiers; filed 26 July 1973; PC $4.00/MF $1.45.

Patent 3,676,207: Permanent Sizing of Yarns and Fibers with Durable Polymers and Copolymers for the Production of Fabrics with Improved Properties for Particular End Uses; filed 15 July 1970, patented 11 July 1972; not available NTIS.

Patent 3,707,024: Method for Electrostatically Bulking and Impregnating Staple Yarns; filed 31 March 1971, patented 26 December 1972; not available NTIS.

Patent 3,725,001: Phosphinidynetrimethanol Triacetate and Its Application to Cellulosic Materials; filed 21 August 1970, patented 3 April 1973; not available NTIS.

Patent 3,733,257: Radiation Initiated Process for the Graft Copolymerization of Binary Monomer Mixtures and Cellulose; filed 19 November 1971, patented 15 May 1973; not available NTIS.

Patent 3,746,644: N-Substituted Fatty Acid Amide Lubricants; filed 31 August 1971, patented 17 July 1973; not available NTIS.
Patent application 288,840: N-Benzyl-N-2-Acetoxyethyl-Oleamide; filed 13 September 1972; PC $5.00/MF $1.45.
Patent application 292,730: Electrostatic Yarn Bulking; Filed 29 September 1972; PC $4.00/MF $1.45.
Patent application 306,771: Process for Reacting Sultones with Cellulosic Materials to Produce Cellulosic Materials Having Both Basic and Acidic Groups; filed 15 November 1972; PC $4.00/MF $1.45.
Patent application 306,772: Production of Phosphorus and Nitrogen Containing Compounds and Polymers and Flameproofing Organic Textiles; filed 15 November 1972; PC $4.00/MF $1.45.
Patent application 315,731: Process for Increasing Receptivity to Fluroescent Whiteing Agents in Resin-Treated Cellulosic Textiles; filed 15 December 1972; PC $4.00/MF $1.45.
Patent application 315,753: Flame-Resistant Organic Textiles Through Treatment with Halogen Containing Soluble Methylol Phosphine Adducts; filed 15 December 1972; PC $4.00/MF $1.45.
Patent application 321,417: Removal of Free Formaldehyde from Solutions of Methylolated Carbamate Finishing Agents and Textiles Treated Therewith; filed 5 January 1973; PC $4.00/MF $1.45.
Patent application 328,205: Flame Retardant Polymers Made from Hydroxymethylphosphorus Compounds and Guanazoles and Process for Treating Organic Textiles; filed 31 January 1973; PC $4.50/MF $1.45.
Patent application 335,861: Preparation of Cellulose N,N-Dimethylformimidate Chloride in Textile Form, and Conversion to Halogenodeozycelluloses and Cellulose formate; filed 26 February 1973: PC $4.25/MF $1.45.
Patent application 376,971: Quarternary arylaminoalkyl Phosphonium Salts and Process for the Preparation Thereof; filed 6 July 1973; PC $4.00/MF $1.45.
Patent 3,732,256: Reduced Maleopimaric Acid and Process for its Preparation; filed 26 March 1971, patented 8 May 1973; not available NTIS.
Patent 3,745,835; Air Static Pressure and Temperature Measuring Device for Remote Locations in Stored Porous Material; filed 1 November 1971, patented 17 July 1973; not available NTIS.

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, National Institutes of Health, Chief, Patent Branch, Westwood Building, Bethesda, Maryland 20014.

Patent 3,784,467: Droplet Countercurrent Chromatography; filed 26 May 1971, patented 8 January 1974; not available NTIS.

U.S. DEPARTMENT OF THE INTERIOR, Branch of Patents, 18th and C Streets NW., Washington, D.C. 20240.

Patent 2,799,574: Electric Smelting Process for Manganese Ores; filed 10 February 1953, patented 16 July 1957; not available NTIS.
Patent 2,808,886: Selective Plugging of Gas-Injection Oil Wells in Oil Field Gas-Drive Projects; filed 8 July 1953, patented 8 October 1957; not available NTIS.
Patent 2,812,288: Destructive distillation of Hydrocarbonaceous Materials; filed 11 October 1950, patented 5 November 1957; not available NTIS.
Patent 2,817,885: Means for Orienting Diamonds in Hard Vector Directions in Diamond Bits and Tools; filed 10 November 1953, patented 31 December 1957; not available NTIS.
Patent 2,867,478: Pulsating Counter-Flow Feeder; filed 9 June 1958, patented 6 January 1959; not available NTIS.
Patent 2,882,328: Controler for Reculating the Resistance of a Melt; filed 12 November 1957, patented 14 April 1959; not available NTIS.
Patent 2,907,204: Improved Vane-Type Soil Testing Apparatus; filed 23 July 1956, patented 6 October 1959; not available NTIS.
Patent 2,960,771: Exaggeration Profile Plotter; filed 14 April 1958, patented 22 November 1960; not available NTIS.
Patent 3,008,802: Recrystallizing a Reconstituted Fluorine-Mica Sheet; filed 18 March 1957, patented 14 November 1961; not available NTIS.
Patent 3,022,842: Automatic Batch Weighing Device for Filling or Unloading; filed 19 December 1958, patented 27 February 1962; not available NTIS.
Patent 3,027,750: Apparatus for Studying Phase Relationships of Gases and Gas Mixtures; filed 24 February 1959, patented 3 April 1962; not available NTIS.
Patent 3,073,387: Method for Removal of Liquid and Solid Materials from Gas-Well Bores; filed 22 October 1959, patented 15 January 1963; not available NTIS.
Patent 3,109,872: Cooler and Humidifier for Subsoil Centrifuge; filed 29 August 1961, patented 5 November 1963; not available NTIS.
Patent 3,117,000: Activation of Inert or Passive Metals; filed 15 March 1962, patented 7 January 1964; not available NTIS.
Patent 3,126,327: Electrolytic Method for Extracting the Chromium Values from Chromium Oxide Bearing Ores; filed 4 December 1962, patented 24 March 1964; not available NTIS.
Patent 3,136,060: Device Isopachometer; filed 6 March 1961, patented 9 June 1964; not available NTIS.
Patent 3,136,627: Process and Apparatus for Selective Condensation of Metals; filed 11 June 1959, patented 9 June 1964; not available NTIS.
Patent 3,137,080: Vitavue Relief Model Technique; filed 16 March 1962, patented 16 June 1964; not available NTIS.
Patent 3,140,170: Magnesium Reduction of Titanium Oxides in a Hydrogen Atmosphere; filed 23 November 1962, patented 7 July 1964; not available NTIS.
Patent 3,149,006: Prevention of Embrittlement of Metals; filed 31 January 1963, patented 15 September 1964; not available NTIS.
Patent 3,174,857: Edge Isolation of Photographic Imagery; filed 25 June 1962, patented 23 March 1965; not available NTIS.
Patent 3,185,564: Method of Agglomerating Iron Ore Fines; filed 24 April 1964, patented 25 May 1965; not available NTIS.
Patent 3,192,912: Process for Separating the Rare Earth Elements by Means of Solvent Extraction; filed 9 August 1962, patented 29 June 1965; not available NTIS.
Patent 3,204,605: Live Fish Grading Apparatus; filed 29 July 1964, patented 7 September 1965; not available NTIS.
Patent 3,219,521: Method for Controlling Petromyzon Marinus; filed 11 April 1957, patented 23 November 1965; not available NTIS.
Patent 3,221,906: Sealing System for Blast Furnace Bells for High Pressure Top Operation; filed 11 February 1964, patented 7 December 1965; not available NTIS.
Patent 3,277,615: Air-Inflated Building Structure; filed 14 April 1964, patented 11 October 1966; not available NTIS.
Patent 3,287,920: Device for Securing a Plug in an Infusion Hole; filed 20 December 1961, patented 29 November 1966; not available NTIS.
Patent 3,302,701: Turbulence Promoter for Increased Heat and Mass Transfer; filed 19 October 1965, patented 7 February 1967; not available NTIS.
Patent 3,463,922: Mineral Ore Exploration Apparatus Utilizing Neutron Activation; filed 29 July 1966, patented 26 August 1969; not available NTIS.
Patent 3,482,637: Process and Method for Quenching Incipient Gas-Air Explosions; filed 20 October 1967, patented 9 December 1969; not available NTIS.
Patent 3,791,934: Helical Multistage Flash Distillation Unit; filed 9 August 1971; patented 12 Febuary 1974; not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, Assistant General Counsel for Patent Matters, NASA—Code GP–2, Washington, DC 20546.

Patent application 419,748: Strain Arrestor Plate; Filed 28 November 1973, PC $3.00/MF $1.45.
Patent application 428,992: Particulate and Solar Radiation Stable Coating for Spacecraft; filed 27 December 1973, PC $3.00/MF $1.45.
Patent application 437,556: Transparent Fire Resistant Polymeric Structures; filed 29 January 1974; PC $3.50/MF $1.45.
Patent 3,732,397: Inherent Redundancy Electric Heater, patented 8 May 1973; not available NTIS.
Patent 3,780,563: Insitu Transfer Standard for Utlrahigh Vacuum Gage Calibration; patented 25 December 1973; not available NTIS.
Patent 3,781,933: Modification of One Man Life Raft; patented 1 January 1974; not available NTIS.
Patent 3,782,205: Temperature Compensated Digital Inertial Sensor; patented 1 January 1974; not available NTIS.
Patent 3,782,698: Heater-Mixer for Stored Fluids; patented 1 January 1974; not available NTIS.
Patent 3,782,699: Bimetallic Fluid Displacement Apparatus; patented 1 January 1974. Not available NTIS.
Patent 3,7,82,835: Optical Instruments; patented 1 January 1974; not available NTIS.
Patent 3,783,250: Adaptive Voting Computer System; patented 1 January 1974; not available NTIS.

[FR Doc.74–9880 Filed 4–30–74;8:45 am]

Office of the Secretary

ROOM AIR CONDITIONERS

Voluntary Energy Conservation; Testing and Labeling

By notice published in the FEDERAL REGISTER January 31, 1974 (39 FR 3982), the Department of Commerce announced its intention of issuing a Voluntary Energy Conservation Specification, hereinafter referred to as "Specification," for room air conditioners in accordance with the Procedures for a Voluntary Labeling Program for Household Appliances and Equipment to Effect Energy Conservation, 15 CFR Part 9. A proposed Specification for room air conditioners was published in the same FEDERAL REGISTER and interested parties were afforded an opportunity to file written comments and suggestions.

Comments in response to the above referenced publication of the proposed Specification were received from sixteen sources and were reviewed and analyzed within the Department. A detailed analysis of the comments received has been prepared. A copy of this analysis is filed in the Central Reference and Records Inspection Facility, Room 7043,

Commerce Building, 14th Street between Constitution Avenue and E Street NW., Washington, D.C. 20230, and is available for public inspection at that location.

Modifications based on the analysis of comments received have been made in the proposed Specification. Such modifications were also the result of coordination with the Council on Environmental Quality and the Environmental Protection Agency. Based on these actions the final Specification for room air conditioners, as set forth below, is hereby issued as part of the Department of Commerce Voluntary Labeling Program for Household Appliances and Equipment to Effect Energy Conservation.

Effective date. Specifications issued under the Department of Commerce's Voluntary Labeling Program for Household Appliances and Equipment to Effect Energy Conservation shall normally become effective 30 days following the date of publication in the FEDERAL REGISTER unless for good cause shown it is found that an earlier or later date is in the public interest and the reason for such finding is published.

It is hereby found that good cause has been shown that an earlier effective date of this Specification is in the public interest. This finding is based on the fact that room air conditioners are a seasonal item and the selling season is now at hand. An additional 30-day delay could seriously impair the ability of those manufacturers desiring to voluntarily participate in the program to label their units for the forthcoming season. Also, in view of the current energy problem and the importance of resolving such problem at the earliest practicable date, the need for an early start with regard to this Specification for room air conditioners makes it essential that the effective date be set as early as possible lest not merely an additional 30 days be lost but that a full year may not be lost in light of the seasonal nature of this product.

Furthermore, no burden would be placed upon any manufacturer of room air conditioners if an earlier effective date were set for a Specification on such product since the program is voluntary and, under the Department's procedures, manufacturers may elect to commence their participation in this program upon the effective date of the issuance of a final Voluntary Energy Conservation Specification or at any time thereafter.

Accordingly, this Specification shall become effective on May 1, 1974.

Issued: April 29, 1974.

BETSY ANCKER-JOHNSON,
Assistant Secretary for Science and Technology.

VOLUNTARY ENERGY CONSERVATION SPECIFICATION NO. 1–74, FOR ROOM AIR CONDITIONERS

Sec.

1.0 Purpose.
2.0 Scope.
3.0 Definitions.
4.0 Product testing and rating.
5.0 Product labeling.
6.0 Use of program information in retail sales catalogs or in advertising.
7.0 Participation in program.
8.0 Termination of participation.
9.0 Use of program information by other than manufacturers.
10.0 Amendment.

Figure 1
Figure 2

Appendix A—Cooling Capacity Ranges and EER Ranges

1.0 *Purpose.* The purpose of this Voluntary Energy Conservation Specification, hereinafter referred to as "Specification," is to establish procedures for testing and labeling room air conditioners in compliance with the Procedures for a Voluntary Labeling Program for Household Appliances and Equipment to Effect Energy Conservation (15 CFR Part 9) and to define requirements for participation by manufacturers in the Voluntary Labeling Program for Household Appliances and Equipment to Effect Energy Conservation with regard to that product class.

2.0 *Scope.* 2.1 This Specification shall apply to the product class consisting of all room air conditioners as defined in 3.4.

2.2 Room air conditioners covered by this Specification shall be rated with respect to the following energy use characteristics:

2.2.1 Electrical power requirement as described in 4.3.1.

2.2.2 Cooling capacity as described in 4.3.2.

2.2.3 Energy Efficiency Ratio (EER) as described in 4.3.3.

2.3 The present range of EER's of all known room air conditioners is as listed in Appendix A to this Specification. This appendix shall be updated and published in the Federal Register on an annual basis starting in January 1975. Copies of this appendix or updated versions of this appendix shall be provided by the Secretary of Commerce to any interested party upon request.

3.0 *Definitions.* 3.1 The term "Secretary" means the Secretary of Commerce.

3.2 The term "manufacturer" means any person engaged in the manufacturing or assembling of room air conditioners in the United States, or in the importing of such products for sale or resale, or any person whose brand or trademark appears on such products who owns such brand or trademark and has authorized its use on such product, if the brand or trademark of the person actually manufacturing or assembling the product does not appear on the product.

3.3 The term "Procedures" means Procedures for a Voluntary Labeling Program for Household Appliances and Equipment to Effect Energy Conservation, 15 CFR Part 9.

3.4 The term "room air conditioner" means an encased assembly designed as a unit primarily for mounting in a window or through a wall for the purpose of providing delivery of conditioned air to an enclosed space. It includes a prime source of refrigeration and means for circulating and cleaning air and may include means for ventilating and heating.

3.5 The term "window model" means either a room air conditioner designed only for mounting in a window or a room air conditioner designed for mounting in a window or through a wall.

3.6 The term "through-wall model" means a room air conditioner designed exclusively for mounting through a wall. Room air conditioners designed primarily for mounting through a wall but which also are suitable for mounting in a window are, for the purpose of this Specification, considered "window models" as defined in 3.5.

3.7 The term "basic model" means all room air conditioners actually manufactured or assembled by one manufacturer and having the identical wattage and amperage ratings, and Btu per hour rating. Derivatives of a basic model may differ in details that do not affect performance as measured by the methods described in 4.1. Acceptable differences include, but are not limited to, variations in trim, color, mounting method, sales model number, and brand name.

3.8 The term "retail sales catalog" means a catalog that contains a description of one or more models of room air conditioners, states the price of the model or models described, and from which consumers may make purchases by placing orders.

4.0 *Product testing and rating.* 4.1 Samples of room air conditioners shall be tested by manufacturers or their agents for cooling capacity and electrical power requirement in accordance with the following standards:

4.1.1 American National Standard Z234.1–1972, Room Air Conditioners, Sections 4, 5, 6.1, and 6.5.

4.1.2 American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) Standard 16–69, Method of Testing for Rating Room Air Conditioners.

4.2 Samples of room air conditioners shall be tested by manufacturers or their agents in accordance with the following requirements:

4.2.1 Unless otherwise required by the Secretary, under 4.2.5, test results obtained in the testing of one derivative of a basic model of room air conditioner may be accepted as applicable to all derivatives of that basic model.

4.2.2 Sufficient units of each basic model of room air conditioner, that are representative of units to be produced, shall be tested according to the methods and conditions specified in 4.1 to provide a valid basis for determining ratings. Results of tests and calculations shall be retained as required under 7.4.

4.2.3 Models having dual ratings shall be separately tested at each design voltage.

4.2.4 Manufacturers shall maintain such quality control programs, to include testing, as are necessary to insure that the performance of manufactured units is within the tolerances specified in 4.5. The use of national certification programs that are open to all manufacturers and that pertain to the performance characteristics listed on the label as a means for verifying the performance level of room air conditioners is accepta-

ble. Results of tests and calculations shall be retained as required under 7.4.

4.2.5 In addition to the testing required under 4.2.2, 4.2.3, and 4.2.4, the Secretary may request that one or more units of any specified basic model or any specified derivative of a basic model, selected at random from among recent production units, be tested by the manufacturer or his agent according to the methods and conditions specified in 4.1. Such testing shall be performed at the manufacturer's expense and the resulting test data and calculations shall be provided to the Secretary within 30 days of receipt by the manufacturer of such a request. This requirement does not preclude the Department of Commerce from testing or having tested at its own expense any model or unit of room air conditioner.

4.3 Ratings for use on labels of room air conditioners shall be as follows:

4.3.1 Electrical power requirement shall be expressed in watts and shall be based upon the result of the electrical power test called for in 4.1.

4.3.2 Cooling capacity shall be expressed in Btu per hour and shall be based upon the result of the cooling capacity test called for in 4.1.

4.3.3 EER shall be expressed in Btu per watt-hour and shall be equal to the rated cooling capacity in Btu per hour as determined in 4.3.2 divided by the rated electrical power requirement in watts as determined in 4.3.1, this quotient then being rounded to the nearest 0.1.

4.3.4 For models having dual ratings, both sets of ratings shall be used on the label.

4.4 Cooling capacity ranges and ranges for use on room air conditioner labels shall be as follows:

4.4.1 The ranges shall be taken from the version of Appendix A in effect at the time the labels are applied. However, labels that are applied within a 90 day period following revision of Appendix A and showing previous EER ranges need not be replaced with labels showing new EER ranges.

4.4.2 The ranges shown on a label shall be taken from the appropriate column and line of Appendix A as determined by the rated cooling capacity, voltage rating, and method of mounting of the labeled model as defined in 3.5 or 3.6.

4.4.3 For models having dual *ratings*, only one EER *range* shall be shown on the label. The highest cooling capacity rating shall be used to select the correct line in Appendix A for determining the EER range shown on the label.

4.5 For specific models of room air conditioners tested under 4.2.4 or 4.2.5, the label shall be held to be in accordance with the requirements of this Specification only if the results of such tests fall within the following limits:

4.5.1 The value for electrical power requirement shall not be greater than 110 percent of the value shown on the label.

4.5.2 The value for cooling capacity shall not be less than 95 percent of the value shown on the label.

5.0 *Product labeling.* 5.1 The design of labels for room air conditioners shall be as follows:

5.1.1 The content and design of labels shall be as indicated in Figure 1 or Figure 2 at the end of this Specification. No marks or information other than that shown shall be placed within the border of labels except the specifically designated ratings, ranges, model numbers and names, and the seal, logo, or other designation of the certifier of rating accuracy. Except as provided in 5.1.3, the size of labels and type sizes shall be as indicated in Figure 1 or Figure 2 or a proportional enlargement of the label size and type sizes indicated in Figure 1 or Figure 2.

5.1.2 For models having dual ratings, numerical values relevant to the highest design voltage shall be shown first as for example: 230/208 volts, 6.0/6.5 amperes, 10,400/10,200 Btu per hour, 1,310/1,300 watts, EER=7.9/7.8.

5.1.3 When two or more models of room air conditioners having the same brand name have identical ratings, more than one model number may be shown on the label. The size of the label may be increased to accommodate such additional model number listings.

5.1.4 Labels shall be printed on a light color stock with a dark, contracting color of ink. Preferred colors are white stock, center of Department of Commerce Energy Conservation Mark Pantone Orange 151, and all other printing Pantone Reflex Blue.

5.1.5 Camera-ready art suitable for printing the labels, but not including numerical ratings, model numbers, or the seal, logo, or other designation of the certifying agency, shall be provided by the Secretary to any manufacturer upon request. Actual labels shall be accurate reproductions of this art.

5.2 Room air conditioners shall be labeled by manufacturers as follows:

5.2.1 Labels shall be affixed to or hung as a tag on the front or "room" side of each unit in a conspicuous location. However, if the design of the front or "room" side of a model is such as to make fixing of labels thereto impractical, labels may be affixed on the top of units of such a model, in a position adjacent to the front. Labels are not intended to be permanent and may be affixed so as to be easily removed by a purchaser.

5.2.2 Labels shall appear clearly distinct from any other information supplied or displayed by the manufacturer so that the Department of Commerce Energy Conservation Mark on the label cannot reasonably be associated with such other information.

5.2.3 If any model of a given brand of room air conditioner is labeled, then every unit of every window model of that brand shall be labeled. If any through-wall model of a given brand is labeled, then every unit of every model of that brand, including window models, shall be labeled. However, these requirements shall not apply to units intended for export or units manufactured prior to the manufacturer's entry into the program.

5.2.4 For individual room air conditioner units manufactured and packaged prior to a manufacturer's entry into this program, manufacturers are encouraged to affix or hang appropriate labels, distribute appropriate labels to retailers to be attached to floor display models or other models, or provide point-of-purchase displays as described in 6.4. The manufacturer need not assume responsibility for assuring individual label attachment or use of point-of-purchase displays at retail outlets.

6.0 *Use of program information in retail sales catalogs or in advertising.* 6.1 For each labeled model of room air conditioner listed in a retail sales catalog, the listing shall contain either a legible reproduction of the appropriate label for that model, or a listing of the model number, the Btu per hour, watts, EER, volts, and amperes ratings for that model, and the appropriate cooling capacity and EER ranges for that model. The required information for one or more models may be presented in the form of a table.

6.2 For each labeled model of room air conditioner listed in a retail sales catalog, the cooling capacity range and EER range shown in the catalog shall be determined as follows:

6.2.1 The ranges shall be taken from the version of Appendix A in effect 90 days before the press date of the catalog or from a later version of Appendix A if it can be utilized before the press date of such catalog.

6.2.2. The ranges shall be taken from the appropriate column and line of Appendix A as determined by the rated cooling capacity, voltage rating, and method of mounting of the listed model as defined in 3.5 or 3.6.

6.2.3 For models having dual ratings, the highest cooling capacity rating shall be used to determine the EER range shown in the catalog.

6.3 When labeled models of room air conditioners are listed in retail sales catalogs, the catalog section in which the models are listed shall contain an explanation of the significance of EER and a reproduction of the Department of Commerce Energy Conservation Mark. The EER explanation may be similar to that shown on the labels in Figures 1 and 2.

6.4 Legible reproductions of entire labels in any size may be used on packaging or in point-of-purchase displays or in other advertising applications, but such use shall not be a substitute for required labeling.

6.5 For a given model of room air conditioner, when the EER rating as determined in 4.3.3 exceeds the upper limit of the then-current EER range as determined in 4.4 for labels or 6.2 for catalog listings, manufacturers are encouraged to utilize this information in their advertising of that model.

6.6 Manufacturers are encouraged to distribute to retailers or to consumers program information provided by the Department of Commerce, such as NBS Publication LC 1053 which is referred to on room air conditioner labels.

7.0 *Participation in program.* 7.1 Manufacturers wishing to participate in the Voluntary Labeling Program for Household Appliances and Equipment to Effect Energy Conservation with regard to room air conditioners shall notify the Department of Commerce of their intent. Communications conveying such intent should be addressed to the Assistant Secretary for Science and Technology, U.S. Department of Commerce, Room 3862, Washington, D.C. 20230. Unless otherwise ruled by the Secretary, approval for participation by any manufacturer is automatically granted upon this notification to the Department, provided that the conditions for participation as set forth in the Procedures and in this Specification are observed.

7.2 A manufacturer's notice of participation shall include the following information:

7.2.1 A statement that the tests and calculations called for under 4.0 will be completed as required and that the manufacturer certifies the accuracy, within the tolerances prescribed under 4.5, of ratings that will be listed on labels.

7.2.2 A listing of all room air conditioner models to be labeled including an indication of the grouping of sales models into basic models. All appropriate models, as defined in 5.2.3, of any single brand name shall be included.

7.2.3 A statement that the manufacturer will desist from using the labels and Department of Commerce Energy Conservation Mark if the manufacturer's participation in the program is terminated by the Department of Commerce under the provisions of 8.2.

7.2.4 The effective date of the manufacturer's entry into the program.

7.3 When a manufacturer's listing of room air conditioner models to be labeled as required under 7.2.2 is changed by the addition or deletion of models or changes in model designations or ratings, or by termination of the manufacturer's participation in the program with respect to room air conditioners of a given brand name and mounting method group as defined in 5.2.3, the manufacturer or his agent shall notify the Secretary within 30 days of such changes.

7.4 Manufacturers or their agents shall maintain files of test results and calculations on which ratings are based and files of test results and calculations used to verify that the performance of manufactured units is within the tolerances specified in 4.5. Data relating to a given model shall be preserved for a period of two years after production of that model has been terminated, and if requested shall be provided to the Secretary within 30 days.

7.5 Manufacturers or their agents shall transmit required information to the Secretary in concise and readily understandable form. For this purpose copies of appropriate lists and reports used for other purposes, as for example reports submitted by a manufacturer to the sponsor of a nationally recognized certification program, or reports submitted by an independent testing laboratory to such a sponsor or a manufacturer, shall be acceptable.

8.0 *Termination of participation.* 8.1 A manufacturer may at any time terminate his participation and responsibilities under the program with respect to room air conditioners of a given brand name and mounting method group as defined in 5.2.3 by giving written notice to the Secretary that he will discontinue or has discontinued use of the labels on all room air conditioners of that brand and group. Such notice shall state the effective date of the manufacturer's termination of participation.

8.2 The Department of Commerce upon finding that a manufacturer is not complying with the conditions for participation set forth in this Specification and in the Procedures may terminate upon 30 days notice the manufacturer's participation in the program: *Provided,* that the manufacturer shall first be given an opportunity to show cause why the participation should not be terminated.

8.3 Upon receipt of a notice of termination a manufacturer may within 30 days request a hearing under the provisions of 5 U.S.C. 558.

9.0 *Use of program information by other than manufacturers.* 9.1 Retail sales organizations that are not manufacturers as defined in 3.2, that sell room air conditioners labeled under this program and have received appropriate and accurate program information from manufacturers or the Secretary, are specifically encouraged to utilize program information in their sales efforts in the manner prescribed in 9.2.

9.2 Appropriate activities for nonmanufacturers include the following:

9.2.1 Use of room air conditioner ratings, cooling capacity and EER ranges, explanations of the significance of EER's, and reproductions of the U.S. Department of Commerce Energy Conservation Mark, under the guidelines described in 6.1, 6.2, and 6.3, in retail sales catalogs.

9.2.2 Affixing of labels or appropriate use of point-of-purchase displays, provided by manufacturers under 5.2.4, in sales areas.

9.2.3 Use of reproductions of labels, in the manner described in 6.4, in advertising.

9.2.4 Advertising of instances where the rated EER of a given model of room air conditioner exceeds the upper limit of the then-current EER range for models in its cooling capacity range, as described under 6.5.

9.2.5 Distribution of program information provided by the Department of Commerce, such as NBS Publication LC 1053 which is referred to on the room air conditioner labels. Program information may be obtained from the National Bureau of Standards, 411.00, Washington, D.C. 20234.

10.0 *Amendment.* This Specification is subject to amendment as provided in section 9.8 of the Procedures, except that Appendix A of this Specification may be updated and published in the Federal Register annually as described in 2.3 without first publishing notice of the proposed change in the FEDERAL REGISTER.

TYPE STYLE GUIDE
(Use type styles specified below or equivalent)

Type styles 1871 and 24-264 are from the Varityper Headliner. Everything else is UNIVERSE type from the IBM Selectric Composer. M=Medium, MC=Medium Condensed, BC=Bold Condensed.

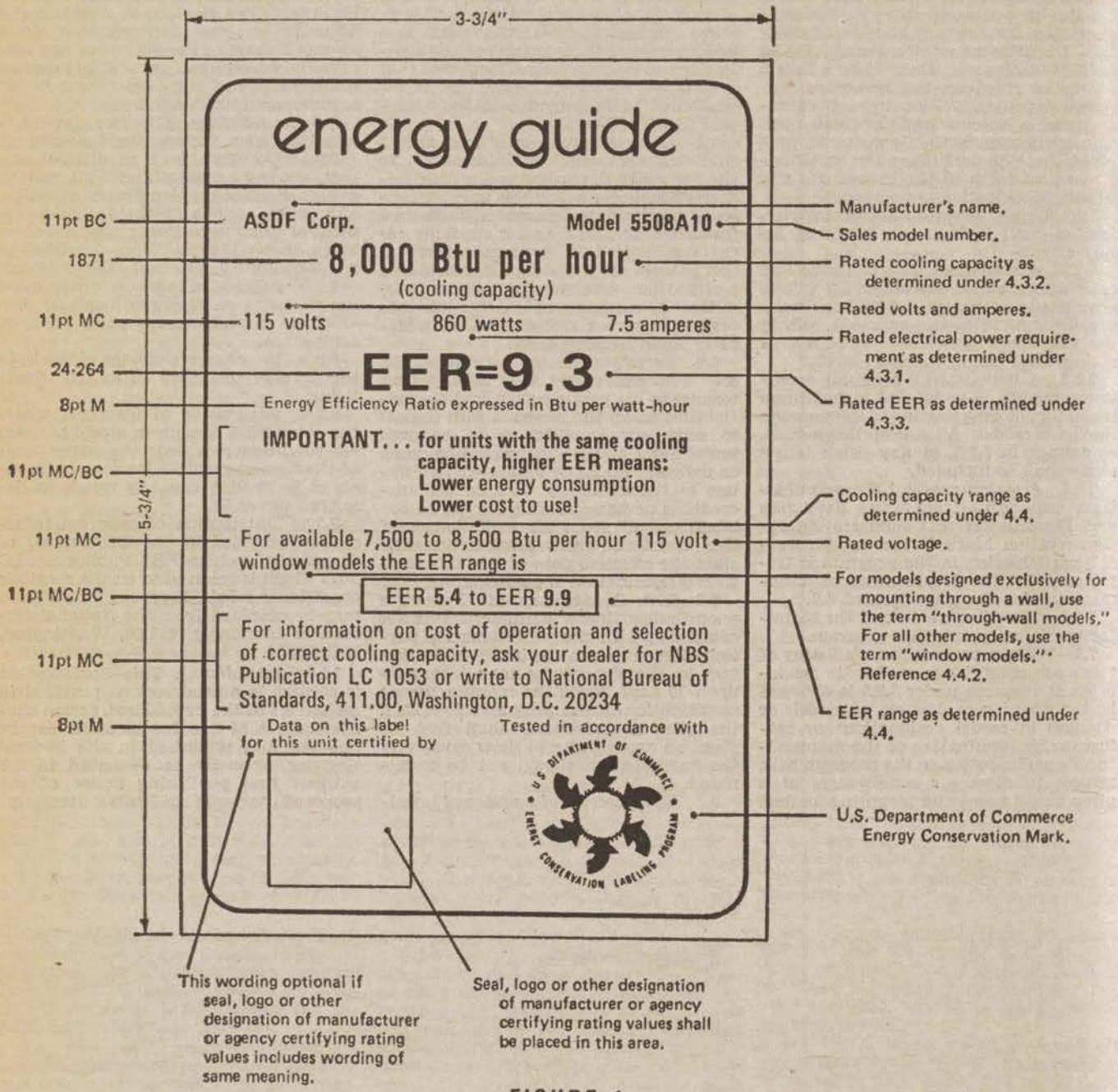


FIGURE 1

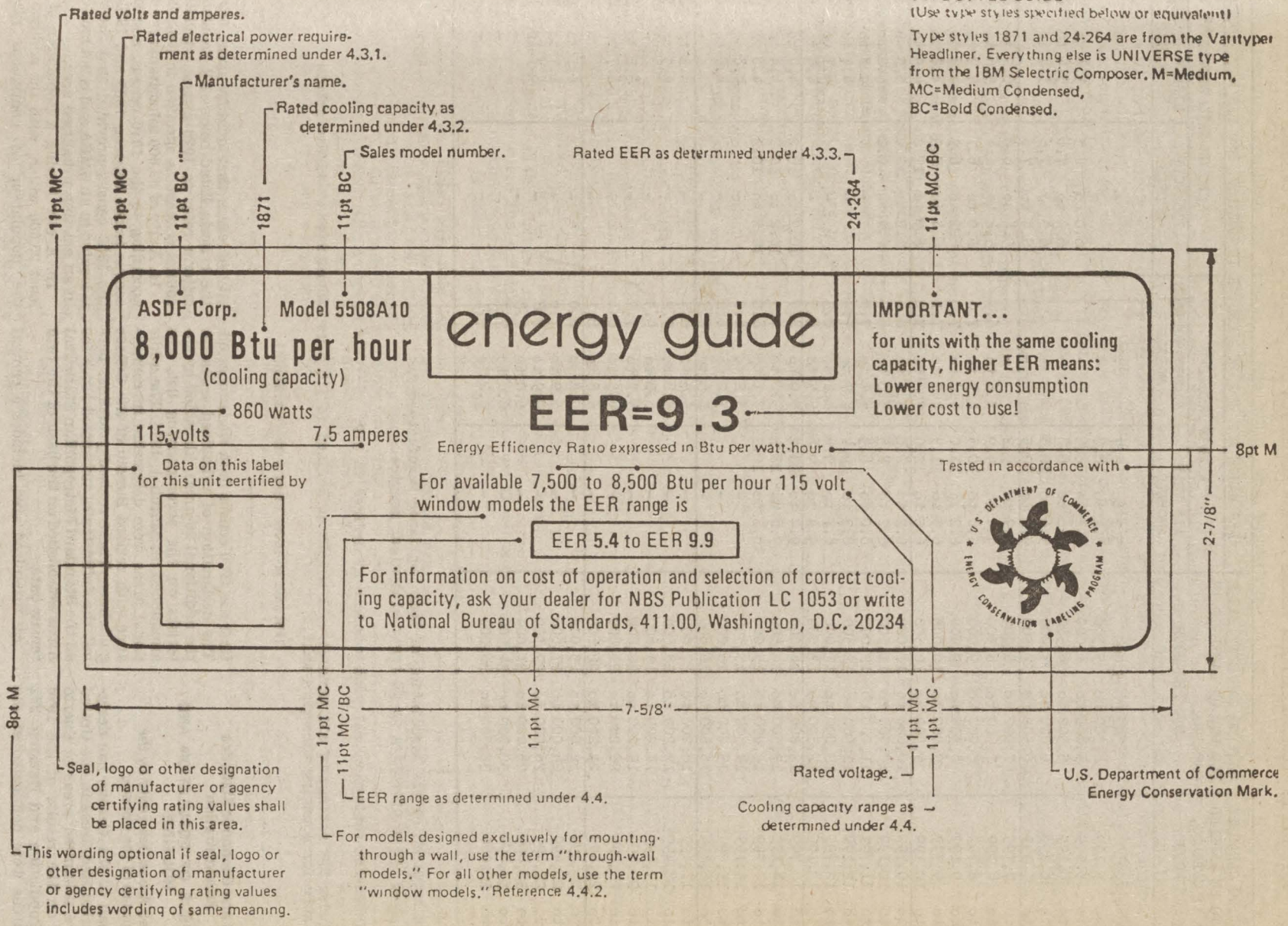

TYPE STYLE GUIDE
(Use type styles specified below or equivalent)
Type styles 1871 and 24-264 are from the Varityper Headliner. Everything else is UNIVERSE type from the IBM Selectric Composer. M=Medium, MC=Medium Condensed, BC=Bold Condensed.
Rated volts and amperes.
Rated electrical power requirement as determined under 4.3.1.
Manufacturer's name.
Rated cooling capacity as determined under 4.3.2.
Sales model number.
Rated EER as determined under 4.3.3.
11pt MC
11pt MC
11pt BC
1871
11pt BC
24-264
11pt MC/BC
ASDF Corp.
Model 5508A10
8,000 Btu per hour
(cooling capacity)
energy guide
IMPORTANT...
for units with the same cooling capacity, higher EER means:
Lower energy consumption
Lower cost to use!
860 watts
115 volts
7.5 amperes
EER=9.3
Energy Efficiency Ratio expressed in Btu per watt-hour
8pt M
Tested in accordance with
Data on this label for this unit certified by
For available 7,500 to 8,500 Btu per hour 115 volt window models the EER range is
EER 5.4 to EER 9.9
For information on cost of operation and selection of correct cooling capacity, ask your dealer for NBS Publication LC 1053 or write to National Bureau of Standards, 411.00, Washington, D.C. 20234
U.S. DEPARTMENT OF COMMERCE
ENERGY CONSERVATION LABELING PROGRAM
2-7/8"
8pt M
11pt MC
11pt MC/BC
11pt MC
7-5/8"
11pt MC
11pt MC
Seal, logo or other designation of manufacturer or agency certifying rating values shall be placed in this area.
This wording optional if seal, logo or other designation of manufacturer or agency certifying rating values includes wording of same meaning.
EER range as determined under 4.4.
For models designed exclusively for mounting through a wall, use the term "through-wall models." For all other models, use the term "window models." Reference 4.4.2.
Rated voltage.
Cooling capacity range as determined under 4.4.
U.S. Department of Commerce Energy Conservation Mark.

FIGURE 2

VOLUNTARY ENERGY CONSERVATION SPECIFICATION 1-74, FOR ROOM AIR CONDITIONERS

APPENDIX A: COOLING CAPACITY RANGES AND EER RANGES FOR USE ON LABELS AND IN CATALOGS

RATED COOLING CAPACITY OF MODEL TO BE LABELED OR LISTED IN CATALOG, Btu PER HOUR	COOLING CAPACITY RANGE FOR USE ON LABEL OR IN CATALOG, Btu PER HOUR	EER RANGE FOR USE ON LABEL OR IN CATALOG, Btu PER WATT-HOUR			
		WINDOW MODELS *		THROUGH-WALL MODELS **	
		115 VOLT MODELS	HIGHER VOLTAGE MODELS	115 VOLT MODELS	HIGHER VOLTAGE MODELS
UP TO 4,799	UP TO 5,000	5.1 to 8.7	-	-	-
4,800 to 5,199	4,500 to 5,500	5.1 to 8.8	-	-	-
5,200 to 5,799	5,000 to 6,000	5.1 to 8.8	-	6.0 to 6.5	5.4 to 6.1
5,800 to 6,199	5,500 to 6,500	5.6 to 8.8	-	6.0 to 7.6	5.4 to 6.1
6,200 to 6,799	6,000 to 7,000	5.6 to 10.5	-	6.0 to 7.6	5.4 to 6.1
6,800 to 7,199	6,500 to 7,500	5.2 to 10.5	-	5.4 to 7.6	-
7,200 to 7,799	7,000 to 8,000	5.2 to 9.3	-	5.4 to 6.0	6.2 to 6.3
7,800 to 8,199	7,500 to 8,500	5.4 to 9.9	5.6 to 6.5	5.4 to 6.4	5.6 to 6.3
8,200 to 8,799	8,000 to 9,000	5.8 to 10.5	4.9 to 7.0	6.0 to 6.7	4.9 to 7.8
8,800 to 9,199	8,500 to 9,500	6.2 to 11.0	4.8 to 7.0	6.2 to 6.9	4.8 to 8.0
9,200 to 9,799	9,000 to 10,000	6.5 to 11.5	4.8 to 7.1	6.4 to 7.3	4.8 to 8.0
9,800 to 10,199	9,500 to 10,500	6.5 to 12.0	5.2 to 7.9	6.9 to 12.0	4.9 to 6.3
10,200 to 10,799	10,000 to 11,000	6.2 to 12.0	5.0 to 8.0	6.2 to 12.0	5.5 to 6.3
10,800 to 11,199	10,500 to 11,500	6.2 to 8.5	5.0 to 8.0	6.2 to 6.2	5.2 to 6.6
11,200 to 11,799	11,000 to 12,000	8.0 to 8.9	4.7 to 7.0	-	4.7 to 7.5
11,800 to 12,199	11,500 to 12,500	8.3 to 9.4	4.7 to 7.9	-	4.7 to 7.5
12,200 to 12,799	12,000 to 13,000	8.7 to 9.6	4.8 to 8.3	-	4.7 to 7.5
12,800 to 13,199	12,500 to 13,500	9.4 to 9.8	5.5 to 8.5	-	4.4 to 5.7
13,200 to 13,799	13,000 to 14,000	9.4 to 10.2	5.0 to 8.5	10.2 to 10.2	4.4 to 5.7
13,800 to 14,199	13,500 to 14,500	9.8 to 10.3	5.0 to 7.5	10.2 to 10.2	4.4 to 5.7
14,200 to 14,799	14,000 to 15,000	10.1 to 10.3	5.1 to 8.0	10.2 to 10.2	4.8 to 6.7
14,800 to 15,199	14,500 to 15,500	-	5.2 to 8.0	-	4.8 to 6.7
15,200 to 15,799	15,000 to 16,000	-	5.2 to 8.4	-	4.8 to 6.7
15,800 to 16,499	15,500 to 16,800	-	5.5 to 8.5	-	-
16,500 to 17,499	16,200 to 17,800	-	5.8 to 8.5	-	6.3 to 7.6
17,500 to 18,499	17,200 to 18,800	-	5.8 to 9.2	-	6.5 to 8.0
18,500 to 19,499	18,200 to 19,800	-	6.0 to 9.3	-	-
19,500 to 20,499	19,200 to 20,800	-	5.7 to 7.2	-	6.3 to 6.3
20,500 to 21,499	20,200 to 21,800	-	6.3 to 8.1	-	6.7 to 6.7
21,500 to 22,499	21,200 to 22,800	-	5.8 to 8.1	-	-
22,500 to 24,499	22,000 to 25,000	-	5.8 to 8.0	-	6.5 to 6.8
24,500 to 26,499	24,000 to 27,000	-	5.9 to 7.6	-	6.7 to 7.0
26,500 to 28,499	26,000 to 29,000	-	5.9 to 7.8	-	6.7 to 7.0
28,500 to 30,499	28,000 to 31,000	-	6.0 to 7.8	-	-
30,500 to 33,499	30,000 to 34,500	-	6.0 to 7.1	-	-
33,500 to 36,000	32,500 to 36,000	-	6.2 to 7.1	-	-

From data supplied by the Association of Home Appliance Manufacturers
Includes only units operating on 60 hertz electrical service.

* Includes EER ratings of all window models as defined in 3.5.

** Includes EER ratings of all through-wall models as defined in 3.6 plus EER ratings of window models suitable for mounting through a wall.

[FR Doc.74-10065 Filed 4-29-74;3:27 pm]

Social and Economic Statistics Administration

1970 CENSUS OF POPULATION AND HOUSING

Urbanized Areas Designatd by the Bureau of the Census

The Bureau of the Census has designated 274 urbanized areas in the United States and 4 urbanized areas in Puerto Rico based on the results of the 1970 Census of Population and Housing. 252 urbanized areas were delineated at the time the 1970 census data was processed. The designation of urbanized areas for the additional 26 areas, identified by asterisks on the accompanying list, was announced on March 1, 1974. The additional areas were delineated in compliance with revised Bureau of the Census guidelines. These revised guidelines permit the definition of urbanized areas for all the Standard Metropolitan Statistical Areas established on the basis of the 1970 census data.

An urbanized area includes a central city or cities that qualify under one of the criteria listed below. All population criteria refer to 1970 census population counts (except as specified in item 1a.).

1a. A city of 50,000 inhabitants or more according to the 1970 census, a special census taken between 1960 and 1970 or the 1960 census provided that the city is located in an SMSA and is not included in an existing urbanized area.

1b. A city having a population of at least 25,000 which, with the addition of the population of contiguous places

(incorporated or unincorporated [1]) each of which has a population density of at least 1,000 persons per square mile, and which together constitute for general economic and social purposes, a single community with a combined population of at least 50,000, provided that the city is located within an SMSA and is not included in an existing urbanized area.

2. In addition to a central city or cities, a UA includes contiguous territory meeting the following criteria:

a. Incorporated places of 2,500 inhabitants or more but excluding the rural portions of extended cities.

b. Incorporated places with fewer than 2,500 inhabitants, provided that each has a closely settled area of 100 housing units or more; and all unincorporated places recognized in the 1970 census.

c. Contiguous small parcels of unincorporated land determined to have a 1970 census population density of 1,000 inhabitants or more per square mile. The areas of large nonresidential tracts devoted to such urban land uses as railroad yards, airports, factories, parks, golf courses, and cemeteries are excluded in computing the population density.)

d. Other similar small areas in unincorporated territory without regard to population density provided that they serve

To eliminate enclaves, or

To close indentations of one mile or less in width across the open end of the urbanized areas in order to eliminate narrow fingers of "rural" areas, or

To link outlying areas of qualifying density provided that these are not more than one and a half miles from the main body of the urbanized area.

Urbanized Area Boundaries. The outer limits of the urbanized areas are defined as following the centerline of the road or street indicated as the urbanized area boundary except where the urbanized area boundary is designated as following corporate limits, or is otherwise geographically specified.

Urbanized Area Title. The title is limited to three names and normally lists the largest city first and the other qualifying cities in descending order of size. For other cities to be listed in the title of an urbanized area with a central city of 50,000 or more, such cities must have (a) at least one-third the population of the largest city and a population of 25,000 or more, or (b) must have 250,000 inhabitants or more.

For those areas where the largest city has a population of at least 25,000 but less than 50,000 (Criterion Ib.), any named city or cities must have a population equal to one-third or more of that of the largest city and a minimum population of 15,000.

Area titles which include the names of more than one city start with the largest city and list other cities in descending order of size according to the most recent census, except that cities which qualify the area under Criterion 1b. are listed prior to the names of any other qualifying city.

The titles, and populations as of April 1, 1970, for each of the 278 urbanized areas are shown on the accompanying list. Maps and population data for all urbanized areas (those indicated by asterisks excluded) are available in the published reports of the 1970 Decennial Census. Page size maps and statistical tables listing the component parts of these UA's are included in the Number of Inhabitants reports (Series PC(1)–A) of the 1970 Census of Population. Large size maps showing the urbanized area boundaries in detail are included with the 1970 Census of Housing Block Statistics publications Series HC(3). Maps and statistical tables listing the components of the 26 urbanized areas announced on March 1, and indicated by asterisks on this list, will be provided in a separate publication to be issued later this year. Until this publication is available, population counts for these 26 urbanized areas can be obtained, upon request, from the Geography Division, Bureau of the Census, Washington, D.C. 20233. Maps will be available beginning July 15, 1974.

Dated: April 24, 1974.

EDWARD D. FAILOR,
Administrator, Social and Economic Statistics Administration.

URBANIZED AREAS BY STATE

Urbanized Area	*1970 Population*
Alabama:	
*Anniston, Ala	58,851
Birmingham, Ala	558,099
*Florence, Ala	62,926
Gadsden, Ala	67,706
Huntsville, Ala	146,565
Mobile, Ala	257,816
Montgomery, Ala	138,983
Tuscaloosa, Ala	85,875
(Columbus, Ga.-Ala.) (part in Alabama)	25,281
Alaska:	
*Anchorage, Alaska	110,782
Arizona:	
Phoenix Ariz	863,357
Tucson, Ariz	294,184
Arkansas:	
Fort Smith, Ark.-Okla (part in Arkansas 73,419)	75,517
Little Rock-North Little Rock, Ark	222,616
Pine Bluff, Ark	60,907
(Texarkana, Tex.-Ark.) (part in Arkansas)	21,682
California:	
*Antioch-Pittsburg, Calif	59,585
Bakersfield, Calif	176,155
Fresno, Calif	262,908
Los Angeles-Long Beach, Calif	8,351,266
Modesto, Calif	106,107
Oxnard-Ventura-Thousand Oaks, Calif	244,653
Sacramento, Calif	633,732
Salinas, Calif	62,456
San Bernardino-Riverside, Calif	583,597
San Diego, Calif	1,198,323
San Francisco-Oakland, Calif	2,987,850
San Jose, Calif	1,025,273
Santa Barbara, Calif	129,774
*Santa Cruz, Calif	73,758
Santa Rosa, Calif	75,083
Seaside-Monterey, Calif	93,284
Simi Valley, Calif	56,936
Stockton, Calif	160,373
Colorado:	
Boulder, Colo	68,634
Colorado Springs, Colo	204,766
Denver, Colo	1,047,311
Pueblo, Colo	103,300
Connecticut:	
Bridgeport, Conn	413,366
Bristol, Conn	71,732
Danbury, Conn	66,651
Hartford, Conn	465,001
Meriden, Conn	98,454
New Britain, Conn	131,349
New Haven, Conn	348,341
*New London-Norwich, Conn	139,121
Norwalk, Conn	106,707
Stamford, Conn	184,898
Waterbury, Conn	156,986
(Springfield-Chicopee-Holyoke, Mass.-Conn.) (part in Connecticut)	58,173
Delaware:	
Wilmington, Delaware-New Jersey (part in Delaware 349,674)	371,267

[1] Unincorporated places as identified and defined for the 1970 census by the U.S. Bureau of the Census.

		1970 Population
District of Columbia:		
Washington, D.C.-Maryland-Virginia	(part in D.C. 756,510)	2,481,489
Florida:		
*Daytona Beach, Fla		115,176
Fort Lauderdale-Hollywood, Fla		613,797
*Fort Myers, Fla		69,129
Gainesville, Fla		69,329
Jacksonville, Fla		529,585
*Lakeland, Fla		66,739
*Melbourne-Cocoa, Fla		178,948
Miami, Fla		1,219,661
Orlando, Fla		305,479
Pensacola, Fla		166,619
*Sarasota-Bradenton, Fla		167,298
St. Petersburg, Fla		495,159
Tallahassee, Fla		77,851
Tampa, Fla		368,742
West Palm Beach, Fla		287,561
Georgia:		
Albany, Ga		76,512
Atlanta, Ga		1,172,778
Augusta, Ga.-S.C	(part in Georgia 126,770)	148,953
Columbus, Ga.-Ala	(part in Georgia 183,335)	208,616
Macon, Ga		128,065
Savannah, Ga		163,753
(Chattanooga, Tenn.-Ga.)	(part in Georgia)	28,947
Hawaii:		
Honolulu, Hawaii		442,397
Idaho:		
Boise City, Idaho		85,187
Illinois:		
*Alton, Ill		95,998
Aurora-Elgin, Ill		232,917
Bloomington-Normal, Ill		69,392
Champaign-Urbana, Ill		100,417
Chicago, Ill.-Northwestern Indiana	(part in Illinois 6,185,156)	6,714,578
Decatur, Ill		99,693
Joliet, Ill		155,500
Peoria, Ill		247,121
Rockford, Ill		206,084
Springfield, Ill		120,794
(Davenport-Rock Island-Moline, Iowa-Ill.)	(part in Illinois)	139,824
(Dubuque, Iowa-Ill.)	(part in Illinois)	2,408
(St. Louis, Mo.-Ill.)	(part in Illinois)	314,476
Indiana:		
Anderson, Ind		80,704
Evansville, Ind		142,476
Fort Wayne, Ind		225,184
Indianapolis, Ind		820,259
Lafayette-West Lafayette, Ind		79,117
Muncie, Ind		90,427
South Bend, Ind.-Mich	(part in Indiana 265,148)	288,572
Terre Haute, Ind		80,908
(Chicago, Ill.-Northwestern Indiana)	(part in Indiana)	529,422
(Louisville, Ky.-Ind.)	(part in Indiana)	81,488
Iowa:		
Cedar Rapids, Iowa		132,008
Davenport-Rock Island-Moline, Iowa, Ill	(part in Iowa 126,295)	266,119
Des Moines, Iowa		255,824
Dubuque, Iowa-Ill	(part in Iowa 63,142)	65,550
Sioux City, Iowa-Nebr.-S. Dak	(part in Iowa 87,157)	95,937
Waterloo, Iowa		112,881
(Omaha, Nebr.-Iowa)	(part in Iowa)	64,847
Kansas:		
Topeka, Kans		132,108
Wichita, Kans		302,334
(Kansas City, Mo.-Kans.)	(part in Kansas)	350,208
(St. Joseph, Mo.-Kans.)	(part in Kansas)	1,283
Kentucky:		
Lexington, Ky		159,538
Louisville, Ky.-Ind	(part in Kentucky 657,908)	739,396
Owensboro, Ky		53,133
(Cincinnati, Ohio-Ky.)	(part in Kentucky)	196,978
(Huntington,Ashland, W. Va.-Ky.-Ohio	(part in Kentucky)	53,316
Louisiana:		
*Alexandria, La		77,609
Baton Rouge, La		249,463
Lafayette, La		78,544
Lake Charles, La		88,260
Monroe, La		90,567
New Orleans, La		961,728
Shreveport, La		234,564
Maine:		
Lewiston-Auburn, Maine		65,212
Portland, Maine		106,599
Maryland:		
Baltimore, Md		1,579,781
(Washington, D.C.-Md.-Va.)	(part in Maryland)	1,009,138
Massachusetts:		
Boston, Mass		2,652,575
Brockton, Mass		148,844
Fall River, Mass.-R.I	(part in Massachusetts 123,491)	139,392
Fitchburg-Leominster, Mass		78,053
Lawrence-Haverhill, Mass.-N.H	(part in Massachusetts 182,438)	200,280
Lowell, Mass		182,731
New Bedford, Mass		133,667
Pittsfield, Mass		62,872
Springfield-Chicopee-Holyoke, Mass.-Conn	(part in Massachusetts 456,135)	514,308
Worcester, Mass		247,416
(Providence-Pawtucket-Warwick, R.I.-Mass	(part in Massachusetts)	65,974
Michigan:		
Ann Arbor, Mich		178,605
*Battle Creek, Mich		77,922
Bay City, Mich		78,097
Detroit, Mich		3,970,584
Flint, Mich		330,128
Grand Rapids, Mich		352,703
Jackson, Mich		78,572
Kalamazoo, Mich		152,083
Lansing, Mich		229,518
Muskegon-Muskegon Heights, Mich		105,716
Saginaw, Mich		147,552
(South Bend, Ind.-Mich.)	(part in Michigan)	23,424
(Toledo, Ohio-Mich.)	(part in Michigan)	11,861
Minnesota:		
Duluth-Superior, Minn.-Wis	(part in Minnesota 105,639)	138,352

	1970 Population
Minneapolis-St. Paul, Minn	1,704,423
Rochester, Minn	56,604
*St. Cloud, Minn	52,059
(Fargo-Moorhead, N. Dak.-Minn.) (part in Minnesota)	32,026
(La Crosse, Wis.-Minn.) (part in Minnesota)	3,142
Mississippi:	
Biloxi-Gulfport, Miss	121,601
Jackson, Miss	190,060
(Memphis, Tenn.-Miss.) (part in Mississippi)	8,931
Missouri:	
Columbia, Mo	59,231
Kansas City, Mo.-Kans (part in Missouri 751,579)	1,101,787
St. Joseph, Mo-Kans (part in Missouri 75,940)	77,223
St. Louis, Mo.-Ill (part in Missouri 1,568,468)	1,882,944
Springfield, Mo	121,340
Montana:	
Billings, Mont	71,197
Great Falls, Mont	70,905
Nebraska:	
Lincoln, Nebr	153,443
Omaha, Nebr.-Iowa (part in Nebraska 426,929)	491,776
(Sioux City, Iowa-Nebraska-South Dakota) (part in Nebraska)	7,920
Nevada:	
Las Vegas, Nev	236,681
Reno, Nev	99,687
New Hampshire:	
Manchester, N.H	95,140
Nashua, N.H	60,961
(Lawrence-Haverhill, Mass.-N.H.) (part in New Hampshire)	17,842
New Jersey:	
Atlantic City, N.J	134,016
Trenton, N.J.-Pa (part in New Jersey 242,673)	274,148
Vineland-Millville, N.J	73,579
(Wilmington, Del.-N.J.) (part in New Jersey)	21,593
(New York, N.Y.-Northeastern New Jersey) (part in New Jersey)	4,837,265
(Allentown-Bethlehem-Easton, Pa.-N.J.) (part in New Jersey)	25,201
(Philadelphia, Pa.-N.J.) (part in New Jersey)	744,045
New Mexico:	
Albuquerque, N. Mex	297,451
New York:	
Albany-Schenectady-Troy, N.Y	486,525
Binghamton, N.Y	167,224
Buffalo, N.Y	1,086,594
*Elmira, N.Y	74,039
New York, N.Y.-Northeastern New Jersey (part in New York 11,369,576)	16,206,841
*Poughkeepsie, N.Y	102,649
Rochester, N.Y	601,361
Syracuse, N.Y	376,169
Utica-Rome, N.Y	180,355
North Carolina:	
Asheville, N.C	72,451
*Burlington, N.C	59,891
Charlotte, N.C	279,530
Durham, N.C	100,764
Fayetteville, N.C	161,370
*Gastonia, N.C	94,725
Greensboro, N.C	152,252
High Point, N.C	93,547
Raleigh, N.C	152,289
Wilmington, N.C	57,645
Winston-Salem, N.C	142,584
North Dakota:	
Fargo-Moorhead, N. Dak.-Minn (part in North Dakota)	53,420
Ohio:	
Akron, Ohio	542,775
Canton, Ohio	244,279
Cincinnati, Ohio-Ky (part in Ohio 913,536)	1,110,514
Cleveland, Ohio	1,959,880
Columbus, Ohio	790,019
Dayton, Ohio	685,942
Hamilton, Ohio	90,912
Lima, Ohio	70,295
Lorain-Elyria, Ohio	192,265
Mansfield, Ohio	77,599
Springfield, Ohio	93,653
Steubenville-Weirton, Ohio-W. Va (part in Ohio 48,262)	85,492
Toledo, Ohio-Mich (part in Ohio 475,928)	487,789
Youngstown-Warren, Ohio	395,540
(Huntington-Ashland, West Virginia-Kentucky-Ohio) (part in Ohio)	29,250
*(Parkersburg, W. Va.-Ohio) (part in Ohio)	7,189
(Wheeling, W. Va.-Ohio) (part in Ohio)	32,239
Oklahoma:	
Lawton, Okla	95,687
Oklahoma City, Okla	579,788
Tulsa, Okla	371,499
(Fort Smith, Ark.-Okla.) (part in Oklahoma)	2,098
Oregon:	
Eugene, Oreg	139,255
Portland, Oreg.-Wash (part in Oregon 751,756)	824,926
Salem, Oreg	93,041
Pennsylvania:	
Allentown-Bethlehem-Easton, Pa.-N.J (part in Pennsylvania 338,316)	363,517
Altoona, Pa	81,795
Erie, Pa	175,263
Harrisburg, Pa	240,751
Johnstown, Pa	96,146
Lancaster, Pa	117,097
Philadelphia, Pa.-N.J (part in Pennsylvania 3,277,021)	4,021,066
Pittsburgh, Pa	1,846,042
Reading, Pa	167,932
Scranton, Pa	204,205
Wilkes-Barre, Pa	222,830
*Williamsport, Pa	63,880
York, Pa	123,106
(Trenton, N.J.-Pa.) (part in Pennsylvania)	31,475
Rhode Island:	
Providence-Pawtucket-Warwick, R.I.-Mass (part in Rhode Island 729,337)	795,311
(Fall River, Mass.-R.I.) (part in Rhode Island)	15,901
South Carolina:	
Charleston, S.C	228,399
Columbia, S.C	241,781
Greenville, S.C	157,073
*Spartanburg, S.C	73,638
(Augusta, Ga.-S.C.) (part in South Carolina)	22,183
South Dakota:	
Sioux Falls, S. Dak	75,146
(Sioux City, Iowa-Nebr.-S. Dak.) (part in South Dakota)	860

		1970 Population
Tennessee:		
Chattanooga, Tenn.-Ga	(part in Tennessee 194,633)	223,580
*Kingsport, Tenn.-Va	(part in Tennessee 66,266)	70,342
Knoxville, Tenn		190,502
Memphis, Tenn.-Miss	(part in Tennessee 655,045)	663,976
Nashville-Davidson, Tenn		448,444
Texas:		
Abilene, Tex		90,571
Amarillo, Tex		127,010
Austin, Tex		264,499
Beaumont, Tex		116,350
Brownsville, Tex		52,627
Bryan-College Station, Tex		51,395
Corpus Christi, Tex		212,820
Dallas, Tex		1,338,684
El Paso, Tex		337,471
Fort Worth, Tex		676,944
Galveston, Tex		61,809
Harlingen-San Benito, Tex		50,469
Houston, Tex		1,677,863
*Killeen, Tex		73,585
Laredo, Tex		70,197
Lubbock, Tex		150,135
McAllen-Pharr-Edinburg, Tex		91,141
Midland, Tex		60,371
Odessa, Tex		81,645
Port Arthur, Tex		116,474
San Angelo, Tex		63,884
San Antonio, Tex		772,513
Sherman-Denison, Tex		55,343
Texarkana, Tex.-Ark	(part in Texas 36,888)	58,570
Texas City-La Marque, Tex		84,054
Tyler, Tex		59,781
Waco, Tex		118,843
Wichita Falls, Tex		97,564
Utah:		
Ogden, Utah		149,727
Provo-Orem, Utah		104,110
Salt Lake City, Utah		479,342
Vermont:		
None.		
Virginia:		
Lynchburg, Va		70,842
Newport News-Hampton, Va		268,263
Norfolk-Portsmouth, Va		668,259
Petersburg-Colonial Heights, Va		100,617
Richmond, Va		416,563
Roanoke, Va		156,621
*(Kingsport, Tenn.-Va.)	(part in Virginia)	4,076
(Washington, D.C.-Md.-Va.)	(part in Virginia)	715,841
Washington:		
*Richland-Kennewick, Wash		71,245
Seattle-Everett, Wash		1,238,107
Spokane, Wash		229,620
Tacoma, Wash		332,521
*Yakima, Wash		64,730
(Portland, Oreg.-Wash.)	(part in Washington)	73,170
West Virginia:		
Charleston, W. Va		157,662
Huntington-Ashland, W. Va.-Ky.-Ohio	(part in West Virginia 85,017)	167,583
*Parkersburg, W. Va.-Ohio	(part in West Virginia 57,821)	65,010
Wheeling, W. Va.-Ohio	(part in West Virginia 60,705)	92,944
(Steubenville-Weirton, Ohio-W. Va.)	(part in West Virginia)	37,230
Wisconsin:		
Appleton, Wis		129,532
Green Bay, Wis		129,105
Kenosha, Wis		84,262
La Crosse, Wis.-Minn	(part in Wisconsin 60,231)	63,373
Madison, Wis		205,457
Milwaukee, Wis		1,252,457
Oshkosh, Wis		55,480
Racine, Wis		117,408
(Duluth-Superior, Minn.-Wis.)	(part in Wisconsin)	32,713
Wyoming:		
None.		
Puerto Rico:		
Caguas, P.R		65,844
Mayaguez, P.R		69,558
Ponce, P.R		128,233
San Juan, P.R		820,442

[FR Doc.74-9860 Filed 4-30-74;8:45 am]

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

CERTAIN COTTON TEXTILES AND COTTON TEXTILE PRODUCTS PRODUCED OR MANUFACTURED IN MEXICO

Entry or Withdrawal for Warehouse for Consumption

APRIL 25, 1974.

On June 29, 1971, the United States Government concluded a comprehensive bilateral cotton textile agreement with the Government of Mexico concerning exports of cotton textiles and cotton textile products from Mexico to the United States over a five-year period beginning on May 1, 1971. The agreement was amended by an exchange of notes dated September 25 and 26, 1973. (See 38 FR 32527.)

Among the provisions of the agreement, as amended, are those establishing an aggregate limit for the 64 categories; within the aggregate limit, group limits on Categories 1–4, 5–27 and part of 64 (knit fabrics); and within both of the aforesaid limits, specific limits for Categories 9/10, 22/23, 26/27 and parts of 64, with sublimits on duck fabric (part of Category 26/27) and on zipper tapes (part of Category 64), and 30/31 for the agreement year beginning on May 1, 1974.

Accordingly, there is published below a letter of April 25, 1974 from the Chairman of the Committee for the Implementation of Textile Agreements to the Commissioner of Customs, directing that the amounts of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Mexico, which may be entered or withdrawn from warehouse for consumption in the United States for the twelve-month period beginning May 1, 1974, be limited to designated levels. This letter and the actions pursuant thereto are not designed to implement all of the provisions of the bilateral agreement, but are designed to assist only in the implementation of certain of its provisions.

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

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

APRIL 25, 1974.

COMMISSIONER OF CUSTOMS,
Department of the Treasury,
Washington, D.C. 20229.

DEAR MR. COMMISSIONER: Pursuant to the Bilateral Cotton Textile Agreement of June 29, 1971, as amended, between the Governments of the United States and Mexico, and in accordance with the procedures of Executive Order 11651 of March 3, 1972, you are directed to prohibit, effective May 1, 1974 and for the twelve-month period extending through April 30, 1975, entry into the United States for consumption and withdrawal from warehouse for consumption of cotton textiles and cotton textile products in Categories 1 through 64, produced or manufactured in Mexico, in excess of the designated levels of restraint set forth below.

The combined level of restraint for Categories 1 through 4, shall be 12,343,805 pounds.

The overall level of restraint for Categories 5 through 27 and part of 64 (knit fabrics) shall be 48,215,081 square yards equivalent.

Within the overall level of restraint for Categories 5 through 27 and part of 64 (knit fabrics) the following specific levels of restraint shall apply:

Category	*Twelve-Month Level of Restraint*
9/10	15,245,376 sq. yds.
22/23	16,295,376 sq. yds.
26/27 and part of 64 (knit fabrics).	16,674,329 sq. yds. (of which not more than 7,813,969 square yards shall be in duck fabric,[1] and not more than 723,516 square yards equivalent shall be in knit fabrics, T.S.U.S.A. Nos. 345.1020, 345.1040, 346.4560, 353.5014, and 359.1040).

Within the overall level of restraint for Categories 5 through 27 and part of 64 (knit fabrics), each category without a specific level of restraint is subject to a consultation level of 703,551 square yards, pursuant to paragraph 7 of the bilateral agreement, as amended. If appropriate, future directions concerning these categories will be made to you by letter.

The overall level of restraint for Categories 28 through 63 and 64 (excluding knit fabrics) shall be 8,566,425 square yards equivalent.

Within the overall level of restraint for Categories 28 through 63 and 64 (excluding knit fabrics), the following specific levels of restraint shall apply:

Category	*Twelve-Month Level of Restraint*
30/31	2,715,517 numbers.
64 (excluding knit fabrics).[1]	704,642 pounds (of which not more than 452,983 pounds shall be in zipper tape, T.S.U.S.A. No. 347.3340).

Within the overall level of restraint for Categories 28 through 63, and 64 (excluding knit fabrics), each category without a specific level of restraint is subject to a consultation level of 492,485 square yards equivalent. If appropriate, future directions concerning these categories will be made to you by letter.

In carrying out this directive, cotton textiles and cotton textile products in Categories 1 through 64 produced or manufactured in Mexico and which have been exported to the United States prior to May 1, 1974, shall to the extent of any unfilled balances, be charged against the levels of restraint established for such good during the period May 1, 1973 through April 30, 1974. In the event that any level of restraint for that period has been exhausted by previous entries, such goods shall be subject to the levels set forth in this letter.

[1] The T.S.U.S.A. Nos. for duck fabric are:
320...01 through 04, 06, 08
321...01 through 04, 06, 08
322...01 through 04, 06, 08
326...01 through 04, 06, 08
327...01 through 04, 06, 08
328...01 through 04, 06, 08

[1] All of Category 64 except T.S.U.S.A. Nos. 345.1020, 345.1040, 346.4560, 353.5014, and 359.1040.

The levels of restraint set forth above are subject to adjustment pursuant to the provisions of the bilateral agreement of June 29, 1971, as amended, between the Governments of the United States and Mexico which provide, in part, that within the aggregate limit, the group limits for Group I and Group II may be exceeded by not more than 10 percent, and the limit on Group III may be exceeded by not more than 5 percent; within the aggregate and applicable group limits, limits on certain categories may be exceeded by not more than 5 percent; for the limited carryover of shortfalls in certain categories to the next agreement year; and for administrative arrangements.

A detailed description of the categories in terms of T.S.U.S.A. numbers and factors for converting category units into equivalent square yards was published in the FEDERAL REGISTER on January 25, 1974 (39 FR 3430).

In carrying out the above directions, entry into the United States for consumption shall be construed to include entry for consumption into the Commonwealth of Puerto Rico.

The actions taken with respect to the Government of Mexico and with respect to imports of cotton textiles and cotton textile products from Mexico have been determined by the Committee for the Implementation of Textile Agreements to involve foreign affairs functions of the United States. Therefore, the directions to the Commissioner of Customs, being necessary to the implementation of such actions, fall within the foreign affairs exception to the rule-making provisions of 5 U.S.C. 553. This letter will be published in the FEDERAL REGISTER.

Sincerely,

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

[FR Doc.74-9959 Filed 4-30-74;8:45 am]

FEDERAL REGISTER PAGES AND DATES—MAY

Pages	*Date*
15087-15241	May 1

federal register

WEDNESDAY, MAY 1, 1974
WASHINGTON, D.C.
Volume 39 ■ Number 85

PART II

CONSUMER PRODUCT SAFETY COMMISSION

■

CHILDREN'S SLEEPWEAR, SIZES 7 THROUGH 14 (FF 5-74)

Flammability Standard and Finding of Possible Need for Amendment

CONSUMER PRODUCT SAFETY COMMISSION

CHILDREN'S SLEEPWEAR, SIZES 7 THROUGH 14

Standard for the Flammability of Children's Sleepwear, Sizes 7 Through 14 (FF 5–74)

The purpose of this notice is to promulgate the Standard for the Flammability of Children's Sleepwear, sizes 7 through 14 (FF 5–74). The Standard is issued under the Flammable Fabrics Act 15 U.S.C. 1191, et seq.). It provides a test method to determine the flammability of all items of wearing apparel in sizes 7 through 14 intended to be worn primarily for sleeping or activities related to sleeping and for fabric or related material intended or promoted for use in such wearing apparel.

The Standard provides both a fabric sampling plan and a garment sampling plan to be used by all manufacturers of garments, fabric, and related material subject to the Standard. The Standard becomes effective on May 1, 1975. No noncomplying items may be manufactured on or after that date.

The Secretary of Commerce published in the FEDERAL REGISTER on June 15, 1972, a Notice of Finding that Flammability Standard may be Needed and Institution of Proceedings (37 FR 11896). Subsequently, on March 12, 1973, the Secretary of Commerce published in the FEDERAL REGISTER (38 FR 6700) a finding that a standard for the flammability of children's sleepwear in sizes 7 through 14 is needed to protect the public against unreasonable risk of the occurrence of fire leading to death, personal injury, or significant property damage. In that notice, the Secretary of Commerce published a proposed Standard for the Flammability of Children's Sleepwear and invited comment on the proposal.

On May 14, 1973, the functions of the Secretary of Commerce under the Flammable Fabrics Act were transferred to the Consumer Product Safety Commission by section 30(b) of the Consumer Product Safety Act (Pub. L. 92–573, 86 Stat. 1231; 15 U.S.C. 2079(b)). Therefore, the Consumer Product Safety Commission takes this action to promulgate the final Standard.

In response to the proposed Standard more than 95 comments were received from, among others, manufacturers of items subject to the Standard, retailers, distributors, importers, associations of the foregoing, consumers, members of Congress, and members of the National Advisory Committee for the Flammable Fabrics Act.

On September 12, 1973, a meeting was held at the request of the Man-Made Fiber Producers Association to discuss various provisions of the proposed Standard. Additional data and views concerning the proposed Standard were presented to the Commission by members of the National Wool Growers Association and Wool Bureau, Inc. at a public meeting on November 28, 1973. On January 11, 1974, the Commission held a public meeting to discuss the possible economic effects of adopting the Standard. Some written presentations were made in addition to oral statements.

The principal issues raised by those comments, both written and oral, and the conclusions of the Consumer Product Safety Commission with regard to those comments are as follows:

A. *Scope and application.* 1. A number of commenters suggest that one flammability standard apply to all children's sleepwear in sizes 0 through 14. Some commenters suggest that the Standard for the Flammability of Children's Sleepwear (DOC FF 3–71, issued July 29, 1971 (36 FR 14062), and amended July 21, 1973 37 FR 14624)), which applies to items in sizes 0 through 6x, should be applied to all sizes of children's sleepwear. Others suggest that the proposed Standard for sizes 7 through 14 apply to all sizes of children's sleepwear.

The principal difference between DOC FF 3–71 and the standard for sizes 7 through 14 is that the standard for the smaller sizes contains an additional test criterion which limits the length of time flaming molten materials or other fragments from any individual test specimen may continue to burn on the base of the test cabinet after exposure to a gas burner flame. Information available to the Commission, including accident data and reports of investigations, indicates that the risk of injury to older children is different than the risk of injury to the younger children who wear sleepwear in sizes 0 through 6x, since older children are better able to protect themselves from fire. Therefore, the two standards should be different because they are directed toward reduction of different levels of hazard.

Accordingly, the Commission has concluded that a separate standard is appropriate for children's sleepwear in sizes 7 through 14.

Paragraph .2 of the proposed Standard, entitled *Scope and application,* has been redesignated paragraph .1 of the final Standard.

2. A number of commenters recommend that the Standard for sizes 7 through 14 should provide that items of children's sleepwear which meet the standard for sizes 0 through 6X (DOC FF 3–71) are in compliance with the proposed Standard. These commenters note that any item of children's sleepwear which meets the test criteria of DOC FF 3–71 would also meet the test criteria of the proposed Standard for sizes 7 through 14.

The Commission observes that all of the test criteria contained in the proposed Standard for sizes 7 through 14 are set forth in identical language in DOC FF 3–71, the standard for sizes 0 through 6X. The Standard for the smaller sizes has one additional test criterion which does not appear in the proposed Standard for sizes 7 through 14. Therefore, no reduction in the stringency of the proposed Standard would occur if the provision requested in these comments were added. For these reasons paragraph .1(c) has been added to the final Standard to provide that fabrics and garments which meet all of the test criteria of the Standard for the Flammability of Children's Sleepwear (DOC FF 3–71) are in compliance with this Standard.

3. Paragraph .1(a) of the proposed Standard defined the term "children's sleepwear" to mean "any product of wearing apparel from size 7 through size 14 such as nightgowns, pajamas, or similar or related items such as robes, intended to be worn primarily for sleeping or activities related to sleeping. Underwear and diapers are excluded from this definition."

Some commenters request that all boys' robes in sizes 7 through 14 be excluded from the definition of "children's sleepwear," on the ground that they are not worn for sleeping. One commenter questions whether the information which supports the finding of need for the proposed Standard contains any reports of injuries to boys wearing robes in sizes 7 through 14. One commenter requests that the exclusion be limited to boys' robes made from terry or corduroy. Three commenters state that some fabrics used in the manufacture of boys' robes, such as terry and corduroy, are not available with fire retardant characteristics.

The Commission observes that boys' robes in sizes 7 through 14 are frequently and customarily worn before and after sleeping, and are, therefore, items which are "intended to be worn primarily for * * * activities related to sleeping." The information which supports the finding of need for the proposed Standard does include reports of burn accidents involving boys' robes, as well as reports of investigation about the flammability characteristics of boys' robes. The comments requesting the exclusion of boys' robes from the scope of the Standard indicate that some boys' robes are now being made from cotton flannel, and that fire-retardant cotton flannel is commercially available, although at a higher cost than untreated flannel. Additionally, one commenter states that within the past two years, some boys' robes have been manufactured from fire-retardant terry cloth.

Accordingly, the Commission concludes that boys' robes should be subject to the Standard, and the definition of children's sleepwear in the Standard promulgated below is unchanged from the definition which appeared in the proposed Standard.

The paragraph entitled *Definitions,* which was designated .1 in the proposed Standard, has been redesignated .2 in the final Standard.

4. One commenter requests that the definition of "children's sleepwear" be changed to exclude close-fitting pajamas in sizes 7 through 14 because children wearing those pajamas are not likely to put themselves in contact with sources of ignition.

The Commission observes that close-fitting pajamas do burn and are capable of causing burn injuries. The Commission also is aware that some consumers select pajamas several sizes larger than the optimum fit for their children, with the result that pajamas which are de-

signed to fit closely may in fact fit loosely on the child wearing them. For these reasons, the definition of "children's sleepwear" contained in the proposed Standard has not been changed in the final Standard to exclude close-fitting pajamas.

5. The Standard applies to all items of children's sleepwear in sizes 7 through 14 that are manufactured on or after the effective date of the Standard. The Commission believes that the term "manufacture" should be defined to clarify when the manufacturing process ends so all affected parties will know which items are subject to the Standard. Therefore, immediately following this Standard in the FEDERAL REGISTER today, the Commission has published a Notice of Possible Need to Amend the Standard, an institution of proceedings, and a request for comments on this issue.

6. Pursuant to section 4(b) of the Flammable Fabrics Act (15 U.S.C. 1193 (b)), items of children's sleepwear in inventory or with the trade as of the effective date of the Standard are exempt from the Standard, except that the exemption may be limited or withdrawn if the Commission finds any such items are so highly flammable as to be dangerous when used by consumers for the purpose for which they are intended. The Commission believes the term "in inventory or with the trade" should be more fully defined with regard to the date on which items, particularly imported items, are to be considered covered by the Standard.

Immediately following this Standard in the FEDERAL REGISTER today, the Commission has published a Notice of Possible Need to Amend the Standard, an institution of proceedings, and a request for comments on this issue. The Commission is also requesting comments as to whether the Commission should limit the exemption for items in inventory or with the trade as of the effective date of the Standard.

B. *Sampling and acceptance procedures.* 1. One commenter object to the inclusion of a production sampling plan in the proposed Standard and states that the testing procedures of the proposed Standard should be simplified so that one hundred percent compliance with the Standard could reasonably be expected and enforced. Other commenters approve the use of a sampling plan.

On the basis of information available to the Commission at this time, the Commission has retained the production sampling plan contained in the proposed Standard.

The Commission is aware that the use of sampling plans in mandatory safety standards is a subject of considerable controversy. Therefore, the Commission has scheduled a public hearing for April 4 and 5, 1974, to obtain information and views concerning the use of sampling plans in mandatory safety standards issued by the Commission and in the enforcement of such standards. As a result of information and views presented at the hearing, the Commission may determine there is a possible need to amend the Standard. The Commission will publish notice of any such determination in the FEDERAL REGISTER and will request comment on such finding.

2. Paragraph .4 of the proposed Standard stated that alternate sampling plans could be submitted to the Secretary of Commerce for approval. A similar provision that alternate sampling plans be submitted to the Consumer Product Safety Commission for approval is included in paragraph .4(a)(1) of the final Standard. Language has been added to paragraph .4(a)(1) to clarify that once the Commission has approved an alternate sampling plan for one manufacturer, other manufacturers may use that plan without obtaining separate approval.

3. Paragraph .4(a) of the proposed Standard prescribed compliance with laundering requirements of paragraph .5(c)(4) of the proposed Standard for fabrics whose flammability characteristics are not dependent on chemical additives or chemical reactants to fiber, yarns, or fabrics.

One commenter asks whether this provision would apply to fabrics made from fibers which have been produced by the use of fire-retardant chemicals or treatments. The Commission concludes that this provision of the proposed standard was intended to apply only to those fabrics with flammability characteristics which are not dependent on any fire-retardant chemical additive or treatment, including additives or treatments which may be applied during the fiber production process. Accordingly, paragraph .4(a)(4) of the final Standard reflects this intention.

4. Paragraph .4(c) of the proposed Standard prescribes a garment sampling procedure. This procedure requires initial testing of preproduction prototype seam and trim designs, and prescribes the criteria by which those designs are to be accepted or rejected. After prototype seam and trim designs are tested and accepted, the proposed Standard prescribes the sampling procedures and testing required of garments from the manufacturer's production. Production testing is performed on portions of a garment containing a seam.

A number of commenters recommend that the provisions of the proposed Standard which require testing of seam and trim prototype designs and the testing of seams from garments in production should be eliminated, and that testing under the Standard should be conducted only on fabrics from which items of children's sleepwear are manufactured. One commenter recommends that provisions which require testing of garment seams be eliminated, but suggests that some testing of prototype trim designs might be desirable. One commenter recommends that testing of prototype seam designs should be retained, but that testing of seams from production garments should be eliminated if the garments are made from nonflammable fabrics.

The Commission observes that seams and trim can affect the flammability hazard of a garment, and concludes that the testing of seam and trim prototypes and seam segments from production garments is necessary to provide assurance that a fabric which meets the test criteria of the Standard is not made unacceptable by the addition of seams and trim. Accordingly, the provisions of the proposed Standard which require testing of prototype seam and trim designs have been retained and appear in paragraph .4(c)(2) of the final Standard. Provisions of the proposed Standard which require testing of specimens containing seams from production garments appear in paragraph .4(c)(3) of the final Standard.

5. Provisions of paragraph .4(c) of the proposed Standard require initial testing of prototype designs of trim such as ribbons, laces, embroidery or ornaments used on children's sleepwear. Paragraph .1(d) of the proposed Standard contains an exemption from the requirement for prototype testing of trim designs if the individual pieces of trim used on the garment are smaller than two inches in the longest dimension and the total area of the garment covered by trim does not exceed 20 square inches.

Some commenters request that the provisions of paragraph .1(d) of the proposed Standard be changed to eliminate the requirement for prototype testing of trim designs when the individual pieces of trim do not exceed twelve inches in the longest dimension and the total area covered by trim is not more than 40 square inches. One commenter requests modification of paragraph .1(d) of the proposed Standard to eliminate prototype testing of trim designs if the trim is less than two inches wide and does not cover more than 40 square inches of the garment.

The Commission observes that trim can increase the flammability hazard of a garment. Paragraph .1(d) of the proposed Standard was intended to exclude small amounts of trim which are not likely to transmit fire across a large area of the garment and which do not cover a large area of the wearer's body from the requirement for prototype testing contained in paragraph .4(c) of the proposed Standard.

The changes requested would permit a greater amount of trim not subject to testing under the Standard to be used on children's sleepwear garments, and could significantly increase the flammability hazard of those garments. For this reason, the Commission has retained the requirement for testing prototype trim designs, which appears in paragraph .4(c)(2)(ii) of the final Standard, except when individual pieces of trim are smaller than two inches in the longest dimension and do not cover a total of more than 20 square inches of the garment. The exemption from prototype testing of trim designs now appears in paragraph .2(d) of the final Standard.

6. Paragraph .4(c) of the proposed Standard prescribed the sampling procedure to be used for testing garments from production. One commenter requests the addition of a provision to al-

low reduced testing after several consecutive production units have been accepted in accordance with the procedures set forth in the proposed Standard. This commenter observes that the proposed Standard makes provision for reduced sampling of fabrics, and states that a similar provision for reduced sampling of garments from production would reduce the cost of testing garments with an established record of acceptability under the proposed Standard.

The Commission concludes that the addition of the provision requested in this comment is warranted by statistical theory and by practical experience with other flammability standards enforced by this Commission. Accordingly, paragraph .4(c)(3)(ii) of the final Standard prescribes a reduced sampling plan which may be used after 15 consecutive garment production units have been accepted using the normal sampling plan in paragraph .4(c)(3)(i). The reduced sampling plan allows the size of the production unit from which samples are selected to be twice as great as in normal sampling. Under the reduced sampling plan, three samples are selected and tested in the same manner as in the normal sampling plan for garments, and the samples are accepted or rejected on the same basis as in normal sampling. Reduced sampling must be discontinued and normal sampling resumed if a garment production unit is rejected.

7. To illustrate the sampling and acceptance procedures specified by paragraph .4 of the final Standard, the Commission staff has prepared a flow chart, which is available without charge upon written request to the Secretary, Consumer Product Safety Commission, 1750 K Street NW., Washington, D.C. 20207. This chart is not a substitute for the sampling and acceptance procedures prescribed in paragraph .4 of the Standard but has been prepared to diagram those procedures for better understanding.

8. Paragraph .4 (b) and (c) of the proposed Standard required certain recordkeeping and stated that the Federal Trade Commission may establish rules and regulations governing recordkeeping. Paragraph .4(d) of the proposed Standard stated that the Federal Trade Commission may submit a compliance market sampling plan for approval to the Secretary of Commerce. Because the functions of the Federal Trade Commission and the Secretary of Commerce under the Flammable Fabrics Act have been transferred to the Consumer Product Safety Commission, paragraph .4 (b)(5), (c)(5), and (d), of the final Standard refer to the Consumer Product Safety Commission. In addition, the paragraphs relating to recordkeeping have been clarified to indicate that records of all tests performed under the Standard must be maintained.

C. *Test apparatus and procedure.* 1. Several commenters question whether the test procedure specified in paragraph .5 of the proposed Standard realistically simulates the conditions under which items of children's sleepwear are exposed to fire in actual use. One commenter states that the requirement of the proposed Standard that the test specimen must be suspended vertically in the test cabinet and exposed to a flame on the bottom edge is unrealistic because sleepwear garments in sizes 7 through 14 are not likely to be ignited from the bottom when worn by children.

Studies of burn accidents available to the Commission indicate that many flammable fabrics incidents occur after garments contact flame sources from heaters positioned on floors. In many of these incidents, the bottom edge of the garment involved is exposed to a flame in much the same manner as the bottom edge of the test specimen is exposed to the burner flame in the test procedure specified in the proposed Standard.

The Commission concludes that the requirement of the proposed Standard that the burner flame must be impinged on the bottom edge of a vertically suspended test specimen is reasonably related to the pattern of ignition of garments involved in many flammable fabrics incidents. Accordingly, this requirement is retained in the final Standard and appears in paragraph .5(c)(2).

Some of the commenters object to the requirement that the test specimen must be placed in a metal holder when it is exposed to the burner flame. Two commenters state that the use of the metal specimen holder will cause some fabrics which exhibit flame-retardant and self-extinguishing characteristics to fail the proposed Standard.

Some commenters suggest that the test procedure should be changed to require ignition of free-hanging specimens. One commenter urges that the test procedure should require ignition of specimen garments on mannequins. The Commission observes that one of the objectives in the design of the proposed Standard was to prescribe a relatively inexpensive testing procedure that is repeatable and gives reproducible results. The Commission concludes that the use of metal specimen holders is necessary to achieve that objective, and has retained use of specimen holders in the test procedure prescribed by the final Standard.

2. The specimen holder described in paragraph .5(a)(2) and Engineering Drawing Number 7 of the proposed Standard is slightly thicker than the specimen holder required by the Standard for the Flammability of Children's Sleepwear (DOC FF 3–71), which is applicable to sizes 0 through 6X. A number of commenters request modification of the proposed Standard to allow the use of specimen holders prescribed by DOC FF 3–71 in testing under this Standard. Some commenters suggest that the specimen holder prescribed by the proposed Standard be modified or eliminated.

Information available to the Commission indicates that use in this Standard of specimen holders prescribed in the flammability standard for sizes 0 through 6X (DOC FF 3–71) will not affect test results, and for that reason, the tolerances for the specimen holder as set forth in Engineering Drawing Number 7 of the Standard have been modified to allow use of specimen holders which meet the design requirements of DOC FF 3–71. For enforcement purposes, the Commission will test with either type specimen holder. Persons desiring to make other modifications to the specimen holders required by the Standard may request approval to use alternate test apparatus in accordance with paragraph .5(a).

3. Some commenters suggest modifications to the design of the test chamber described in paragraph .5(a)(1) of the proposed Standard. No specific information or test data were submitted to the Commission to support the contention that the modifications to the design of the test chamber requested in these comments would improve the Standard.

Although it is possible that modifications to various items of test apparatus required by the Standard may be desirable, at this time the Commission lacks the necessary information to make a judgment about the merits of the modifications suggested by these commenters. Accordingly, the specific changes to the design of the test chamber which were requested in these comments have not been incorporated in the description of the test chamber which appears in paragraph .5(a)(1) of the final Standard. However, language has been added to paragraph .5(a) to state that alternate test apparatus may be used with prior approval of the Commission.

4. Paragraph .5(b) of the proposed Standard provided that test specimens must be conditioned at a temperature of 21 (plus or minus one) degrees Centigrade [70 (plus or minus two) degrees Fahrenheit] and at a relative humidity of 65 (plus or minus 5) percent for eight hours prior to testing. A number of commenters request that the provisions of the proposed Standard be changed to require that specimens be oven dried and cooled in a desiccator before testing, which is the conditioning procedure required by DOC FF 3–71. These commenters state that this Standard should be as stringent as the Standard for sizes 0 through 6X. Some commenters recommend elimination of the requirement for conditioning of test specimens at 65 percent relative humidity because small manufacturers do not have the physical facilities to condition specimens at that humidity level.

At a meeting with the Commission staff on September 12, 1973, representatives of the Man-Made Fiber Producers Association, Inc., opposed any modification of the provisions of the proposed Standard which require conditioning of test specimens at 65 percent relative humidity. The substance of the objection was that any reduction of the relative humidity at which test specimens are to be conditioned would require the use of finishes that would increase the cost and decrease the durability of rayon fabric intended for use in children's sleepwear.

At a public meeting on November 28, 1973, representatives of the National Wool Growers Association and the Wool Bureau, Inc., stated that because of the moisture-retaining properties of wool fibers, garments made of 100 percent wool would be able to meet the test cri-

teria of the proposed Standard if the requirement for conditioning of test specimens at 65 percent relative humidity were retained, but would not meet those criteria if oven drying of test specimens were required instead. They stated that oven drying would remove moisture which would be present in wool garments under normal conditions of use, and that substitution of oven drying of test specimens for the conditioning procedures set forth in the proposed Standard would preclude the use of 100 percent wool fabric in children's sleepwear. A number of other comments, both written and oral, oppose a requirement for oven drying. Some commenters suggest that if oven drying were substituted for the conditioning procedures in the proposed Standard, a separate flammability standard for woolen garments should be considered.

A number of commenters request that the relative humidity specified for the conditioning process be changed from 65 (plus or minus five) percent to any relative humidity not exceeding 65 percent. Other commenters suggest that the conditioning requirements of the proposed Standard might be altered to require one specified level of relative humidity lower than 65 percent rather than oven drying.

Information available to the Commission demonstrates that variations in relative humidity will substantially increase variability in test results. If the conditioning requirements of the proposed Standard were changed to allow conditioning at any relative humidity not greater than 65 percent, the Commission foresees that the process of determining whether specific items are in compliance with the Standard could be difficult because of conflicting test condition. Therefore, the Commission concludes that testing to determine acceptability under the Standard should be performed after specimens have been conditioned by a uniform procedure, and requests to allows conditioning of test specimens at any relative humidity not exceeding 65 percent have not been granted.

The Commission is aware that the requirement that test specimens be conditioned for a given period of time at 65 percent relative humidity (or at any other specified level or relative humidity) would impose a substantial cost burden on some manufacturers to obtain the equipment needed to meet such a conditioning requirement. The Commission also has information which shows that when outside temperatures are significantly below the freezing point, relative humidities in homes are not greatly different from relative humidities over silica gel in a desiccator. For these reasons and on the basis of its investigations, the Commission has concluded that the conditioning provisions of the proposed Standard should be changed to a requirement that test specimens be placed in a drying oven capable of maintaining them at a temperature of 105 (plus or minus 2.8) degrees centigrade [221 (plus or minus 5) degrees Fahrenheit] for a period of 30 minutes and then placed in a desiccator containing silica gel for 30 minutes to cool. This conditioning requirement is set forth in paragraph .5(b) of the final Standard and is identical to the pretest conditioning procedure required by the Standard for sizes 0 through 6X (DOC FF 3–71). Paragraphs .5(a) (9) and (10) of the final Standard prescribe the operating characteristics of the circulating air oven and desiccator, required by the Standard.

Immediately following this Standard in the FEDERAL REGISTER today, the Commission has published a Notice of Possible Need to Amend the Standard to allow, among other things, exceptions to the requirement for testing under oven dry conditions.

As a result of information presented in comments received in response to the Notice of Proposed Standard, the Commission believes that there may be a need to amend the Standard to allow exceptions to testing under the oven dry conditions. The Commission believes that it should establish a maximum relative humidity at which items could be tested and that it should require those who request exceptions to state the relative humidity at which they will test items under the Standard. For enforcement purposes, the Commission would test according to the provisions of the exceptions which had been granted.

5. Paragraph .5(c) (1) of the proposed Standard provides that the height of the flame from the burner used for testing shall be 3.8 centimeters (one and one-half inches). Some commenters request that the Standard specify that flame height is to be determined by measuring the total height of the flame rather than that portion of the flame which is yellow in color. The intent of paragraph .5(c) (1) was to obtain a flame with a total height of 3.8 centimeters, measuring all of the flame which is visible. Information available to the Commission indicates that by following the instructions contained in paragraph .5(c) (1) of the proposed Standard, different operators working under different laboratory conditions have had no difficulty obtaining a flame of uniform height. Accordingly, the Commission concludes that no modification of the language of paragraph .5(c) (1) of the proposed Standard is needed.

6. Paragraph .5(c) (2) of the proposed Standard provides that specimens shall be exposed to the burner flame for a period of three seconds. One commenter requests that the period of exposure to the burner flame be reduced to two seconds to allow more fabrics to pass the test criteria of the proposed Standard.

Investigation of the flammability characteristics of various fabrics which led to the development of the proposed Standard and the Standard applicable to sizes 0 through 6X (DOC FF 3–71) and experience with DOC FF 3–71 demonstrate that items of sleepwear can be manufactured which will meet the test criteria of the Standards when specimens are exposed to the burner flame for three seconds. The Commission concludes that the change requested would reduce the stringency of the proposed Standard, and that such a reduction in stringency would not be in the public interest in view of the fact that fabrics and garments are now being manufactured which meet the test criteria of the proposed Standard when exposed to a burner flame for a period of three seconds. Accordingly, paragraph .5(c) (2) of the final Standard retains the requirement for exposure of the test specimen to the burner flame for a period of three seconds.

7. One commenter recommends that precautions should be included in the description of the test procedures in the proposed Standard to warn against hazards of explosion and asphyxiation which are involved with the use of methane gas, the burner fuel specified by the proposed Standard. The Commission concludes that the use of methane gas in the test procedure does involve some risk of injury to persons performing the testing specified by the final Standard, and has added language to paragraph .5(c) (2) to advise the test operator to vent the hood and testing cabinet to remove smoke and toxic gases after testing each specimen.

8. Paragraph .5(c) (2) of the proposed Standard set forth the procedure for exposing each individual test specimen to the burner flame and measuring the charred or melted portion of the specimen which results from ignition of the specimen. In some cases, when a test specimen is exposed to a burner flame, the specimen will ignite, burn for a period of time with a readily visible flame which extinguishes itself, and then slowly smolder. During the smoldering stage, which may occur after flaming ceases (commonly called "afterglow"), little heat is generated, but the fabric is consumed by oxidation.

Paragraph .5(c) (2) of the proposed Standard provides that measurement of the charred or melted area of the specimen will be done "[w]hen afterglow has ceased."

Some commenters request elimination of the requirements that afterglow must cease before measurements and addition of a new provision to require measurements to be made after flaming has ceased. These commenters state that because afterglow spreads slowly and generates little heat, it presents little or no risk of burn injury. They also state that if the requested change were made, many flame-retardant materials might be suitable for application to fabrics used in the manufacture of children's sleepwear, giving rise to the possibility that flame-retardant children's sleepwear might become available to consumers at a lower cost than now prevails.

The Commission staff has evaluated several cotton fabrics treated with experimental flame-retardant materials which, after ignition, will cease burning with a visible flame after a short period of time, but will exhibit an afterglow. The afterglow observed on these fabrics generated little heat, was easily extinguished with the fingers, and consumed the fabric at a very slow rate. On the

basis of the evaluation of these fabrics by the Commission staff, the Commission concludes that such fabrics present a sufficiently minimal risk of injury to consumers from burns that their development for use in children's sleepwear should be encouraged.

Accordingly, paragraph .5(c)(2)(ii) of the final Standard provides that after flaming has ceased on the test specimen and when afterglow is present, the test specimen shall be removed from the test cabinet and the afterglow extinguished by placing the test specimen between two metal plates called "extinguishing plates." (The specifications for the extinguishing plates appear in paragraph .5(a)(12) of the Standard.) When the afterglow has been extinguished, measurement of the charred or melted area of the test specimen is performed.

9. Paragraph .5(c)(4) of the proposed Standard requires that one set of specimens for testing shall be taken from finished items as produced and another set from items which have been washed and dried 50 times using Test Method 124–1969 of the American Association of Textile Chemists and Colorists. One commenter requests that the laundering requirement be reduced to washing and drying ten times using the prescribed method. Another commenter requests that the requirement for drying items after each washing be eliminated. Both commenters wish to reduce the time required for the laundering procedure.

The Commission observes that flame-retardant treatments often are progressively reduced in effectiveness by washing or by drying. The requirement in paragraph .5(c)(4) of the proposed Standard that test specimens be taken from items which have been washed and dried 50 times is intended to provide assurance that any flame-retardant treatment used in the manufacture of an item subject to the Standard will be effective for the expected life of that item. The Commission concludes that such assurance cannot be obtained by fewer than 50 washings and dryings, and for that reason, paragraph .5(c)(4)(i) of the final Standard retains the requirement that items from which test specimens are taken must be washed and dried 50 times.

Paragraph .5(c)(4) of the proposed Standard states that the Federal Trade Commission may authorize alternate laundering procedures, and may approve pretest dry-cleaning procedures for items which cannot be laundered. Because the functions of the Federal Trade Commission under the Flammable Fabrics Act have been transferred to the Consumer Product Safety Commission, paragraph .5(c)(4)(ii) of the final Standard states that the Consumer Product Saftey Commission may prescribe alternate laundering procedures, and paragraph .5(c)(4)(iii) states that the Consumer Product Safety Commission may approve pretest dry-cleaning procedures for items which cannot be laundered.

D. *Labeling.* 1. Paragraph .6 of the proposed Standard requires that items of children's sleepwear shall be labeled with precautionary instructions concerning care of the item to prevent deterioration of the flame-resistance of the item. One commenter requests that the Standard allow instructions to be worded in positive rather than negative language. The Commission concludes that the terms of paragraph .6 of the proposed Standard would not preclude the use of positively worded instructions, provided that such instructions are accurate and capable of being understood and followed by consumers. Accordingly, no change has been made to the provisions of paragraph .6 of the final Standard.

2. Paragraph .6 of the proposed Standard provides that finished items which are tested after one laundering must be labeled with instructions to wash before wearing. One commenter requests that this requirement be eliminated from the proposed Standard. The Commission observes that the provision of paragraph .5(c)(4)(i) of the Standard, which allows test specimens to be taken from finished items after one washing and drying, is intended to permit the removal of potentially flammable processing oils before testing. The Commission concludes that instructions to wash such items before wearing are necessary to insure that consumers will derive full benefit of the flame-resistant characteristics of such garments. Accordingly, the change requested in this comment has not been made.

3. Paragraph .6 of the proposed Standard contained language authorizing the Federal Trade Commission to issue rules and regulations implementing the labeling requirements of the proposed Standard. Because the functions of the Federal Trade Commission under the Flammable Fabrics Act have been transferred to the Consumer Product Safety Commission, paragraph .6 of the final standard states that the Consumer Product Stafey Commission may issue rules and regulations to govern labeling of items subject to the Standard. Any proposed rules or regulations affecting labeling of items subject to the Standard will be published in the FEDERAL REGISTER for public comment before promulgation by the Consumer Product Safety Commission.

4. Immediately following this Standard in the FEDERAL REGISTER today, the Commission has published a Notice of Finding of Possible Need for Amendment to the Standard to require all complying items manufactured on or after the effective date of the Standard to bear affirmative labels. The Commission believes such labeling should be required until stocks of noncomplying items are exhausted in order to avoid confusion in the marketplace. Comments and views are invited on this finding of possible need for amendment.

E. *Effective date.* Section 4(b) of the Flammable Fabrics Act provides that any flammability standard issued under that Act will become effective twelve months after promulgation, unless it is found for good cause shown, that an earlier or later effective date is in the public interest. One commenter requests that the effective date of the Standard be delayed until flame-retardant fabric becomes available to manufacturers of children's sleepwear in sizes 7 through 14. Another requests addition of a provision that noncomplying items could be manufactured for one year after the effective date of the Standard, if warning labels are attached.

Investigation by the Commission staff and the National Bureau of Standards indicates that the textile and apparel industries will be able to comply with the Standard within twelve months after promulgation. Accordingly, the final Standard shall become effective on May 1, 1975.

The Consumer Product Safety Commission has made appropriate changes to the Standard proposed by the Secretary of Commerce on March 12, 1973, on the basis of comments received, additional investigation by the staff of the Commission, and other relevant information. The National Advisory Committee for the Flammable Fabrics Act was consulted as to this Standard at a meeting on May 16, 1973.

The Consumer Product Safety Commission finds that the Standard for the Flammability of Children's Sleepwear; sizes 7 through 14 (FF 5–74) is:

1. Needed for children's sleepwear in sizes 7 through 14 to protect the public against unreasonable risk of the occurrence of fire leading to death, personal injury, or significant property damage; and

2. Reasonable, technologically practicable, and appropriate, and stated in objective terms; and

3. Limited to items of children's sleepwear in sizes 7 through 14 which currently present unreasonable risks of the occurrence of fire leading to death, personal injury, or significant property damage.

Therefore, pursuant to provisions of the Flammable Fabrics Act (sec. 4, 67 Stat. 112, as amended 81 stat. 569–70, 15 U.S.C. 1193) and under authority vested in the Consumer Product Safety Commission by the Consumer Product Safety Act (Public Law 92–573, sec. 30(b), 86 Stat. 1231; 15 U.S.C. 2079(b)), the Standard is promulgated as follows:

CHILDREN'S SLEEPWEAR, SIZES 7 THROUGH 14

STANDARD FOR THE FLAMMABILITY OF CHILDREN'S SLEEPWEAR, SIZES 7 THROUGH 14

[FF 5–74]

.1 Scope and application
.2 Definitions
.3 General requirements
.4 Sampling and acceptance procedures
.5 Test procedure
.6 Labeling requirements

AUTHORITY: Sec. 4, 67 stat. 112, as amended 81 stat. 569–70; 15 U.S.C. 1193.

.1 *Scope and application.* (a) This Standard provides a test method to determine the flammability of children's sleepwear, sizes 7 through 14 and fabric or related material intended or promoted for use in such children's sleepwear.

(b) All sleepwear items as defined in .2(c), are subject to the requirements of this Standard.

(c) Children's sleepwear items which meet all the requirements of the Standard for the Flammability of Children's Sleepwear (DOC FF 3–71), sizes 0 through 6X, are in compliance with this Standard. (DOC FF 3–71 was issued July 29, 1971 (36 FR 14062), and amended July 21, 1972 (37 FR 14624)).

(d) As used in this Standard, "pass" and "fail" refer to the test criteria for specimens while "accept" and "reject" refer to the acceptance or rejection of a production unit under the sampling plan.

.2 *Definitions.* In addition to the definitions given in section 2 of the Flammable Fabrics Act, as amended (sec. 2, 81 stat. 568; 15 U.S.C. 1191) and section 7.2 of the Flammable Fabrics Act Procedures issued by the Department of Commerce (15 CFR 7.2) and continued in effect by the Consumer Product Safety Commission, the following definitions apply for the purposes of this Standard:

(a) "Children's sleepwear" means any product of wearing apparel size 7 through size 14, such as nightgowns, pajamas, or similar or related items, such as robes, intended to be worn primarily for sleeping or activities related to sleeping. Underwear and diapers are excluded from this definition.

(b) "Sizes 7 through 14" means the sizes defined as 7 through 14 in Department of Commerce Voluntary Product Standards PS 54–72 and PS 36–70, previously identified as Commercial Standards, CS 153–48, "Body Measurements for the Sizing of Girls' Apparel" and CS 155–50, "Body Measurements for the Sizing of Boys' Apparel", respectively.[1]

(c) "Item" means any product of children's sleepwear or any fabric or related material intended or promoted for use in children's sleepwear.

(d) "Trim" means decorative materials, such as ribbons, laces, embroidery, or ornaments. This definition does not include (1) individual pieces less than 2 inches in their longest dimension, provided that such pieces do not constitute or cover in aggregate a total of more than 20 square inches of the item or (2) functional materials (findings), such as zippers, buttons, or elastic bands, used in the construction of garments.

(e) "Test criteria" means the average char length and the maximum char length which a sample or specimen may exhibit in order to pass an individual test.

(f) "Char length" means the distance from the original lower edge of the specimen exposed to the flame in accordance with the procedure specified in .5 *Test procedure* to the end of the tear or void in the charred, burned, or damaged area, the tear being made in accordance with the procedure specified in .5(c)(2) *Specimen burning and evaluation.*

(g) "Afterglow" means the continuation of glowing of parts of a specimen after flaming has ceased.

(h) "Fabric piece" (piece) means a continuous, unseamed length of fabric, one or more of which make up a unit.

(i) "Fabric production unit" (unit) means any quantity of finished fabric up to 4,600 linear m. (5,000 linear yds.) for Normal Sampling or 9,200 linear m. (10,000 linear yds.) for Reduced Sampling which has a specific identity that remains unchanged throughout the unit except for color or print pattern as specified in .4(a). For purposes of this definition, finished fabric means fabric in its final form after completing its last processing step as a fabric except for slitting.

(j) "Garment production unit" (unit) means any quantity of finished garments up to 500 dozen which have a specific identity that remains unchanged throughout the unit except for size, trim, findings, color, and print patterns as specified in .4(a).

(k) "Sample" means five test specimens.

(l) "Specimen" means an 8.9±0.5 x 25.4±0.5 cm. (3.5±0.2 x 10±0.2 in.) section of fabric. For garment testing, the specimen will include a seam or trim.

.3 *General requirements*—(a) *Summary of test method.* Conditioned specimens are suspended one at a time vertically in holders in a prescribed cabinet and subjected to a standard flame along their bottom edges for a specified time under controlled conditions. The char lengths are recorded.

(b) *Test criteria.* The test criteria when the testing is done in accordance with .4 *Sampling and acceptance procedures* and .5 *Test procedure* are:

(1) *Average char length.* The average char length of five speciments shall not exceed 17.8 cm. (7.0 in.).

(2) *Full-specimen burn.* No individual specimen shall have a char length of 25.4±0.5 cm. (10±0.2 in.).

(c) Details of the number of specimens which must meet the above test criteria for unit accepance is specified in section .4.

.4 *Sampling and acceptance procedures*—(a) *General.* (1) The test criteria of .3(b) shall be used in conjunction with the following fabric and garment sampling plan. The Consumer Product Safety Commission may consider and approve other sampling plans that provide at least the equivalent level of fire safety to the consumer, provided such alternate sampling plans have operating characteristics such that the probability of unit acceptance at any percentage defective does not exceed the corresponding probability of unit acceptance of the following sampling plan in the region of the latter's operating characteristic curves that lies between 5 and 95 percent acceptance probability. Alternate sampling plans approved for one manufacturer may be used by other manufacturers without prior Consumer Product Safety Commission approval.

(2) Different colors or different print patterns of the same fabric may be included in a single fabric or garment production unit, provided such colors or print patterns demonstrate char lengths that are not significantly different from each other as determined by previous testing of at least three samples from each color or print pattern to be included in the unit.

(3) Garments with different trim and findings may be included in a single garment production unit provided the other garment characteristics are identical except for size, color, and print pattern.

(4) For fabrics whose flammability characteristics are not dependent on chemical additives or chemical reactants to polymer, fiber, yarns, or fabrics, the laundering requirement of .5(c)(4) is met on subsequent fabric production units if results of testing an initial fabric production unit demonstrate acceptability according to the requirements of .4(b) *Normal sampling,* both before and after the appropriate laundering.

(5) If the fabric has been shown to meet the laundering requirement, .5(c)(4), the garments produced from that fabric are not required to be laundered prior to testing.

(6) Each sample (five specimens) for Fabric Sampling shall be selected so that two specimens are in one fabric direction (machine or cross-machine) and three specimens are in the other fabric direction, except for the additional sample selected after a failure, in which case all five specimens shall be selected in the fabric direction in which the specimen failure occurred.

(7) Fabric samples may be selected from fabric as outlined in .4(b) *Fabric sampling* or, for verification purposes, from randomly selected garments.

(8) Multi-layer fabrics shall be tested with a hem of approximately 2.5 cm. (1 in.) sewn at the bottom edge of the specimen with a suitable thread and stitch. The specimen shall include each of the components over its entire length. Garments manufactured from multi-layer fabrics shall be tested with the edge finish which is used in the garment at the bottom edge of the specimen.

(b) *Fabric sampling.* A fabric production unit (unit) is either accepted or rejected in accordance with the following plan:

(1) *Normal sampling.* Select one sample from the beginning of the first fabric piece (piece) in the unit and one sample from the end of the last piece in the unit, or select a sample from each end of the piece if the unit is made up of only one piece. Test the two selected samples. If both samples meet all the test criteria of .3(b), accept the unit. If either or both of the samples fail the 17.8 cm. (7.0 in.) average char length criterion, .3(b)(1), reject the unit. If two or more of the individual specimens, from the 10 selected specimens, fail the 25.4 cm. (10 in.) char length criterion, .3(b)(2), reject the unit. If only one individual specimen, from the 10 selected specimens, fails the 25.4 cm. (10 in.) char length criterion, .3(b)(2), select five additional specimens from the same end of the piece in which the failure occurred, all five to be taken in the fabric direction in which the specimen failure occurred. If this additional sample passes all the test criteria, accept the unit. If this additional sample fails

[1] Copies available from the National Technical Information Service, 5285 Port Royal Street, Springfield, Virginia 22151.

any part of the test criteria, reject the unit.

(2) *Reduced sampling.* (i) The level of sampling required for fabric acceptance may be reduced provided the preceding 15 units of the fabric have all been accepted using the Normal Sampling Plan.

(ii) The reduced Sampling Plan shall be the same as for Normal Sampling except that the quantity of fabric in the unit may be increased to 9,200 linear m. (10,000 linear yds.).

(iii) Select and test two samples in the same manner as in Normal Sampling. Accept or reject the unit on the same basis as with Normal Sampling.

(iv) Reduced Sampling shall be discontinued and Normal Sampling resumed if a unit is rejected.

(3) *Tightened sampling.* Tightened sampling shall be used when a unit is rejected under the Normal Sampling Plan. The Tightened Sampling shall be the same as Normal Sampling except that one additional sample shall be selected and cut from a middle piece in the unit. If the unit is made up of less than two pieces, the unit shall be divided into at least two pieces. The division shall be such that the pieces produced by the division shall not be smaller than 92 linear m. (100 linear yds.) or greater than 2,300 linear m. (2,500 linear yds.). If the unit is made up of two pieces, the additional sample shall be selected from the interior end of one of the pieces. Test the three selected samples. If all three selected samples meet all the test criteria of .3(b), accept the unit. If one or more of the three selected samples fail the 17.8 cm. (7.0 in.) average char length criterion, .3(b)(1), reject the unit. If two or more of the individual specimens, from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length criterion, .3(b)(2), reject the unit. If only one individual specimen, from the 15 selected specimens, fails the 25.4 cm. (10 in.) char length criterion, .3(b)(2), select five additional specimens from the same end of the same piece in which the failure occurred, all five to be taken in the fabric direction in which the specimen failure occurred. If this additional sample passes all the test criteria, accept the unit. If this additional sample fails any part of the test criteria, reject the unit. Tightened Sampling may be discontinued and Normal Sampling resumed after five consecutive units have all been accepted using Tightened Sampling. If Tightened Sampling remains in effect for 15 consecutive units, production of the specific fabric in Tightened Sampling must be discontinued until that part of the process or component which is causing failure has been identified and the quality of the end product has been improved.

(4) *Disposition of rejected units.* (i) The piece or pieces which have failed and resulted in the initial rejection of the unit may not be retested, used, or promoted for use in children's sleepwear as defined in .2(a) of this Standard and .1(a) of DOC FF 3–71 except after reworking to improve the flammability characteristics and subsequent retesting and acceptance in accordance with the procedures in *Tightened Sampling.*

(ii) The remainder of a rejected unit, after removing the piece or pieces, the failure of which resulted in unit rejection, may be accepted if the following test plan is successfully concluded at all required locations. The required locations are those adjacent to each such failed piece. (Required locations exist on both sides of the "Middle Piece" tested in Tightened Sampling if failure of that piece resulted in unit rejection). Failure of a piece shall be deemed to have resulted in unit rejection if unit rejection occurred and a sample or specimen from the piece failed any test criterion of .3(b).

(iii) The unit should contain at least 15 pieces for disposition testing after removing the failing pieces. If necessary for this purpose, the unit shall be demarcated into at least 15 approximately equal length pieces unless such division results in pieces shorter than 92 linear m. (100 linear yds.). In this latter case, the unit shall be demarcated into roughly equal length pieces of approximately 92 linear m. (100 linear yds.) each. If such a division results in five pieces or less in the unit for each failing piece after removing the failing pieces, only the individual pieces retest procedure [described in .4(b)(4)(vi)] may be used.

(iv) Select and cut a sample from each end of each adjoining piece beginning adjacent to the piece which failed. Test the two samples from the piece. If both samples meet all the test criteria of .3(b), the piece is acceptable. If one or both of the two selected samples fail the 17.8 cm. (7.0 in.) average char length criterion, .3(b)(1), the piece is unacceptable. If two or more of the individual specimens, from the 10 selected specimens, fail the 25.4 cm. (10 in.) char length criterion, .3(b)(2), the piece is unacceptable. If only one individual specimen, from the 10 selected specimens, fails the 25.4 cm. (10 in.) char length criterion, .3(b)(2), select five additional specimens from the same end of the piece in which the failure occurred, all five to be taken in the fabric direction in which the specimen failure occurred. If this additional sample passes all the test criteria, the piece is acceptable. If this additional sample fails any part of the test criteria, the piece is unacceptable.

(v) Continue testing adjoining pieces until a piece has been found acceptable. Then continue testing adjoining pieces until three successive adjoining pieces, not including the first acceptable piece, have been found acceptable or until five such pieces, not including the first acceptable piece, have been tested, whichever occurs sooner. Unless three successive adjoining pieces have been found acceptable among five such pieces, testing shall be stopped and the entire unit rejected without further testing. If three successive pieces have been found acceptable among five such pieces, accept the three successive acceptable pieces and the remaining pieces in the unit.

(vi) Alternately, individual pieces from a rejected unit containing three or more pieces may be tested and accepted or rejected on a piece by piece basis according to the following plan, after removing the piece or pieces, the failure of which resulted in unit rejection.

Select four samples (two from each end) from the piece. Test the four selected samples. If all four samples meet all the test criteria of .3(b), accept the piece. If one or more of the samples fail the 17.8 cm. (7.0 in.) average char length criterion, .3(b)(1), reject the piece. If two or more of the individual specimens, from the 20 selected specimens, fail the 25.4 cm. (10 in.) char length criterion, .3(b)(2), reject the piece. If only one individual specimen, from the 20 selected specimens, fails the 25.4 cm. (10 in.) char length criterion, .3(b)(2), select two additional samples from the same end of the piece in which the failure occurred. If these additional two samples meet all the test criteria of .3(b), accept the piece. If one or both of the two additional samples fail any part of the test criteria, reject the piece.

(vii) The pieces of a unit rejected after retesting may not be retested, used, or promoted for use in children's sleepwear as defined in .2(a) of this Standard and .1(a) of DOC FF 3–71 (Standard for the Flammability of Children's Sleepwear, sizes 0 through 6X) except after reworking to improve the flammability characteristics, and subsequent retesting in accordance with the procedures set forth in *Tightened Sampling.*

(5) *Records.* Written and physical records related to all tests performed under this Standard must be maintained by the manufacturer, importer, or other persons initially introducing items into commerce which are subject to this Standard, beginning on the effective date of the Standard. Such records shall include results of all tests, sizes of all units, and the disposition of all rejected pieces and units. Rules and regulations regarding recordkeeping may be established by the Consumer Product Safety Commission.

(c) *Garment sampling.* (1)(i). The Garment Sampling Plan is made up of two parts: (1) Prototype Testing and (2) Production Testing. Prior to production, prototypes must be tested to assure that the design characteristics of the garment are acceptable. Garment production units (units) are then accepted or rejected on an individual unit basis.

(ii) Edge finishes such as hems, except in multi-layer fabrics, and binding are excluded from testing except that when trim is used on an edge the trim must be subjected to prototype testing. Seams attaching findings are excluded from testing.

(2) *Prototype testing.* Pre-production prototype testing of each seam and trim specification to be included in each garment in a garment production unit shall be conducted to assure that garment specifications meet the flammability requirements of the Standard prior to production.

(i) *Seams.* Make three samples (15 specimens) using the longest seam type

and three samples using each other seam type 10 inches or longer that is to be included in the garment. For purposes of recordkeeping, prior to testing, assign each specimen to one of the three samples. Test each set of three samples and accept or reject each seam design in accordance with the following plan:

(A) If all three samples meet all the test criteria of .3(b), accept the seam design. If one or more of the three samples fail the 17.8 cm. (7.0 in.) average char length criterion, .3(b)(1), reject the seam design. If three or more of the individual specimens from the 15 selected specimens fail the 25.4 cm. (10 in.) char length criterion, .3(b)(2), reject the seam design. If only one of the individual specimens from the 15 selected specimens fails the 25.4 cm. (10 in.) char length criterion, .3(b)(2), accept the seam design.

(B) If two of the individual specimens; from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length criterion, .3(b)(2), select three more samples (15 specimens) and retest. If all three additional samples meet all the test criteria of .3(b), accept the seam design. If one or more of the three additional samples fail the 17.8 cm. (7.0 in.) average char length criterion, .3(b)(1), reject the seam design.

If two or more of the individual specimens, from the 15 selected additional specimens, fail the 25.4 cm. (10 in.) char length criterion, .3(b)(2), reject the seam design. If only one of the individual specimens, from the 15 selected additional specimens, fails the 25.4 cm. (10 in.) char length criterion, .3(b)(2), accept the seam design.

(ii) *Trim*—(A) Make three samples (15 specimens) from each type of trim to be included in the garment. Specimens shall be prepared by sewing or attaching the trim to the center of the vertical axis of an appropriate section of untrimmed fabric, beginning the sewing or attachment at the lower edge of each specimen. The sewing or attachment shall be made in the manner in which the trim is to be attached to the garment.

(B) Sewing or otherwise attaching the trim shall be done with thread or fastening material of the same composition and size to be used for this purpose in the garment and using the same stitching or seam type or other attaching procedure. The trim shall be sewn or fastened the entire length of the specimen. Prior to testing, assign each specimen to one of the three samples. Test the sets of three samples and accept or reject the type of trim and design on the same basis as seam design.

(3) *Production testing.* A unit is either accepted or rejected according to the following plan:

(i) *Normal sampling.* (A) From each unit, select at random sufficient garments and cut three samples (15 specimens) from the longest seam type. No more than five specimens may be cut from a single garment. Prior to testing, assign each specimen to one of the three samples. All specimens cut from a single garment must be included in the same sample. Test the three selected samples. If all three samples meet all the test criteria of .3(b), accept the unit. If one or more of the three samples fail the 17.8 cm. (7.0 in.) average char length criterion, .3(b)(1), reject the unit. If four or more of the individual specimens, from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length criterion, .3(b)(2), reject the unit. If three or less of the individual specimens, from the 15 selected specimens, fail the 25.4 cm. (10 in.) char length criterion, .3(b)(2), accept the unit.

(B) If the garment under test does not have a seam at least 10 inches long in the largest size in which it is produced, the following selection and testing procedure shall be followed:

Select and cut specimens 8.9 cm. (3.5 in.) wide by the maximum available seam length, with the seam in the center of the specimen and extending the entire specimen length. Cut three samples (15 specimens). These specimens shall be placed in specimen holders so that the bottom edge is even with the bottom edge of the specimen holder and the seam begins in the center of the bottom edge. Prior to testing, assign each specimen to one of the three samples. All specimens cut from a single garment must be included in the same sample.

Test the three samples. If all three samples pass the 17.8 cm. (7.0 in.) average char length criterion, .3(b)(1), and if three or fewer individual specimens fail by charring the entire specimen length, accept the unit. If the unit is not accepted in the above test, three samples (15 specimens) of the longest seam type shall be made using fabric and thread from production inventory and sewn on production machines by production operators. The individual fabric sections prior to sewing must be no larger than 20.3 x 63.3 cm. (8 x 25 in.) and must be selected from more than one area of the base fabric. Test the three prepared samples. Accept or reject the unit as described previously in this subsection.

(ii) *Reduced sampling.* The level of sampling required for garment acceptance may be reduced provided the previous 15 units of the garments have all been accepted using the Normal Sampling Plan.

The Reduced Sampling Plan shall be the same as for Normal Sampling except that the quantity of garments under test may be increased to up to two production units containing garments which have the same specific identity except for size, trim, findings, color, and print patterns as specified in .4(a).

Select and test three samples in the same manner as in Normal Sampling. Accept or reject both units on the same basis as with Normal Sampling.

Reduced Sampling shall be discontinued and Normal Sampling resumed if a unit is rejected.

(4) *Disposition of rejected units.* Rejected units shall not be retested, used, or promoted for use in children's sleepwear as defined in .2(a) of this Standard and .1(a) of DOC FF 3–71 except after reworking to improve the flammability characteristics and subsequent retesting in accordance with the procedures set forth in *Garment production testing* [Paragraph .4(c)(3)].

(5) *Records.* Written and physical records related to all tests performed under this Standard must be maintained by the manufacturer, importer, or other persons initially introducing items into commerce which are subject to this Standard, beginning on the effective date of this Standard. Such records shall include results of all tests, sizes of all units, and the disposition of all rejected pieces and units. Rules and regulations regarding recordkeeping may be established by the Consumer Product Safety Commission.

(d) *Compliance market sampling plan.* Sampling plans for use in market testing of items covered by this Standard may be issued by the Consumer Product Safety Commission. Such plans shall define noncompliance of a production unit to exist only when it is shown, with a high level of statistical confidence, those production units represented by tested items which fail such plans will, in fact, fail this Standard.

Production units found to be noncomplying under the provisions of this section .4(d), shall be deemed not to conform to this Standard.

The Consumer Product Safety Commission may publish such plans in the FEDERAL REGISTER.

.5 *Test procedure*—(a) *Apparatus.* The following test apparatus shall be used for the test. Alternate test apparatus may be used only with prior approval of the Consumer Product Safety Commission.

(1) *Test chamber.* The test chamber shall be a steel cabinet with inside dimensions of 32.9 cm. (12 15/16 in.) wide, 32.9 cm. (12 15/16 in.) deep, and 76.2 cm. (30 in.) high. It shall have a frame which permits the suspension of the specimen holder over the center of the base of the cabinet at such a height that the bottom of the specimen is 1.7 cm. (¾ in.) above the highest point of the barrel of the gas burner specified in .5(a)(3) *Burner* and perpendicular to the front of the capinet. The front of the cabinet shall be a close-fitting door with a transparent insert to permit observation of the entire test. The cabinet floor may be covered with a piece of asbestos paper, whose length and width are approximately 2.5 cm. (1 in.) less than the cabinet floor dimensions. The cabinet to be used in this test method is illustrated in Figure 1 and detailed in Engineering Drawings, Numbers 1 through 7.

(2) *Specimen holder.* The specimen holder to be used in this test method is detailed in Engineering Drawing Number 7. It is designed to permit suspension of the specimen in a fixed vertical position and to prevent curling of the specimen when the flame is applied.

The specimen shall be fixed between the plates, which shall be held together with side clamps.

(3) *Burner.* The burner shall be the same as that illustrated in Figure 1 and detailed in Engineering Drawing Num-

ber 6. It shall have a tube of 1.1 cm. (0.43 in.) inside diameter. The input line to the burner shall be equipped with a needle valve. It shall have a variable orifice to adjust the height of the flame. The barrel of the burner shall be at an angle of 25 degrees from the vertical. The burner may be equipped with an adjustable stop collar so that it may be positioned quickly under the test specimen. The burner shall be connected to the gas source by rubber or other flexible tubing.

(4) *Gas supply system.* There shall be a pressure regulator to furnish gas to the burner under a pressure of 103–259 mm. Hg. (2–5 lbs. per sq. in.) at the burner inlet. (*Caution.* Precautionary laboratory practices must be followed to prevent the leakage of methane. Methane is a flammable gas which can be explosive when mixed with air and exposed to a source of ignition, and can cause asphyxiation because of the lack of air.)

(5) *Gas.* The gas shall be at least 97 percent pure methane.

(6) *Hooks and weights.* Metal hooks and weights shall be used to produce a series of loads for char length determinations. Suitable metal hooks consist of No. 19 gauge steel wire, or equivalent, made from 7.6 cm. (3 in.) lengths of the wire, bent 1.3 cm. (0.5 in.) from one end to a 45-degree angle hook. The longer end of the wire is fastened around the neck of the weight to be used and the other in the lower end of each burned specimen to one side of the burned area. The requisite loads are given in Table 1.

TABLE 1.—*Original fabric weight* [1]

Grams per square meter	Ounces per square yard	Loads	
		Grams	Pounds
Less than 101	Less than 3.0	54.4	0.12
101 to 207	3.0 to 6.0	113.4	.25
207 to 338	6.0 to 10.0	226.8	.50
Greater than 338	Greater than 10.0	340.2	.75

[1] Weight of the original fabric, containing no seams or trim, is calculated from the weight of a specimen which has been conditioned for at least 8 hr at 21±1.1° C. (70±2° F.) and 65±2 percent relative humidity. Shorter conditioning times may be used if the change in weight of a specimen in successive weighings made at intervals of not less than 2 hr does not exceed 0.2 percent of the weight of the specimen.

(7) *Stopwatch.* A stopwatch or similar timing device shall be used to measure time to 0.1 second.

(8) *Scale.* A linear scale graduated in mm. or 0.1-inch divisions shall be used to measure char length.

(9) *Circulating air oven.* A forced circulation drying oven capable of maintaining the specimens at 105±2.8° C. (221±5° F.), shall be used to dry the specimen while mounted in the specimen holders.[3]

(10) *Desiccator.* An air-tight and moisture-tight desiccating chamber shall be used for cooling mounted specimens after drying. Anhydrous silica gel with an indicator shall be used as the desiccant in the desiccating chamber. Replace or reactivate the desiccant when it becomes inactive.

(11) *Hood.* A hood or other suitable enclosure shall be used to provide a draft-protected environment surrounding the test chamber without restricting the availability of air. This enclosure shall have a fan or other suitable means for exhausing smoke and/or toxic gases produced by testing.

12. *Extinguishing plates.* Extinguishing plates shall be used to extinguish afterglow. The plates shall be metal, approximately 35.6 cm. x 5.1 cm. (14 x 2 in.) which fit within the opening of the specimen holder. The bottom plate shall be the thickness of the specimen holder and the top plate shall be at least 0.32 cm. (⅛ in.) thick. A suitable metal specimen mounting block may be used for the bottom plate.

(b) *Mounting and conditioning of specimens*—(1) The specimens shall be placed in specimen holders so that the bottom edge of each specimen is even with the bottom of the specimen holder. Mount the specimen in as close to a flat configuration as possible. The sides of the specimen holder shall cover 1.9 cm. (¾ in.) of the specimen width along each long edge of the specimen, and thus shall expose 5.1 cm. (2 in.) of the specimen width. The sides of the specimen holder shall be clamped with a sufficient number of clamps or shall be taped to prevent the specimen from being displaced during handling and testing. The specimens may be taped in the holders if the clamps fail to hold them. Place the mounted specimens in the drying oven in a manner that will permit free circulation of air at 105° C. (221° F.) around them for 30 minutes.[4]

(2) Remove the mounted specimens from the oven and place them in the desiccator for 30 minutes to cool. No more than five specimens shall be placed in a desiccator at one time. Specimens shall remain in the desiccator no more than 60 minutes.

(c) *Testing*—(1) *Burner adjustment.* With the hood fan turned off, use the needle valve to adjust the flame height of the burner to 3.8 cm. (1½ in.) above the highest point of the barrel of the burner. A suitable height indicator is shown in Engineering Drawing Number 6 and Figure 1.

(2) *Specimen burning and evaluation.* (i) One at a time, the mounted specimens shall be removed from the desiccator and suspended in the cabinet for testing. The cabinet door shall be closed and the burner flame impinged on the bottom edge of the specimen for 3.0 ±0.2 seconds.[5] Flame impingement is accomplished by moving the burner under the specimen for this length of time, and then removing it.

(ii) When flaming has ceased, remove the specimen from the cabinet, except for specimens which exhibit afterglow. If afterglow is evident, the specimen shall be removed from the cabinet 1 minute after the burner flame is impinged on the specimen if no flaming exists at that time. Upon removal from the cabinet, the afterglow shall be promptly extinguished. The afterglow shall be extinguished by placing the specimen while still in the specimen holder on the bottom extinguishing plate and immediately covering it with the top plate until all evidence of afterglow has ceased. After removing the specimen from the cabinet and, if appropriate, extinguishing afterglow, remove it from the holder and place it on a flat clean surface. Fold the specimen lengthwise along a line through the highest peak of the charred or melted area; crease the specimen firmly by hand. Unfold the specimen and insert the hook with the correct weight as shown in Table 1 in the specimen on one side of the charred area 6.4 mm. (¼ in.) from the lower edge. Tear the specimen by grasping the other lower corner of the fabric and gently raising the specimen and weight clear of the supporting surface.[6] Measure the char length as the distance from the end of the tear to the original lower edge of the specimen exposed to the flame. After testing each specimen, vent the hood and cabinet to remove the smoke and/or toxic gases.

[3] Procedure 1(1.1.1) of ASTM D 2654–71 "Standard Methods of Test for moisture content and moisture regain of textile material," describes a satisfactory oven (1972 Book of ASTM Standards, Part 24, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pa. 19103).

[4] If the specimens are moist when received, permit them to air dry in laboratory conditions prior to placement in the oven. A satisfactory preconditioning procedure may be found in ASTM D 1776–67, "Conditioning Textiles and Textile Products for Testing". (1972 Book of ASTM Standards, Part 24, published by the American Society for Testing and Materials, 1916 Race Street, Philadelphia, Pennsylvania 19103.)

[5] If more than 30 seconds elapse between removal of a specimen from the desiccator and the initial flame impingement, that specimen shall be reconditioned prior to testing.

[6] A figure showing how this is done is given in AATCC Test method 34–1969, "Fire Resistance of Textile Fabrics," Technical Manual of the American Association of Textile Chemists and Colorists, Vol. 46, 1970, published by AATCC, P.O. Box 12215, Research Triangle Park, North Carolina 27709.

(3) *Report.* Report the value of char length, in centimeters (or inches), for each specimen, as well as the average char length for each set of five specimens.

(4) *Laundering.* (i) The procedures described under .4 *Sampling and acceptance procedures,* .5(b) *Conditioning and mounting of specimens,* and .5 (c) *Testing,* shall be carried out on finished items (as produced or after one washing and drying) and after they have been washed and dried 50 times according to the laundering procedure in AATCC Test Method 124–1969.[1] Items which do not withstand 50 launderings may be tested at the end of their useful service life with prior approval of the Consumer Product Safety Commission.

(ii) Washing procedure 6.2(III) of AATCC Test Method 124–1969, with a water temperature of 60±2.8° C. (140± 5° F.) and drying procedure 6.3.2(B) of that Test method, shall be used. Maximum load shall be 3.64 kg. (8 lbs.) and may consist of any combination of test samples and dummy pieces. Alternately, a different number of times under another washing and drying procedure may be specified and used, if that procedure has previously been found to be equivalent by the Consumer Product Safety Commission. Such laundering is not required of items which are not intended to be laundered, as determined by the Consumer Product Safety Commission.

(iii) Items which are not susceptible to being laundered and are labeled "dry-clean only" shall be dry-cleaned by a procedure which has previously been found to be acceptable by the Consumer Product Safety Commission.

(iv) For the purpose of the issuance of a guarantee under Section 8 of the Act, finished sleepwear garments to be tested according to .4(c) *Garment sampling,* need not be laundered or dry-cleaned provided all fabrics used in making the garments (except trim) have been guaranteed by the fabric producer to be acceptable when tested according to .4(b) *Fabric sampling.*

.6 *Labeling requirements.* All items of children's sleepwear shall be labeled with precautionary instructions to protect the items from agents or treatments which are known to cause significant deterioration of their flame resistance. If the item has been initially tested under .5(c)(4) *Laundering,* after one washing and drying, it shall be labeled with instructions to wash before wearing. Such labels shall be permanent and otherwise in accordance with rules and regulations established by the Consumer Product Safety Commission.

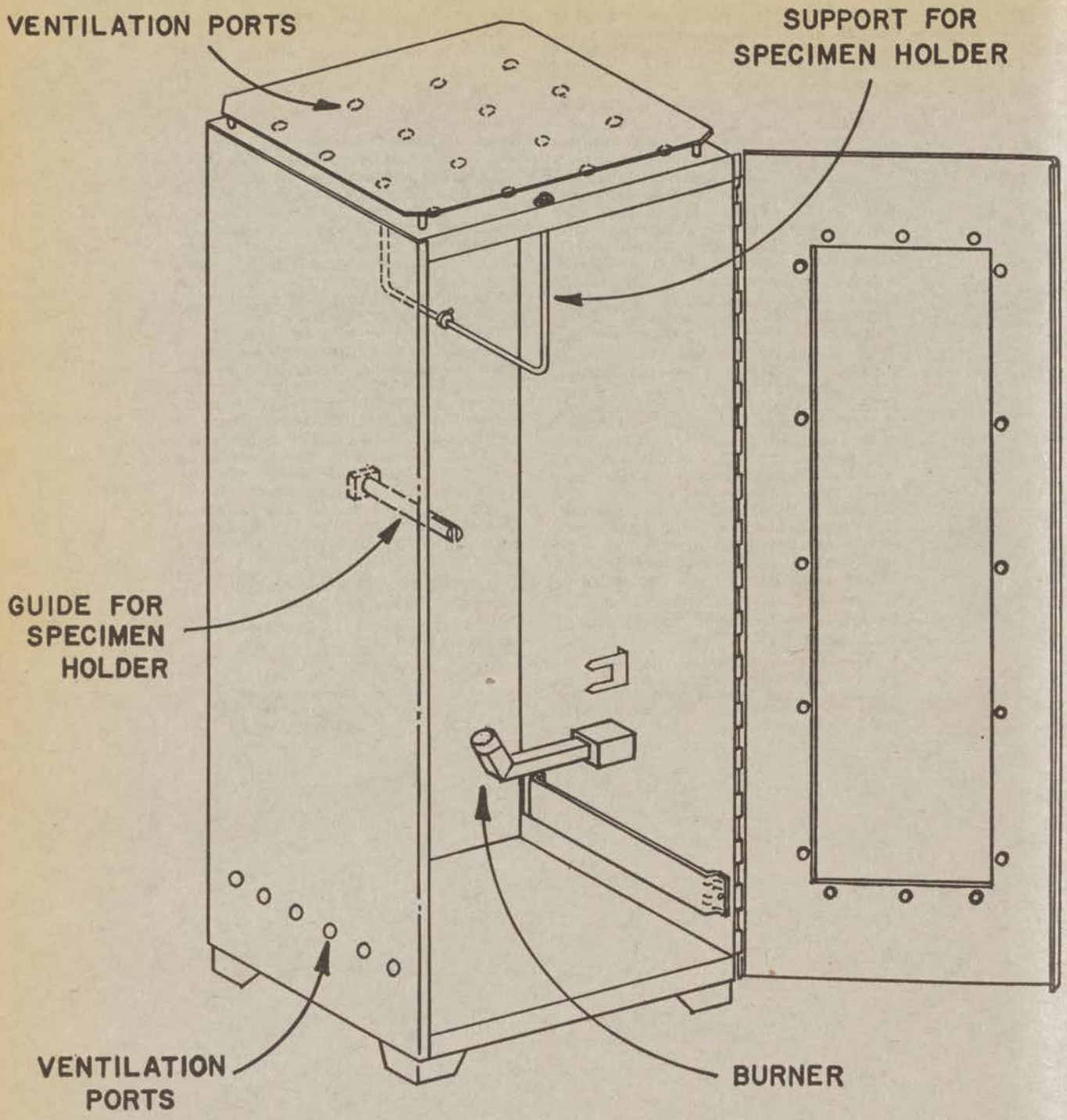
Effective date. This Standard shall become effective on May 1, 1975.

(Sec. 4, 67 Stat. 112, as amended 81 Stat. 569–70 (15 U.S.C. 1193))

Dated: April 24, 1974.

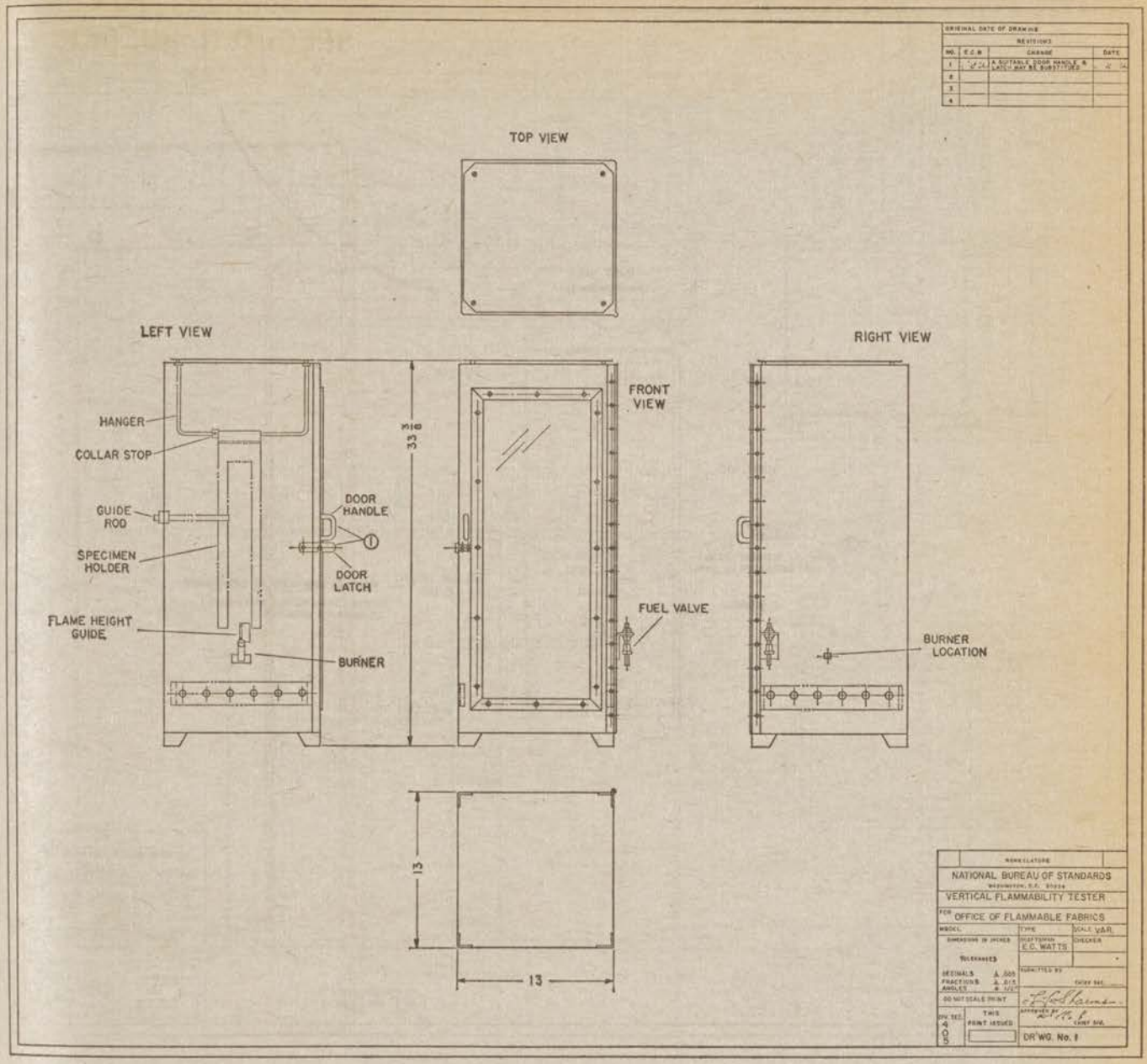
SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[1] Technical Manual of the American Association of Textile Chemists and Colorists, Vol. 46, 1970, published by AATCC, P.O. Box 12215, Research Triangle Park, North Carolina 27709.



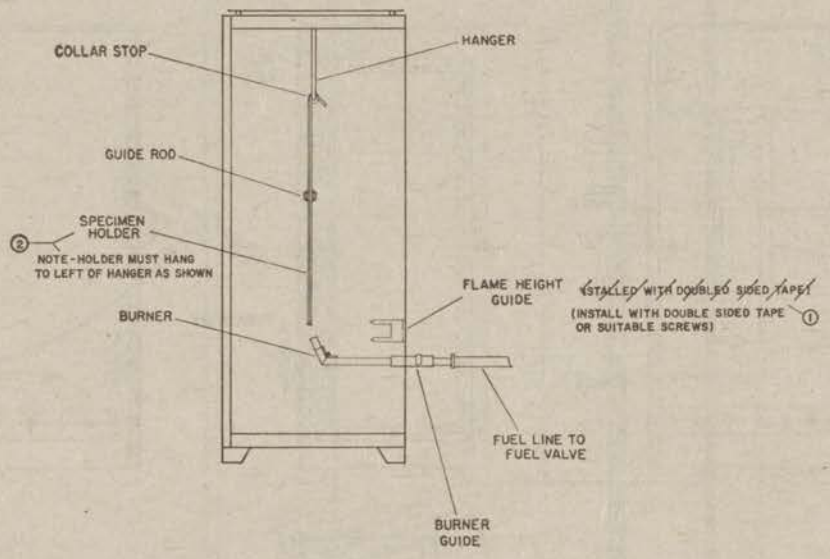
VERTICAL TEST CABINET

FIGURE 1

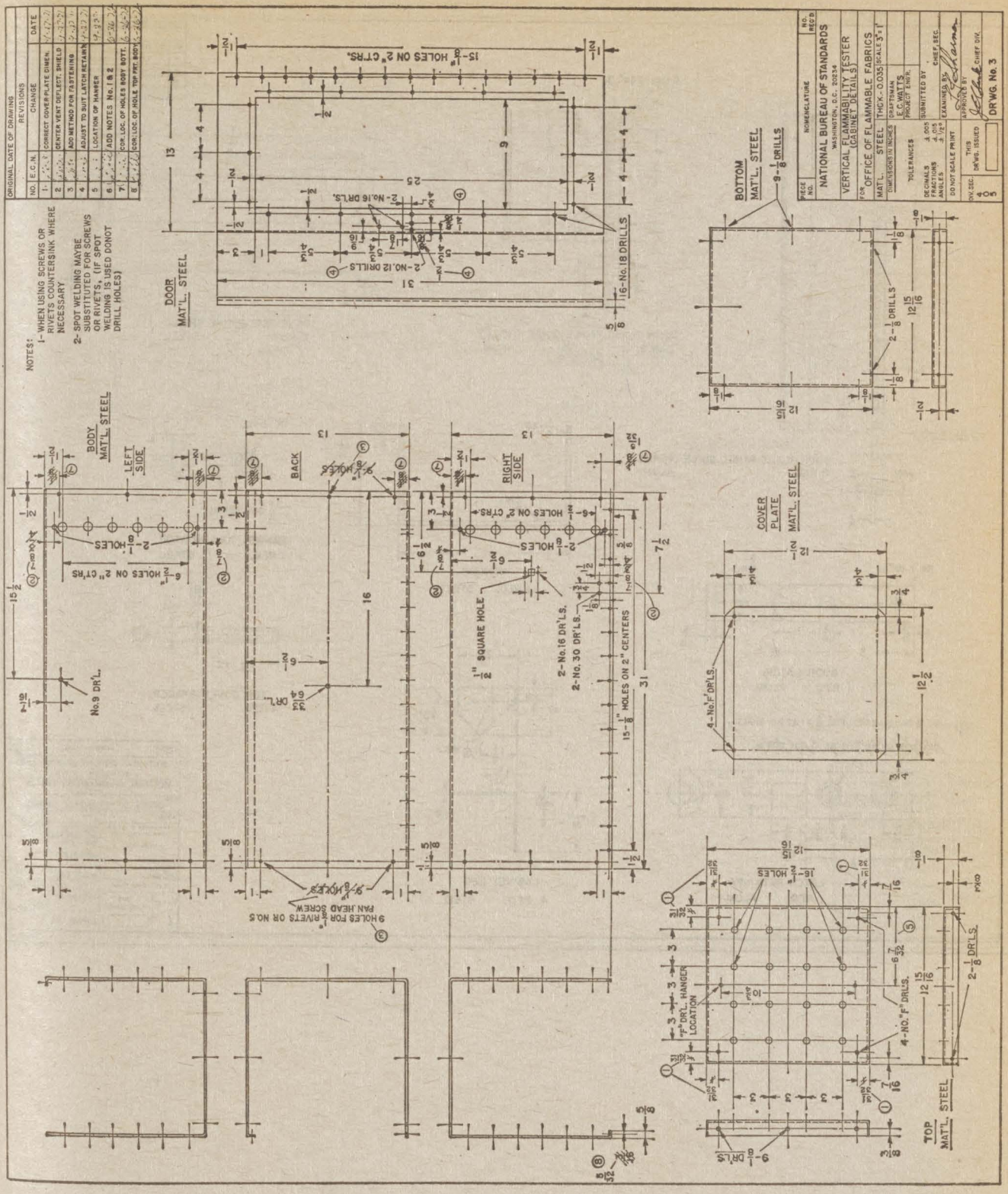

TOP VIEW
LEFT VIEW
RIGHT VIEW
FRONT VIEW
HANGER
COLLAR STOP
GUIDE ROD
SPECIMEN HOLDER
FLAME HEIGHT GUIDE
DOOR HANDLE
DOOR LATCH
BURNER
FUEL VALVE
BURNER LOCATION
33 5/16
13
13
NATIONAL BUREAU OF STANDARDS
VERTICAL FLAMMABILITY TESTER
FOR OFFICE OF FLAMMABLE FABRICS
E.C. WATTS
DR'WG. No. 1

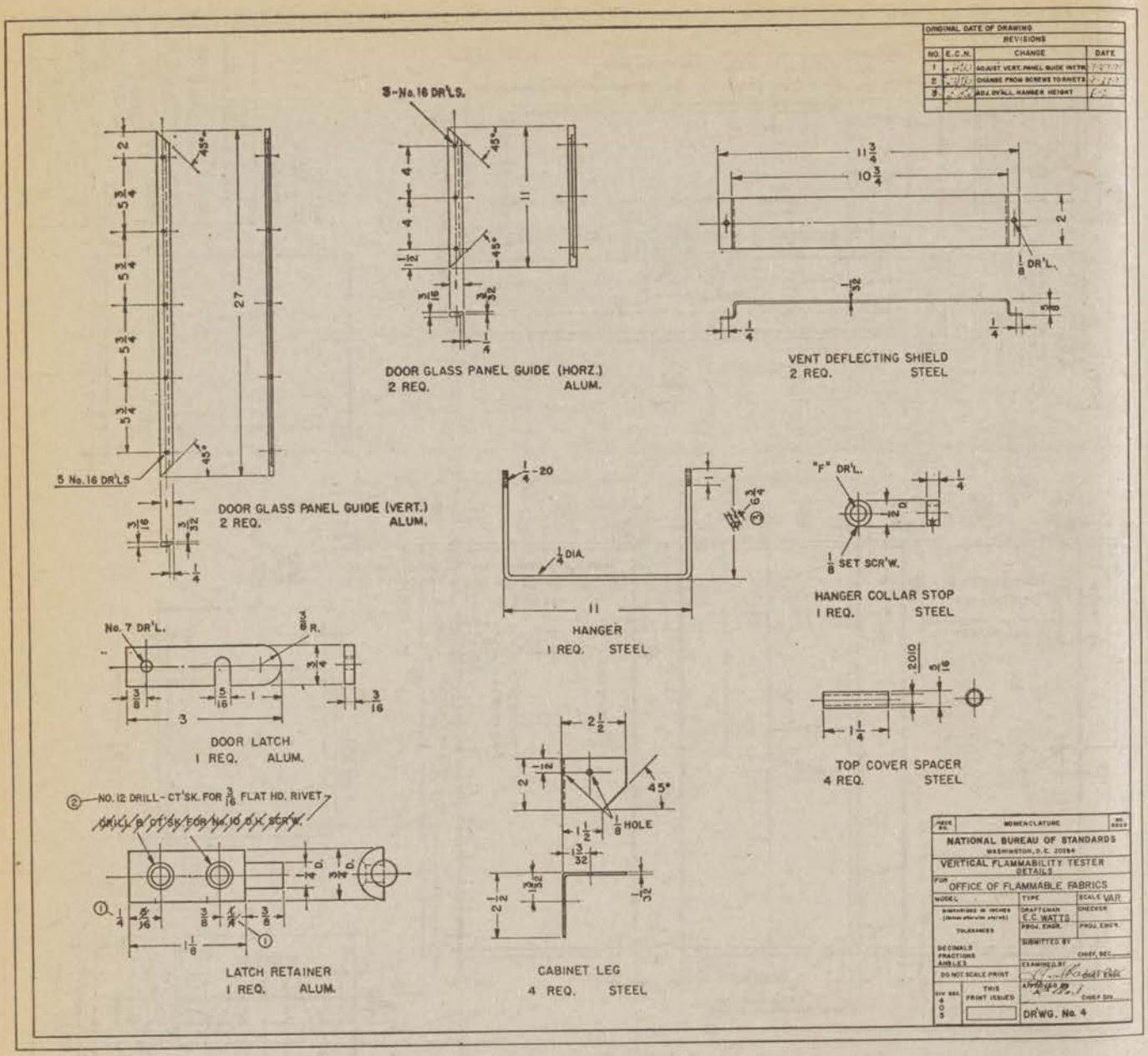
ORIGINAL DATE OF DRAWING			
REVISIONS			
NO.	E.C.N.	CHANGE	DATE
1	[illegible]	PERMIT ALTERNATE FAST'S	[illegible]
2	[illegible]	SPECIMEN HOLDER LOCATION	[illegible]
3			
4			

FRONT VIEW
(DOOR REMOVED)

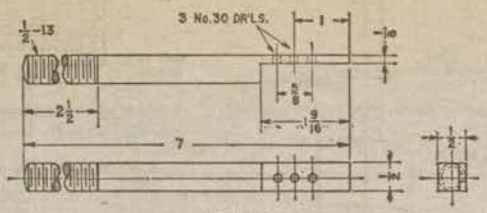


NATIONAL BUREAU OF STANDARDS	
WASHINGTON, D.C. 20234	
VERTICAL FLAMMABILITY TESTER HOLDER & BURNER ASSEMBLY	
FOR OFFICE OF FLAMMABLE FABRICS	
MODEL	TYPE / SCALE VAR.
DIMENSIONS IN INCHES / DRAFTSMAN E.C. WATTS	CHECKED
TOLERANCES	
DECIMALS .XX ±.03 .XXX ±.005 / FRACTIONS ±1/64 / ANGLES ±1/2°	SUBMITTED BY / DATE
DO NOT SCALE PRINT	APPROVED BY / DATE
SIZE A4 05 / THIS PRINT ISSUED	DR'WG. No. 2

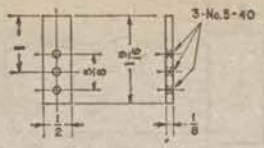

ORIGINAL DATE OF DRAWING
REVISIONS
NO. E.C.N. CHANGE DATE
1 CORRECT COVER PLATE DIMEN.
2 CENTER VENT DEFLECT. SHIELD
3 ADD METHOD FOR FASTENING
4 ADJUST TO SUIT LATCH RETAINER
5 LOCATION OF HANGER
6 ADD NOTES No.1 & 2
7 COR. LOC. OF HOLES BODY BOTT.
8 COR. LOC. OF HOLE TOP PRT. BODY
NOTES:
1- WHEN USING SCREWS OR RIVETS COUNTERSINK WHERE NECESSARY
2- SPOT WELDING MAYBE SUBSTITUTED FOR SCREWS OR RIVETS, (IF SPOT WELDING IS USED DONOT DRILL HOLES)
DOOR MAT'L. STEEL
15-⅜" HOLES ON 2" CTRS.
2-No.12 DRILLS
2-No.16 DRILLS
16-No.18 DRILLS
BOTTOM MAT'L. STEEL
9-⅛" DRILLS
2-⅛" DRILLS
BODY MAT'L. STEEL
LEFT SIDE
BACK
RIGHT SIDE
2-⅛" HOLES
HOLES ON 2" CTRS
No.9 DR'L.
1" SQUARE HOLE
2-No.16 DR'LS.
2-No.30 DR'LS.
15-⅛" HOLES ON 2" CENTERS
9 HOLES FOR #8 RIVETS OR NO.8 PAN HEAD SCREW
COVER PLATE MAT'L. STEEL
4-No.F DR'LS.
16-⅛" HOLES
⅜" DR'L. HANGER LOCATION
4-No.F DRLS.
2-⅛" DR'LS.
9-⅛" DR'LS.
TOP MAT'L. STEEL
PAGE NO.
NO. REQ'D
NOMENCLATURE
NATIONAL BUREAU OF STANDARDS
WASHINGTON, D.C. 20234
VERTICAL FLAMMABILITY TESTER (CABINET DETAILS)
FOR OFFICE OF FLAMMABLE FABRICS
MAT'L. STEEL THICK - 0.035 SCALE 3"=1"
DIMENSIONS IN INCHES
DRAFTSMAN E.C.WATTS
PROJECT ENGR.
TOLERANCES
DECIMALS ±.005
FRACTIONS ±.015
ANGLES ±1/2°
SUBMITTED BY
CHIEF, SEC.
EXAMINED BY
DO NOT SCALE PRINT
APPROVED BY
CHIEF DIV.
DIV. SEC. 4 5
THIS DR'WG. ISSUED
DR'WG. No. 3


ORIGINAL DATE OF DRAWING
REVISIONS
NO. E.C.N. CHANGE DATE
1 ADJUST VERT. PANEL GUIDE WITH
2 CHANGE FROM SCREWS TO RIVETS
3 ADJ. OVALL HANGER HEIGHT
3-No. 16 DR'LS.
DOOR GLASS PANEL GUIDE (HORZ.)
2 REQ. ALUM.
VENT DEFLECTING SHIELD
2 REQ. STEEL
5 No. 16 DR'LS
DOOR GLASS PANEL GUIDE (VERT.)
2 REQ. ALUM.
HANGER
1 REQ. STEEL
"F" DR'L.
HANGER COLLAR STOP
1 REQ. STEEL
No. 7 DR'L.
DOOR LATCH
1 REQ. ALUM.
TOP COVER SPACER
4 REQ. STEEL
NO. 12 DRILL - CT'SK. FOR 3/16 FLAT HD. RIVET
DRILL & CT'SK FOR No. 10 O.H. SCR'W.
LATCH RETAINER
1 REQ. ALUM.
CABINET LEG
4 REQ. STEEL
NATIONAL BUREAU OF STANDARDS
WASHINGTON, D.C. 20234
VERTICAL FLAMMABILITY TESTER
DETAILS
FOR OFFICE OF FLAMMABLE FABRICS
DRAFTSMAN E.C. WATTS
DR'WG. No. 4

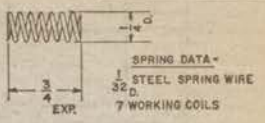
ORIGINAL DATE OF DRAWING			
REVISIONS			
NO.	E.C.N.	CHANGE	DATE
1	[illegible]	HOLE TO SUIT VALVE MOUNT	[illegible]
2	[illegible]	CENTER SCREW (ADJ.)	[illegible]



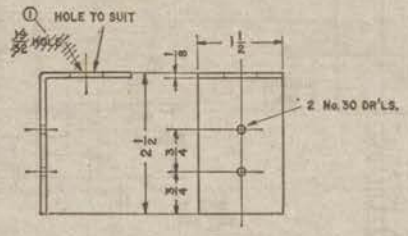
GUIDE ROD
1 REQ. ALUM.



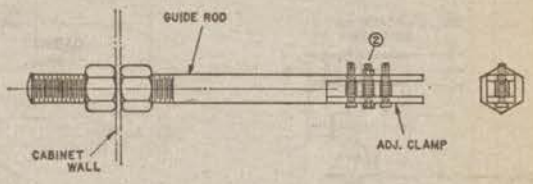
ADJUSTABLE CLAMP *
1 REQ. ALUM.



SPRING (ADJ. CLAMP)
REQ. (SEE NOTE)

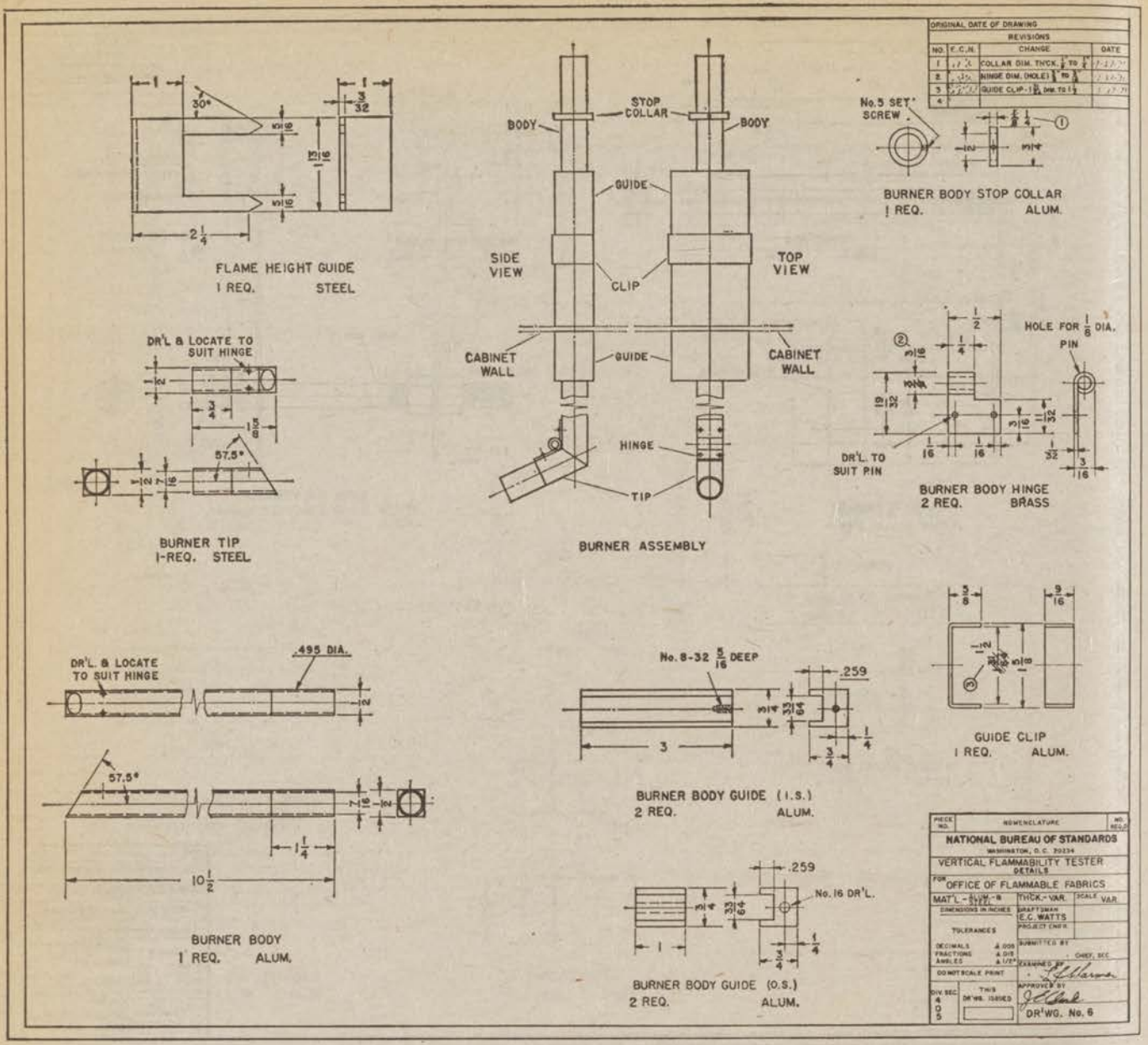


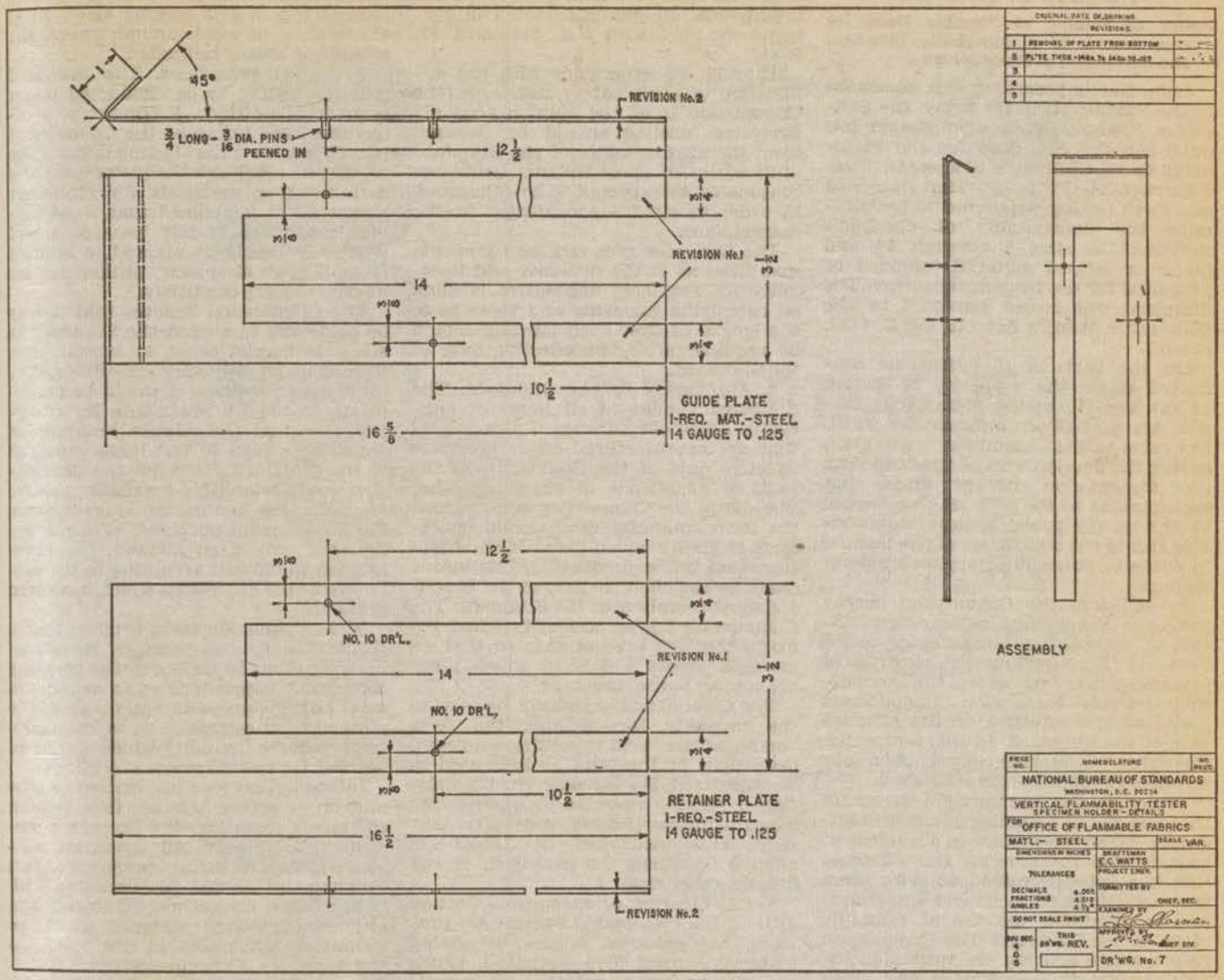
FUEL VALVE BRACKET
1 REQ. ALUM.



GUIDE ROD ASSEMBLY

PIECE NO.	NOMENCLATURE	NO. REQ'D.
NATIONAL BUREAU OF STANDARDS WASHINGTON, D.C. 20234		
VERTICAL FLAMMABILITY TESTER -DETAILS-		
FOR OFFICE OF FLAMMABLE FABRICS		
DIMENSIONS IN INCHES	DRAFTSMAN E.C. WATTS	SCALE VAR.
TOLERANCES	PROJECT ENGR.	
DECIMALS ± .005 FRACTIONS ± .015 ANGLES ± 1/2°	SUBMITTED BY CHIEF, SEC.	
60 HIT/SCALE PRINT	EXAMINED BY	
DOC. SEC. 6 0 5	THIS DR'WG. ISSUED	APPROVED BY CHIEF DIV.
		DR'WG. No. 5


ORIGINAL DATE OF DRAWING
REVISIONS
NO. E.C.N. CHANGE DATE
1 COLLAR DIM. THICK. 1/8 TO 3/16
2 HINGE DIM. (HOLE) #50 TO #48
3 GUIDE CLIP-1/2 DIM. TO 1
4
FLAME HEIGHT GUIDE
1 REQ. STEEL
BODY
STOP COLLAR
BODY
GUIDE
SIDE VIEW
CLIP
TOP VIEW
CABINET WALL
GUIDE
CABINET WALL
HINGE
TIP
BURNER ASSEMBLY
No.5 SET SCREW
BURNER BODY STOP COLLAR
1 REQ. ALUM.
DR'L & LOCATE TO SUIT HINGE
57.5°
BURNER TIP
1-REQ. STEEL
HOLE FOR 1/8 DIA. PIN
DR'L. TO SUIT PIN
BURNER BODY HINGE
2 REQ. BRASS
DR'L & LOCATE TO SUIT HINGE
.495 DIA.
57.5°
BURNER BODY
1 REQ. ALUM.
No. 8-32 5/16 DEEP
.259
3
BURNER BODY GUIDE (I.S.)
2 REQ. ALUM.
GUIDE CLIP
1 REQ. ALUM.
.259
No. 16 DR'L.
BURNER BODY GUIDE (O.S.)
2 REQ. ALUM.
NATIONAL BUREAU OF STANDARDS
WASHINGTON, D.C. 20234
VERTICAL FLAMMABILITY TESTER DETAILS
FOR OFFICE OF FLAMMABLE FABRICS
MAT'L - ALUM.-6
THICK.-VAR.
SCALE VAR
DRAFTSMAN E.C. WATTS
PROJECT CHIEF
SUBMITTED BY
CHIEF, SEC.
EXAMINED BY
APPROVED BY
DR'WG. No. 6



[FR Doc.74-9712 Filed 4-30-74;8:45 am]

CHILDREN'S SLEEPWEAR, SIZES 7 THROUGH 14 (FF 5–74)

Notice of Finding of Possible Need for Amendment to Flammability Standard and Institution of Proceedings

Immediately preceding this document in the FEDERAL REGISTER today, the Consumer Product Safety Commission has published the Standard for the Flammability of Children's Sleepwear, Sizes 7 through 14 (FF 5–74). That Standard sets forth testing requirements to determine the flammability of children's sleepwear in sizes 7 through 14 and fabric or related material intended or promoted for use in such sleepwear. The Standard was issued pursuant to the Flammable Fabrics Act (15 U.S.C. 1191, et seq.).

On the basis of investigations conducted under the authority of section 14 (a) and (b) of the Flammable Fabrics Act and other information which has come to the Commission's attention during the development of the Standard, the Commission hereby finds that amendments to FF 5–74 may be needed to protect the public against unreasonable risk of the occurrence of fire leading to death or personal injury, or property damage.

In addition, the Commission hereby institutes proceedings for the determination of appropriate amendments to FF 5–74. If the Commission determines amendments are necessary, the Commission intends that such amendments would become effective on the effective date of the Standard. In this notice, the Commission is seeking comments on four possible changes in the Standard.

Although the Commission is aware that the use of sampling plans in mandatory safety standards is a subject of considerable controversy, the Commission has not determined whether there is a possible need to amend the standard to eliminate the use of sampling plans in the Standard. The Commission held a public hearing on April 4 and 5, 1974, to obtain information and views concerning the use of sampling plans in mandatory standards issued by the Commission and in the enforcement of such standards. Should the Commission determine there is a possible need to amend the Standard in regard to the use of sampling plans, it will publish an additional notice in the FEDERAL REGISTER and will request comment at that time.

The possible amendments under consideration now, the reasons therefor, and specific requests for comments are as follows:

1. *Affirmative labeling.* The Commission believes that it may be necessary to amend the Standard to require items which comply with the Standard to bear affirmative labeling to enable consumers to distinguish complying from noncomplying items of children's sleepwear in sizes 7 through 14. For example, the label might state "Flame-retardant. This garment complies with U.S. Standard FF 5–74."

Through its experience with the application of other safety standards, the Commission is of the opinion that affirmative labeling should be required from the effective date of the Standard until stocks of noncomplying items can reasonably be expected to be exhausted, in order to eliminate confusion in the marketplace.

The Commission is seeking comments and views as to the necessity and feasibility for requiring affirmative labeling on complying garments and views as to the length of time such labeling should be required after the effective date of the Standard.

2. *Application of the Standard.* The Standard applies to all items of children's sleepwear in sizes 7 through 14 that are manufactured on or after the effective date of the Standard. On the basis of experience in enforcing other Standards, the Commission believes that the term "manufacture" should be defined to clarify which items of children's sleepwear in the production/distribution chain on the effective date of the Standard must comply with the Standard. The Commission wishes to clarify when the manufacturing process ends so that all affected parties will know which items are subject to the Standard.

The Commission is seeking views as to the necessity for defining the term "manufacture" and is seeking suggested definitions of the term as it is used in the Standard. For example, the Commission is seeking views as to whether the manufacturing process ends after (a) items are constructed, (b) labels are affixed, (c) items are packaged, or (d) at some other time.

3. *Clarification of exemption.* Section 4(b) of the Flammable Fabrics Act provides that products, fabrics, or related material subject to a Standard, which are in inventory or with the trade as of the effective date of the Standard, are exempt from the Standard, except that the exemption may be limited or withdrawn if the Commission finds any such items are so highly flammable as to be dangerous when used by consumers for the purpose for which they are intended. The Commission wishes to clarify, for the purposes of the Standard, at what time items, particularly imported items, are to be considered "in inventory or with the trade."

The Commission is seeking views as to the time items of children's sleepwear in sizes 7 through 14 are "in inventory or with the trade." For example, the Commission is seeking views whether imported goods are "in inventory or with the trade" when (a) they are ordered, (b) they are shipped, (c) they are received, or (d) at some other time. The Commission is also seeking views as to whether, or in what circumstances, the exemption should be limited.

4. *Testing exceptions.* The Standard requires testing to be conducted under oven-dry conditions. A number of commenters have informed the Commission that they believe that testing under these conditions precludes the use of wool and certain other materials for children's sleepwear. It is claimed that these materials are not unduly hazardous and that they should be allowed to be used for children's sleepwear, without testing under oven-dry conditions.

The Commission believes that it may be necessary to amend the Standard to allow, in special cases, an exception to testing under oven-dry conditions. The Commission believes it would be appropriate to require applicants for exceptions to state the relative humidity at which they plan to test items pursuant to the Standard. However, the Commission would establish a maximum relative humidity for testing under exceptions. For enforcement purposes, whenever exceptions have been allowed, the Commission would test according to the provisions of the exceptions which have been granted.

The Commission seeks comment as to the feasibility and necessity for allowing exceptions to testing under oven-dry conditions, suggestions as to defining in what circumstances exceptions should be allowed, and comment as to the maximum relative humidity which should be allowed for testing under exceptions.

Interested persons are invited to submit, on or before May 31, 1974, written comments regarding the preceding possible amendments. All materials considered relevant to any statement of fact or argument should be submitted with such written comments. Comments and any accompanying material should be submitted, preferably in five copies, to the Secretary, Consumer Product Safety Commission, Washington D.C. 20207.

Received comments may be seen in the Office of the Secretary, Room 1025, 1750 K Street N.W., Washington, D.C., during working hours, Monday through Friday.

The Consumer Product Safety Commission takes this action pursuant to section 4(a) of the Flammable Fabrics Act, as amended (15 U.S.C. 1193(a)), sections 7.5 and 7.6 of the Flammable Fabrics Act Procedures (15 CFR Part 7), and section 30(b) of the Consumer Product Safety Act (15 U.S.C. 2079(b)).

Dated: April 24, 1974.

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

[FR Doc.74–9711 Filed 4–30–74;8:45 am]

federal register

WEDNESDAY, MAY 1, 1974
WASHINGTON, D.C.

Volume 39 ■ Number 85

PART III

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

Social and Rehabilitation Service

■

MEDICARE-MEDICAID

Skilled Nursing Facilities

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social Security Administration

[20 CFR Part 405]

[Reg. No. 5]

FEDERAL HEALTH INSURANCE FOR THE AGED AND DISABLED

Skilled Nursing Facilities

Notice is hereby given pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form, are proposed by the Commissioner of Social Security with approval of the Secretary of Health, Education, and Welfare. The proposed amendments add several provisions to the Medicare-Medicaid common standards for skilled nursing facilities. These amendments include provisions being adopted pursuant to comments received with respect to the Conditions of Participation for skilled nursing facilities published as proposed rules on July 12, 1973 (38 FR 18620). Because of the substantive nature of these provisions, they were not included in the final regulations published on January 17, 1974 (39 FR 2238) (as explained in the introduction preceding those regulations) but are now being published as proposed rules. In addition to the provisions specifically identified in that introduction (a medical director, 7-day registered nurse services, discharge planning, and patients' rights), the proposed amendments herein include other provisions, some of which are of a corrective nature, others of which have some substantive impact. All the proposed revisions are listed in numerical sequence by regulation section and are described below:

1. *Dietitian (qualified consultant), § 405.1101(f).* The revision corrects a typographical error by changing the period at the end of clause (1) to a semicolon and adding the word "or." The effect of this change is to provide that a dietitian need meet only one of the two alternatives in the definition.

2. *Use of outside resources, § 405.1121(i).* The revision would provide that services rendered to skilled nursing facility patients by an independent laboratory may be billed directly to the patient by the laboratory instead of through the facility. The revision recognizes that the facility may not be in a position to retain professional and administrative responsibility for the services rendered by independent laboratories.

3. *Patients' rights, § 405.1121(k).* This new subsection would require skilled nursing facilities to establish policies to ensure that certain enumerated rights are afforded to patients. The patients' rights section is intended to assure that the manner in which the personnel of a facility and physicians who render treatment in such facility relate to individuals receiving care there promotes the physical and emotional well-being of the patient. The Secretary recognizes that patient health and responsiveness to treatment are frequently linked to "patients' rights," such as the right to be treated with dignity, to be involved in making decisions about one self, and to maintain contact with the community.

4. *Seven-day registered nurse services § 405.1124 and 405.1124(c).*—The present requirement for the employment of a registered nurse at least on the day tour of duty for at least 5 days a week would be changed to require that a registered nurse be employed for the day tour of 7 days. An accompanying proposed revision, in § 405.1911(a), would provide, pursuant to section 1861(j)(15) of the Act, that in rural areas a waiver of the requirement that a registered nurse be so employed for more than 5 days a week may be granted by the Secretary in light of the need for skilled nursing facility services in the area, patient needs, and arrangements that have been made to provide the necessary skilled nursing services when there is not a registered nurse on duty.

5. *Administration of drugs, § 405.1124(g).*—The proposed revision would ensure that medications would be administered to patients in skilled nursing facilities only by qualified personnel, viz physicians, licensed nursing personnel, or such other staff members who have undergone formal training in State approved programs in the administration of medications.

6. *Staffing for specialized rehabilitative services, § 405.1126(a).*—This provision would permit the use of staff not specifically identified under the various definitions of therapists included in § 405.1101 to be assigned duties in connection with therapeutic services appropriate to their training and experience where all such services are rendered under the direct supervision of a physician qualified in physical medicine in a facility with an organized rehabilitative service using a multidisciplinary team approach.

7. *Handrails, § 405.1134(j).* This provision would require corridors in skilled nursing facilities to be equipped with handrails on each side. This addition would restore a provision that had been required of skilled nursing facilities until February 19, 1974.

8. *Discharge planning, § 405.1137(h).* This provision would require a skilled nursing facility to furnish a centralized, coordinated discharge planning program to ensure that each patient has a program of needed continuing care both during his stay and after discharge from the facility. It is proposed that this section be incorporated in connection with utilization review, pursuant to the provisions of section 237(c) of the Social Security Amendments of 1972 (P.L. 92-603) which amend section 1861(k) of the Act by adding authority under which the Secretary may require the use in the Medicare program of utilization review procedures established pursuant to the Medicaid program, which he determines are superior in their effectiveness to the utilization review procedures in the Medicare program. The Secretary has determined that Medicaid program proposals for discharge planning published on this date in this edition of the FEDERAL REGISTER are superior and should be incorporated as utilization review requirements of the Medicare program.

9. *Medical direction, § 405.1138.* This proposed new condition would require that a skilled nursing facility employ a medical director to coordinate medical care and ensure its adequacy, and to maintain surveillance of the facility. An accompanying revision in § 405.1911(b) would provide for the possibility of waiver of the requirement in areas with a shortage of physicians, under certain conditions.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue, SW., Washington, D.C. 20201, on or before May 31, 1974. Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue, SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 1102, 1861, 1871, 49 Stat. 647, as amended, 79 Stat. 313, as amended, 79 Stat. 331; 42 U.S.C. 1302, 1395x, 1395hh.

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

Dated: April 11, 1974.

JAMES B. CARDWELL,
Commissioner of Social Security.

Approved: April 23, 1974.

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

Regulation No. 5 of the Social Security Administration, as amended (20 CFR Part 405), are further amended as set forth below:

1. Paragraph (f) of § 405.1101 is revised to read as follows:

§ 405.1101 Definitions.

As used in this subpart, the following definitions apply:

* * * * *

(f) *Dietitian (qualified consultant).* A person who:

(1) Is eligible for registration by the American Dietetic Association under its requirements in effect on the publication of this provision; or

(2) Has a baccalaureate degree with major studies in food and nutrition, dietetics, or food service management, has 1 year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

* * * * *

2. Section 405.1121 is amended by revising paragraph (i), and adding a new paragraph (k) to read as follows:

§ 405.1121 Condition of participation—governing body and management.

* * * * *

(i) *Standard: Use of outside resources.* If the facility does not employ a qualified professional person to render a specific service to be provided by the facility, it makes arrangements to have such a service provided by an outside resource—a person or agency that will render direct service to patients or act as a consultant. The responsibilities, functions, and objectives, and the terms of agreement, including financial arrangements and charges, of each such outside resource are delineated in writing and signed by an authorized representative of the facility and the person or agency providing the service. Agreements pertaining to services other than clinical laboratory services furnished by an independent laboratory or by a hospital-based physician must specify that the facility retains professional and administrative responsibility for the services rendered and that the outside resource will bill the facility for covered services (either Part A or B for Medicare beneficiaries) rendered directly to the patient, and that receipt of payment from the program(s) to the facility for the services discharges the liability of the beneficiary or any other person to pay for the services. The outside resource, when acting as a consultant, apprises the administrator of recommendations, plans for implementation, and continuing assessment through dated, signed reports, which are retained by the administrator for follow-up action and evaluation of performance. (See requirement under each service—§§ 405.1125 through 405.1132.)

* * * * *

(k) *Standard: Patients' rights.* The governing body of the facility establishes written policies regarding the rights and responsibilities of patients and, through the administrator, is responsible for development of an adherence to procedures implementing such policies. These policies and procedures are made available to patients and any guardians, next of kin, sponsoring agency(ies), or representative payees selected pursuant to section 205(j) of the Social Security Act, and Subpart Q of Part 404 of this chapter. The staff of the facility is trained and involved in the implementation of these policies and procedures. These patients' rights policies and procedures ensure that each patient admitted to the facility:

(1) Is fully informed, prior to or at the time of admission and during stay, of these rights and responsibilities and of all rules and regulations governing patient conduct and responsibilities;

(2) Is fully informed, prior to or at the time of admission and during stay, of services available in the facility, and of related charges including any charges for services not covered under Medicare or Medicaid, or not covered by the basic per diem rate;

(3) Is fully informed of his medical condition unless medically contraindicated (as documented in his medical record) and is afforded the opportunity to participate in the planning of his medical treatment and to refuse to participate in experimental research;

(4) Is not arbitrarily transferred or discharged and is given reasonable advance notice of any transfer or discharge;

(5) May manage his personal financial affairs or be given a monthly accounting of financial transactions on his behalf should he delegate this responsibility to the facility for any period of time;

(6) Is encouraged and assisted, throuhout his period of stay, to understand and exercise his patient rights and to this end may voice grievances and recommend changes in policies and services to facility staff and/or outside representatives of his choice free from restraint, interference, coercion, discrimination, or reprisal;

(7) Is free from mental and physical abuse, and free from chemical and (except in emergencies) physical restraints except as authorized in writing by a physician for a specified and limited period of time;

(8) Is assured confidential treatment of his personal and medical records, and may approve or refuse their release to any individual outside the facility, except as required by law or third-party payment contract;

(9) Is treated with consideration, respect, and full recognition of his dignity and individuality, including privacy in treatment and in care for his personal needs;

(10) Is not required to perform services for the facility that are not included for therapeutic purposes in his plan of care;

(11) May associate and communicate privately with persons of his choice unless medically contraindicated (as documented in his medical record), and shall receive his personal mail unopened;

(12) May meet with representatives and participate in activities of commercial, religious, and community groups at his discretion;

(13) May retain and use his personal clothing and possessions as reasonable.

All rights and responsibilities in items 1 through 6 above, particularly as they pertain to a patient adjudicated incompetent in accordance with State law, or a patient who is found medically incapable by his attending physician, or a patient who exhibits a communication barrier, devolve also upon such patient's guardian, next of kin, sponsoring agency(ies), or representative payee (except when the facility itself is representative payee) selected pursuant to section 205(j) of the Social Security Act and subpart Q of Part 404 of this chapter.

3. Section 405.1124 is amended by revising the material preceding paragraph (a) and also by revising paragraphs (c) and (g) to read as follows:

§ 405.1124 Condition of participation—nursing services.

The skilled nursing facility provides 24-hour service by licensed nurses, including the services of a registered nurse at least during the day tour of duty 7 days a week. There is an organized nursing service with a sufficient number of qualified nursing personnel to meet the total nursing needs of all patients in the facility.

* * * * *

(c) *Standard: Twenty-four-hour nursing service.* The facility provides 24-hour nursing services which are sufficient to meet total nursing needs and which are in accordance with the patient care policies developed as provided in § 405.1122(a). The policies are designed to ensure that each patient receives treatments, medications, and diet as prescribed, and rehabilitative nursing care as needed; receives proper care to prevent decubitus ulcers and deformities, and is kept comfortable, clean, well-groomed, and protected from accident, injury, and infection, and encouraged, assisted, and trained in self-care and group activities. Nursing personnel, including at least one registered nurse on the day tour of duty 7 days a week, licensed practical nurses, nurse aides, orderlies, and ward clerks, are assigned duties consistent with their education and experience and based on the characteristics of the patient load. Weekly time schedules are maintained and indicate the number and classifications of nursing personnel, including relief personnel, who worked on each unit for each tour of duty.

* * * * *

(g) *Standard: Administration of drugs.* Drugs and biologicals are administered only by physicians, licensed nursing personnel, or by other personnel who have completed a State-approved training program in medication administration. Procedures are established by the pharmaceutical services committee (see § 405.1127(d)) to ensure that drugs to be administered are checked against physicians' orders, that the patient is identified prior to administration of a drug, and that each patient has an individual medication record and that the dose of drug administered to that patient is properly recorded therein by the person who administered the drug. Drugs and biologicals are administered as soon as possible after doses are prepared, and are administered by the same person who prepared the doses for administration, except under single unit dose package distribution systems. (See § 405.1101(h).)

* * * * *

4. Paragraph (a) of § 405.1126 is revised to read as follows:

§ 405.1126 Condition of participation—specialized rehabilitative services.

(a) *Standard: Organization and staffing.* (1) Specialized rehabilitative services are provided, in accordance with accepted professional practices, by qualified therapists or by qualified assistants or other supportive personnel under the

supervision of qualified therapists. Written administrative and patient care policies and procedures are developed for rehabilitative services by appropriate therapists and representatives of the medical, administrative, and nursing staffs.

(2) In a facility where all therapists' services are provided through an organized rehabilitation service operated under the direction and supervision of a physician qualified in physical medicine who determines the goals and limits of the therapists' work, persons with qualifications other than those described in § 405.1101 (m), (n), (q), (r), or (t) may be assigned duties appropriate to their training and experience.

* * * * *

5. Paragraph (j) of § 405.1134 is revised to read as follows:

§ 405.1134 Condition of participation—physical environment.

* * * * *

(j) *Standard: Other environmental considerations.* The facility provides a functional, sanitary, and comfortable environment for patients, personnel, and the public. Provision is made for adequate and comfortable lighting levels in all areas, limitation of sounds at comfort levels, maintaining a comfortable room temperature, procedures to ensure water to all essential areas in the event of loss of normal water supply, and adequate ventilation through windows or mechanical means or a combination of both. Corridors are equipped with firmly secured handrails on each side.

6. Section 405.1137 is amended by adding a new paragraph (h) to read as follows:

§ 405.1137 Condition of participation—utilization review.

* * * * *

(h) *Standard: Discharge planning.* The facility maintains a centralized, coordinated program to ensure that each patient has a planned program of continuing care and/or followup which meets his or her postdischarge needs.

(1) The facility has in operation an organized discharge planning program. The utilization review committee, in its evaluation of the current status of each extended duration case, has available to it the results of such discharge planning and information on alternative available community resources to which the patient may be referred.

(2) The administrator delegates responsibility for discharge planning, in writing, to one or more members of the facility's staff, or arranges for this service to be provided by a health, social, or welfare agency.

(3) The facility maintains written discharge planning procedures which describe (i) how the discharge coordinator will function, and his authority and relationships with the facility's staff; (ii) the time period in which each patient's need for discharge planning is determined (preferably at admission but not later than 72 hours thereafter); (iii) the maximum time period after which a reevaluation of each patient's discharge plan is made; (iv) local resources available to the facility, the patient, and the attending physician to assist in developing and implementing individual discharge plans; (v) provisions for periodic review and reevaluation of the facility's discharge planning program.

(4) At the time of discharge, the facility provides those responsible for the patient's postdischarge care with an appropriate summary of information about the discharged patient to ensure the optimal continuity of care. The discharge summary includes at least current information relative to diagnoses, rehabilitation potential, a summary of the course of prior treatment, physician orders for the immediate care of the patient, and pertinent social information.

7. A new § 405.1138 is added to read as follows:

§ 405.1138 Condition of participation—medical direction.

The facility retains, pursuant to a written agreement, a physician who serves as medical director on a part-time or full-time basis as is appropriate for the needs of the patients and the facility. The medical director is delegated responsibility for the overall coordination of the medical care in the facility to ensure the adequacy and appropriateness of the medical services provided to patients and to maintain surveillance of the occupational health status of employees and the environmental health aspects of the facility.

(a) *Standard: Coordination of medical care.* Medical direction and coordination of medical care in the facility are provided by a medical director retained by the facility. Medical direction includes the delineation of responsibilities and clinical privileges of attending physicians. Coordination of medical care includes liaison with attending physicians to ensure their prompt orders upon admission of a patient, and periodic evaluation of the adequacy and appropriateness of supportive staff and services.

(b) *Standard: Responsibilities to the facility.* The medical director is responsible for surveillance of the occupational health status of the facility's employees and of the environmental health aspects of the facility. Incidents and accidents occurring on the premises are reviewed by the medical director to identify health and safety hazards, and the administrator is given appropriate information to ensure a safe and sanitary environment for patients and personnel. Employees are referred for or provided periodic health examinations and treatment as necessary or as required by State and local laws.

8. A new § 405.1911 is added to read as follows:

§ 405.1911 Special waivers applicable to skilled nursing facilities.

(a) To the extent that § 405.1124 requires any skilled nursing facility to engage the services of a registered nurse more than 40 hours a week, the Secretary may waive such requirement if, based upon documented findings of the State agency, he determines that:

(1) Such facility is located in a rural area and the supply of skilled nursing facility services in such area is not sufficient to meet the needs of individual patients therein,

(2) Such facility has at least one full-time registered nurse who is regularly on duty at such facility 40 hours a week, and

(3) Such facility (i) has only patients whose attending physicians have indicated (through physicians' orders or admission notes) that each such patient does not require the services of a registered nurse for a 48-hour period, or (ii) has made arrangements for a registered nurse or a physician to spend such time at the facility as is determined necessary by the patient's attending physician to provide necessary skilled nursing services on days when the regular full-time registered nurse is not on duty.

(b) To the extent that § 405.1138 requires any skilled nursing facility to engage the services of a medical director either part-time or full-time, the Secretary may waive such requirement for such periods as he deems appropriate if, based upon documented findings of the State agency, he determines that:

(1) Such facility is located in an area where the supply of physicians is not sufficient to permit compliance with this requirement without seriously reducing the availability of physician services within the area, and

(2) Such facility has made and continues to make a good faith effort to comply with § 405.1138, but such compliance is impeded by the unavailability of physicians in the area.

[FR Doc.74-9894 Filed 4-30-74;8:45 am]

Social and Rehabilitation Service

[45 CFR Part 234]

MEDICAL ASSISTANCE PROGRAMS UTILIZATION REVIEW

Review of Utilization of Care and Services

Notice is hereby given that the regulations set forth in tentative form below are proposed by the Administrator, Social and Rehabilitation Service, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulations are an addition to the proposed utilization review regulations for the medical assistance program under Title XIX of the Social Security Act, published on January 9, 1974 (39 FR 1500).

They would require that utilization review plans for skilled nursing facilities,

promulgated under State plans for medical assistance, contain provisions for discharge planning. Discharge planning would be an integral part of a facility's procedures and would be designed to promote proper utilization of its services.

The regulations would require the establishment of a discharge plan for each patient who is receiving medical assistance under Title XIX. This discharge plan would be established within 72 hours of the patient's admission to the skilled nursing facility. Additional requirements would include the designation of staff members responsible for discharge planning, review of discharge plans by the utilization review committee, establishment of discharge planning procedures, and the provision of a summary of information concerning the patient to those responsible for the patient's post-discharging care.

Prior to the adoption of the proposed regulations, consideration will be given to any comments, suggestions, or objections thereto which are received in writing by the Administrator, Social and Rehabilitation Service, Department of Health, Education, and Welfare, Post Office Box 2372, Washington, D.C. 20013, on or before May 31, 1974. Comments received will be available for public inspection in Room 5324 of the Department's offices at 330 C Street, SW., Washington, D.C. on Monday through Friday of each week from 8:30 a.m. to 5:00 p.m. (area code 202–245–0950).

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

(Catalog of Federal Domestic Assistance Program No. 13.714, Medical Assistance Program.)

Dated: April 5, 1974.

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

Approved: April 23, 1974.

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

Proposed § 250.20(a)(5)(vii) of Part 250, Chapter II, Title 45 of the Code of Federal Regulations is redesignated as § 250.20(a)(5)(viii) and a new § 250.20(a)(5)(vii) is added to read as follows:

§ 250.20 Review of utilization of care and services.

(a) *State plan requirements.* * * *

(5) * * * (vii) The group or committee shall review each individual's discharge plan, which plan shall be developed in accordance with, the provisions of this subparagraph (5)(vii). Such plan shall ensure that each individual has a planned program of post-facility continuing care which takes into account such individual's post discharge needs. (A) The facility shall maintain written discharge planning procedures which describe (*1*) which staff member of the facility or which outside health, social, or welfare agency will have operational responsibility for discharge planning; (*2*) the manner in, and methods by, which such staff member or agency will function, including its authority and its relationship with the facility's staff; (*3*) the time period in which each patient's need for discharge planning will be determined (which period may not be later than 72 hours after admission); (*4*) the maximum time period after which a reevaluation of each patient's discharge plan will be made; (*5*) the local resources available to the facility, the patient, and the attending physician to assist in developing and implementing individual discharge plans and; (*6*) the provisions for period review and reevaluation of the facility's discharge planning program. (B) At the time of the patient's discharge, the facility shall provide to those persons (if any) responsible for the patient's postdischarge care such information about the discharged patient as will ensure the optimal continuity of care, such as current information relative to diagnoses, prior treatment, rehabilitation potential, physician advice concerning immediate care, and pertinent social information.

* * * * *

[FR Doc.74–9895 Filed 4–30–74;8:45 am]

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PART IV

ENVIRONMENTAL PROTECTION AGENCY

PESTICIDES AND PESTICIDE CONTAINERS

■

Regulations for Acceptance and Recommended Procedures for Disposal and Storage

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 165—REGULATIONS FOR THE ACCEPTANCE OF CERTAIN PESTICIDES AND RECOMMENDED PROCEDURES FOR THE DISPOSAL AND STORAGE OF PESTICIDES AND PESTICIDES CONTAINERS

The previous Federal pesticide legislation, the Federal Insecticide, Fungicide, and Rodenticide Act of 1947 (7 U.S.C. 135 et seq.), known as FIFRA, did not address the problems of disposal or storage. However, the Federal Environmental Pesticide Control Act of 1972 (PL 92–516, 86 Stat. 973) alters and broadens FIFRA to provide for the first definitive control of pesticide, and pesticide container, disposal and storage. Under section 19(a) of the amended Act, the Administrator of the Environmental Protection Agency is required to "establish procedures and regulations for the disposal or storage of packages and containers of pesticides and for disposal or storage of excess amounts of such pesticides, and accept at convenient locations for safe disposal a pesticide the registration of which is canceled under section 6(c) if requested by the owner of the pesticide." The regulations for acceptance, and recommended procedures for disposal and storage, contained herein represent the Agency's first issuance in accordance with the provisions of section 19(a) of the new Act.

The potential seriousness of health and environmental hazards due to improper disposal and storage of pesticides and containers became increasingly clear in the late 1960's, as documented case studies accumulated. Expanding usage of pesticides in the United States (an estimated 665 million pounds in 1968) and increasing numbers of spent containers requiring disposal (240 million in 1968, up 50 percent over the number in 1963) indicated that these problems could be expected to increase. Since little was known of the extent of the problem, or of proper methods of disposal and storage, the Working Group on Pesticides, composed of experts from several Federal departments, was asked to study the subject. Their initial recommendations were published under the title "Summary of Interim Guidelines for Disposal of Surplus Waste Pesticides and Pesticide Containers." More recently, in 1972 a Task Force on Excess Chemicals, with representation from all parts of the Environmental Protection Agency, was formed to study disposal problems relating to pesticides and other hazardous chemicals, and to recommend solutions.

In drafting these regulations and recommended procedures the Agency drew heavily on the knowledge and information developed by these two groups, other Federal and State agencies and departments, and the private sector. Thus, these documents represent a broadly-based judgment regarding the pesticide and container disposal and storage requirements necessary to protect the environment. Compliance is achievable using available technology; however, facilities utilizing this technology are not readily available to the general public in all geographic areas at the present time.

Among the new features of the Act is the requirement that the Administrator of the Environmental Protection Agency accept at convenient locations for safe disposal a pesticide the registration of which is canceled under section 6(c) if requested by the owner of the pesticide. Section 6(c) of the new Act refers only to those pesticides the registrations of which have been canceled after first having been suspended to prevent imminent hazards during the time required for cancellation proceedings. The owner of such a pesticide is required to make a formal request in writing to the appropriate Regional Administrator; upon approval of the request, mutually convenient arrangements will be made for acceptance. Since pesticides finally canceled under section 6(c) are not subject to a grandfather clause, pesticides canceled under the FIFRA prior to October 21, 1972, will not qualify. Other canceled pesticides which do not qualify under the conditions set forth in section 6(c) of the new Act will not be accepted pursuant to section 19(a) of the new Act, and their safe storage or disposal is the responsibility of the owner.

The recommended disposal procedures apply to all pesticides and pesticide-related wastes, including those which are or may in the future be registered for general use or restricted use, or used under an experimental use permit. Additionally, they also apply to full containers, spent or used containers, and container residues. Fur packages and containers of pesticides intended for use in the home and garden or on farms and ranches when single containers are to be disposed of, the Agency does not require that disposal procedures be followed. Such disposal will have only minimal environmental impact and is preferable to concentrating these products and containers.

The storage criteria and procedures apply to all pesticides, pesticide-related wastes and contaminated containers which are classed as "highly toxic" or "moderately toxic," according to EPA's classification system for pesticides. The storage of pesticides and their containers which are in the mildly toxic category is judged not to present any undue hazards to public health or the environment and, therefore, is excluded from these criteria and procedures. The temporary storage of limited quantities of pesticides in the other categories, if undertaken at environmentally safe sites, is also excluded.

In considering disposal techniques, first preference should be given to procedures designed to recover some useful value from excess pesticides and containers. Where large quantities are involved, one of the first recommendations is that the excess material should be used for the purpose originally intended, provided this use is legal. Another alternative is to return the material to the manufacturer for potential reuse or reprocessing. A third alternative, in some cases, may be the export of the material to countries where its use is desired and legal.

Should these alternatives be in applicable, the ultimate disposal method should be determined by the type of material. Organic pesticides which do not contain mercury, lead, cadmium, or arsenic may be disposed of by incineration at temperatures which will ensure complete destruction. Maximum volume reduction is achieved by incineration, and the incinerator emissions can be treated so that only relatively innocuous products are emitted. Incineration is not, however, applicable to those organic pesticides which contain heavy metals such as mercury, lead, cadmium, or arsenic, nor is it applicable to most inorganic pesticides or metallo-organic pesticides which have not been treated for removal of heavy metals.

If incineration is not applicable or available, disposal in specially designated landfills is suggested as an alternative. However, encapsulation prior to landfilling is recommended for certain materials such as those containing mercury, lead, cadmium, and arsenic, and inorganic compounds which are highly mobile in the soil. Encapsulation of these will retard mobility and contain them within a small area which can be permanently marked and recorded for future reference. Properly rinsed pesticide containers, however, may be reused or recycled as scrap or safely disposed of in a sanitary landfill; rinse liquids which cannot be used should be disposed of as if they were an excess pesticide. Among the disposal procedures not recommended are water dumping, open dumping, and open burning, except that open burning of small quantities of certain containers, and open field burial of single containers on farms and ranches by the pesticide user may be acceptable in some areas.

Other disposal processes, such as soil injection, well injection, and chemical degradation, may be acceptable in specific cases. At present, such methods have been neither sufficiently described nor classified to suggest their general use, and further study is necessary.

Storage sites and facilities should be located and constructed to prevent escape of pesticides and contaminated materials into the environment. Where practicable, provision for separate storage of different classifications of pesticides according to their chemical type, and for routine container inspection, should be considered. Special procedures should be followed in case fires or explosions occur where pesticides are stored.

A notice of proposed rulemaking and issuance of procedures was published in the FEDERAL REGISTER (40 CFR Part 165) on May 23, 1973. The Agency invited the submittal of comments by July 23, 1973. Sixty-two letters of comment were received and their suggestions were carefully considered. The several major issues raised, and the results of the Agency's consideration of them, follow.

The largest number of commenters questioned the appropriateness of the proposed 500 lb. exclusion from the recommended storage procedures, on the basis that there are variations in the

hazards of different pesticides. They pointed out that a few pounds of one kind can, in certain cases, represent a greater hazard than several thousand pounds of another kind. The Agency concluded that the 500 lb. exclusion was unrealistic and that the storage recommendations should be keyed to a rating system that would consider the overall hazard of the pesticide and would be readily apparent to even untrained personnel. It was decided to adopt the current EPA toxicity rating system for pesticide labeling. Under that system the following signal words are required on labels:

Category	*Signal words/symbol required on labels*
Highly toxic	DANGER, POISON, Skull and Crossbones.
Moderately toxic	WARNING.
Slightly toxic	CAUTION.

Pesticides in the first two classes, highly toxic and moderately toxic, and which have the corresponding signal words or symbol on the container label, will be covered by the recommended storage criteria and procedures. Other pesticides, including most of those registered for use in the home and garden, represent a lower degree of hazard, and will not be covered.

Several requests for temporary storage exemptions from the recommended storage criteria and procedures were made, for example, by commercial pesticide applicators operating in remote areas where availability or construction of recommended facilities is impractical. These requests were resolved in two ways. First, the hazard rating system for recommended storage procedures will exclude many of the pesticides normally used. Second, temporary storage for a single application's amount has been provided for at isolated and secured sites where the less stringent criteria and procedures will not increase the potential for environmental pollution.

The statement that "* * * these disposal procedures are mandatory only for the Agency * * *" caused the Environmental Defense Fund to question the appropriateness of the promulgation of disposal and storage recommended procedures instead of regulations, in view of the FIFRA as amended wording on this subject. However, adequate disposal sites and the necessary facilities are not readily available nationwide, and significant information gaps exist which make it infeasible to write specific criteria for certain disposal methods and procedures. Further, information on the full extent of environmental damages and of the economic impact of such regulations is lacking. Therefore, the Agency has retained the recommended procedures approach. At such time as this information has been obtained and analyzed, consideration will be given to proposing comprehensive regulations relative to storage and disposal.

The merit in the comments above derives from the potential for considerable environmental damage caused by acts such as water dumping, open dumping, open burning, inadequately controlled well injection, and storage next to food and feed. Consideration of these comments has led the Agency to begin drafting a new proposed rulemaking to prohibit or further constrain certain disposal and storage practices, and possibly to change procedures based on updated information as it becomes available. It is expected that this proposed rulemaking will be published in 1974.

Although section 12 of the new Act makes unlawful distribution, shipment or receiving for delivery of an unregistered or canceled pesticide, the Agency interprets section 19 as authorizing the movement of such pesticides for the specific purposes of disposal or storage.

Several commenters were concerned that there were no provisions for reuse or recycle as scrap of noncombustible containers. The recommended triple rinsing procedure will clean Group II containers sufficiently well so that insignificant contamination occurs when such containers are legally refilled with another pesticide belonging to the same chemical class. Triple rinsing also prepares containers for crushing or shredding and recycle as scrap. Provisions for this resource conservation step have been included in § 165.9(b), and specifically require that adequate rinsing be undertaken before such reuse or recycle.

Besides these major revisions, several minor wording changes were made which did not significantly change the direction or scope of the recommended procedures.

It is hoped that these regulations and recommended procedures will alert all Federal, State and local government agencies and private manufacturers, handlers, and users of pesticides to the need for proper disposal and storage of excess pesticides, pesticide containers and pesticide-related wastes. The United States Environmental Protection Agency will follow these recommended procedures in its own operations. Each office, laboratory or other facility of the Agency will conform strictly to these procedures in the disposal or storage of pesticides and their containers. State and local agencies are cautioned against adoption of these recommended procedures as regulations without careful study of the environmental and economic factors applicable to their own situations, including the availability of disposal sites and facilities.

These regulations and recommended procedures for disposal and storage of pesticides and pesticide containers are issued under the authority of sections 19(a) and 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act as amended by the Federal Environmental Pesticide Control Act of 1972 (86 Stat. 955, 977), and section 204 of the Solid Waste Disposal Act (P.L. 89–272, as amended by P.L. 91–512).

RUSSELL E. TRAIN,
Administrator.

APRIL 24, 1974.

Subpart A—General

Sec.
165.1 Definitions.
165.2 Authorization and scope.

Subpart B—Acceptance Regulations

165.3 Acceptable pesticides.
165.4 Request for acceptance.
165.5 Delivery.
165.6 Disposal.

Subpart C—Pesticides and Containers Recommended Procedures

165.7 Procedures not recommended.
165.8 Recommended procedures for the disposal of excess pesticides.
165.9 Recommended procedures for the disposal of pesticide containers and residues.
165.10 Recommended procedures and criteria for the storage of pesticides and pesticide containers.

Subpart D—Pesticide-Related Waste Recommended Procedures

165.11 Procedures for disposal and storage of pesticide-related waste.

AUTHORITY: Secs. 19(a) and 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act as amended by the Federal Environmental Pesticide Control Act of 1972 (86 Stat. 955, 977), and sec. 204 of the Solid Waste Disposal Act (Pub. L. 89–272 as amended by Pub. L. 91–512).

Subpart A—General

§ 165.1 Definitions.

As used in this part, all terms not defined herein shall have the meaning given them by the Act.

(a) "The Act" means the Federal Insecticide, Fungicide, and Rodenticide Act as amended by the Federal Environmental Pesticide Control Act of 1972 (Pub. L. 92–516, 86 Stat. 973).

(b) "Agency" means the U.S. Environmental Protection Agency.

(c) (1) "Administrator" means the Administrator of the Agency, or any officer or employee thereof to whom authority has been heretofore delegated or to whom authority may hereafter be delegated, to act in his stead.

(2) "Regional Administrator" means the Administrator of a Regional Office of the Agency or his delegatee.

(d) "Adequate storage" means placing of pesticides in proper containers and in safe areas as per § 165.10 as to minimize the possibility of escape which could result in unreasonable adverse effects on the environment.

(e) "Complete destruction" of pesticides means alteration by physical or chemical processes to inorganic forms.

(f) "Container" means any package, can, bottle, bag, barrel, drum, tank, or other containing-device (excluding spray applicator tanks) used to enclose a pesticide or pesticide-related waste.

(g) "Decontamination/detoxification" means processes which will convert pesticides into nontoxic compounds.

(h) "Degradation products" means those chemicals resulting from partial decomposition or chemical breakdown of pesticides.

(i) "Diluent" means the material added to a pesticide by the user or manufacturer to reduce the concentration of active ingredient in the mixture.

(j) "Encapsulate" means to seal a pesticide, and its container if appropriate, in an impervious container made of plastic, glass, or other suitable material which will not be chemically degraded by the contents. This container then should be sealed within a durable container made from steel, plastic, concrete, or other suitable material of sufficient thickness and strength to resist physical damage during and subsequent to burial or storage.

(k) "Heavy metals" means metallic elements of higher atomic weights, including but not limited to arsenic, cadmium, copper, lead, mercury, manganese, zinc, chromium, tin, thallium, and selenium.

(l) "Imminent hazard" means a situation which exists when the continued use of a pesticide during the time required for cancellation proceedings would be likely to result in unreasonable adverse effects on the environment or will involve unreasonable hazard to the survival of a species declared endangered by the Secretary of the Interior under Public Law 91–135.

(m) "Ocean dumping" means the disposal of pesticides in or on the oceans and seas, as defined in P. L. 92–532.

(n) "Open burning" means the combustion of a pesticide or pesticide container in any fashion other than incineration.

(o) "Open dumping" means the placing of pesticides or containers in a land site in a manner which does not protect the environment and is exposed to the elements, vectors, and scavengers.

(p) "Pesticide" means (1) any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or (2) any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

(1) "Excess pesticides" means all pesticides which cannot be legally sold pursuant to the Act or which are to be discarded.

(2) "Organic pesticides" means carbon-containing substances used as pesticides, excluding metallo-organic compounds.

(3) "Inorganic pesticides" means non-carbon-containing substances used as pesticides.

(4) "Metallo-organic pesticides" means a class of organic pesticides containing one or more metal or metalloid atoms in the structure.

(q) "Pesticide-related wastes" means all pesticide-containing wastes or by-products which are produced in the manufacturing or processing of a pesticide and which are to be discarded, but which, pursuant to acceptable pesticide manufacturing or processing operations, are not ordinarily a part of or contained within an industrial waste stream discharged into a sewer or the waters of a state.

(r) "Pesticide incinerator" means any installation capable of the controlled combustion of pesticides, at a temperature of 1000°C (1832°F) for two seconds dwell time in the combustion zone, or lower temperatures and related dwell times that will assure complete conversion of the specific pesticide to inorganic gases and solid ash residues. Such installation complies with the Agency Guidelines for the Thermal Processing of Solid Wastes as prescribed in 40 CFR Part 240.

(s) "Safe disposal" means discarding pesticides or containers in a permanent manner so as to comply with these proposed procedures and so as to avoid unreasonable adverse effects on the environment.

(t) "Sanitary landfill" means a disposal facility employing an engineered method of disposing of solid wastes on land in a manner which minimizes environmental hazards by spreading the solid wastes in thin layers, compacting the solid wastes to the smallest practical volume, and applying cover material at the end of each working day. Such facility complies with the Agency Guidelines for the Land Disposal of Solid Wastes as prescribed in 40 CFR Part 241.

(u) "Scrubbing" means the washing of impurities from any process gas stream.

(v) "Soil injection" means the emplacement of pesticides by ordinary tillage practices within the plow layer of a soil.

(w) "Specially designated landfill" means a landfill at which complete long term protection is provided for the quality of surface and subsurface waters from pesticides, pesticide containers, and pesticide-related wastes deposited therein, and against hazard to public health and the environment. Such sites should be located and engineered to avoid direct hydraulic continuity with surface and subsurface waters, and any leachate or subsurface flow into the disposal area should be contained within the site unless treatment is provided. Monitoring wells should be established and a sampling and analysis program conducted. The location of the disposal site should be permanently recorded in the appropriate local office of legal jurisdiction. Such facility complies with the Agency Guidelines for the Land Disposal of Solid Wastes as prescribed in 40 CFR Part 241.

(x) "Triple rinse" means the flushing of containers three times, each time using a volume of the normal diluent equal to approximately ten percent of the container's capacity, and adding the rinse liquid to the spray mixture or disposing of it by a method prescribed for disposing of the pesticide.

(y) "Unreclaimable residues" means residual materials of little or no value remaining after incineration.

(z) "Water dumping" means the disposal of pesticides in or on lakes, ponds, rivers, sewers, or other water systems as defined in P. L. 92–500.

(aa) "Well injection" means disposal of liquid wastes through a hole or shaft to a subsurface stratum.

§ 165.2 Authorization and scope.

(a) The regulations in this part and recommended procedures are published pursuant to sections 19(a) and 25(a) of the Act, which give the Administrator the authority to establish regulations and procedures for the disposal or storage of packages and containers of pesticides, and for disposal or storage of excess amounts of such pesticides, and require the Administrator to accept for safe disposal a pesticide the registration of which is canceled under section 6(c) of the Act if requested by the owner of the pesticide. Section 165.11 of these recommended procedures (Pesticide-Related Wastes) is published pursuant to Section 204 of the Solid Waste Disposal Act (P.L. 89–272 as amended by P.L. 91–512) which authorizes the Administrator to make information available and to make recommendations concerning the disposal and handling of wastes.

(b) Regulations for acceptance for safe disposal of pesticides canceled under section 6(c) and recommended proceprocedures for disposal or storage of pesticides, pesticide containers, and pesticide-related wastes are those which the Administrator judges as necessary, with an adequate margin of safety, to protect public health and the environment. Such procedures are subject to addition and revision as the Administrator deems necessary.

(c) The recommended procedures for the disposal of pesticides and pesticide containers apply to all pesticides, pesticide-related wastes (and their containers) including those which are or may in the future be registered for general use or restricted use, or covered under an experimental use permit, except those single containers discussed in paragraph (e), of this section. These disposal procedures are mandatory only for the Agency in carrying out its pesticide and container disposal operations.

(d) The recommended procedures and criteria for the storage of pesticides and pesticide containers apply to all pesticides and excess pesticides and to used empty containers and containers which contain pesticides. These procedures and criteria apply to sites and facilities where pesticides that are classed as highly toxic or moderately toxic, and bear the signal words DANGER, POISON, or WARNING, or the skull and crossbones symbol, on the label are stored. Pesticides covered by an experimental use permit should also be stored in accordance with these procedures. These storage procedures are mandatory only for the Agency in carrying out its pesticide and container storage operations. Temporary storage by the user of the quantity of pesticide needed for a single application may be undertaken in isolated areas in accordance with the procedures and criteria given in § 165.10(a).

(e) Recommended pesticide and pesticide container disposal procedures shall not apply to containers of pesticides registered for use in the home and garden if securely wrapped in several layers of paper and disposed of singly during routine municipal solid waste disposal, nor to containers of pesticides used on farms and ranches where disposal by open-field burial of single containers is undertaken

with due regard to the protection of surface and sub-surface waters.

(f) As a general guideline, the owner of excess pesticides should first exhaust the two following avenues before undertaking final disposal:

(1) Use for the purposes originally intended, at the prescribed dosage rates, providing these are currently legal under all Federal, State, and local laws and regulations.

(2) Return to the manufacturer or distributor for potential re-labelling, recovery of resources, or reprocessing into other materials. Transportation must be in accordance with all currently applicable U.S. Department of Transportation regulations, including those prescribed in 49 CFR Parts 170–179 and 397, 46 CFR Part 146, and 14 CFR Part 103. The "for hire" transportation of unregistered pesticides across state lines may be subject to the Interstate Commerce Commission's economic regulations (49 U.S.C. 1 et seq. for rail carriers; 306, 307, and 309 for motor carriers; and 909 for domestic water carriers), and the Commission should be contacted in case of doubt.

NOTE: Some excess pesticides may be suitable for export to a country where use of the pesticide is legal. All pesticides so exported should be in good condition and packed according to specifications of the foreign purchaser, and must be transported to the port of embarkation in accordance with all Department of Transportation regulations. All shipments should be in conformance with section 17(a) of the Act.

(g) To provide documentation of actual situations, all accidents or incidents involving the storage or disposal of pesticides, pesticide containers, or pesticide-related wastes should be reported to the appropriate Regional Administrator.

Subpart B—Acceptance Regulations

§ 165.3 Acceptable pesticides.

The Administrator will accept for safe disposal those pesticides the registrations of which have been canceled, after first having been suspended to prevent an imminent hazard during the time required for cancellation proceedings as specified in section 6(c) of the Act. However, no other pesticides will be accepted pursuant to section 19(a) of the Act, and nothing herein shall obligate the Federal Government to own or operate any disposal facility.

§ 165.4 Request for acceptance.

(a) Before the owner of such a pesticide requests acceptance by the Administrator for disposal, he shall make every reasonable effort to return the material to either its manufacturer, distributor, or to another agent capable of using the material.

(b) If such an effort is unsuccessful, the following procedure shall be used by the owner of a suspended pesticide to request acceptance by the Administrator:

(1) The owner of such a pesticide must make a formal request for acceptance, in writing, to the Regional Administrator for the area where such pesticides are located.

(2) Records and data pertaining to the amount, location, physical form, type and condition of containers, and date of manufacture or purchase of individual lots must be submitted. Certification that the owner of the suspended pesticide has made every reasonable effort to return the material to the manufacturer, distributor of the pesticide, or to other agents capable of re-labeling, recovering, recycling or reprocessing the material and has been refused on the basis of technological infeasibility, must also be submitted.

§ 165.5 Delivery.

If it is found that a canceled pesticide meets the requirements for acceptance, the Regional Administrator will confer with the owner for purposes of arranging a mutually convenient location for acceptance of individual lots of such canceled pesticides. Transportation to the acceptance location will be the responsibility of, and transportation costs will be borne by, the owner of the pesticide.

§ 165.6 Disposal.

Following such acceptance, the Regional Administrator will cause the disposal or storage of such pesticide as appropriate, in accordance with the procedures outlined in subparts A and C of this part.

Subpart C—Pesticides and Containers

§ 165.7 Procedures not recommended.

No person should dispose of or store (or receive for disposal or storage) any pesticide or dispose of or store any pesticide container or pesticide container residue:

(a) In a manner inconsistent with its label or labeling.

(b) So as to cause or allow open dumping of pesticides or pesticide containers.

(c) So as to cause or allow open burning of pesticides or pesticide containers; except, the open burning by the user of small quantities of combustible containers formerly containing organic or metallo-organic pesticides, except organic mercury, lead, cadmium, or arsenic compounds, is acceptable when allowed by State and local regulations.

(d) So as to cause or allow water dumping or ocean dumping, except in conformance with regulations developed pursuant to the National Marine Protection, Research and Sanctuaries Act of 1972 (Pub. L. 92–532), and to Sections 304, 307, and 311 of the Federal Water Pollution Control Act as Amended (Pub. L. 92–500).

(e) So as to violate any applicable Federal or State pollution control standard.

(f) So as to violate any applicable provisions of the Act.

§ 165.8 Recommended procedures for the disposal of pesticides.

Recommended procedures for the disposal of pesticides are given below:

(a) Organic pesticides, (except organic mercury, lead, cadmium, and arsenic compounds which are discussed in paragraph (c) of this section) should be disposed of according to the following procedures:

(1) Incinerate in a pesticide incinerator at the specified temperature/dwell time combination, or at such other lower temperature and related dwell time that will cause complete destruction of the pesticide. As a minimum it should be verified that all emissions meet the requirements of the Clean Air Act of 1970 (42 U.S.C. 1857 et seq.) relating to gaseous emissions: specifically any performance regulations and standards promulgated under sections 111 and 112 should be adhered to. Any liquids, sludges, or solid residues generated should be disposed of in accordance with all applicable Federal, State, and local pollution control requirements. Municipal solid waste incinerators may be used to incinerate excess pesticides or pesticide containers provided they meet the criteria of a pesticide incinerator and precautions are taken to ensure proper operation.

(2) If appropriate incineration facilities are not available, organic pesticides may be disposed of by burial in a specially designated landfill. Records to locate such buried pesticides within the landfill site should be maintained.

(3) The environmental impact of the soil injection method of pesticide disposal has not been clearly defined nationally, and therefore this disposal method should be undertaken only with specific guidance. It is recommended that advice be requested from the Regional Administrator in the region where the material will be disposed of prior to undertaking such disposal by this method.

(4) There are chemical methods and procedures which will degrade some pesticides to forms which are not hazardous to the environment. However, practical methods are not available for all groups of pesticides. Until a list of such methods is available, it is recommended that advice be requested from the Regional Administrator in the region where the material will be disposed of prior to undertaking disposal by such method.

(5) If adequate incineration facilities, specially designated landfill facilities, or other approved procedures are not available, temporary storage of pesticides for disposal should be undertaken. Storage facilities, management procedures, safety precautions and fire and explosion control procedures should conform to those set forth in § 165.10.

(6) The effects of subsurface emplacement of liquid by well injection and the fate of injection materials are uncertain with available knowledge, and could result in serious environmental damage requiring complex and costly solutions on a long-term basis. Well injection should not be considered for pesticide disposal unless all reasonable alternative measures have been explored and found less satisfactory in terms of environmental protection. As noted in the Administrator's Decision Statement No. 5, dated February 6, 1973, the Agency's policy is to oppose well injection of fluid pesticides

"without strict controls and a clear demonstration that such emplacement will not interfere with present or potential use of the subsurface environment, contaminate ground water resources or otherwise damage the environment." Adequate pre-injection tests, provisions for monitoring the operation and the environmental effects, contingency plans to cope with well failures, and provisions for plugging injection wells when abandoned should be made. The Regional Administrator should be advised of each operation.

(b) Metallo-organic pesticides (except organic mercury, lead, cadmium, or arsenic compounds which are discussed in paragraph (c) of this section), should be disposed of according to the following procedures:

(1) After first subjecting such compounds to an appropriate chemical or physical treatment to recover the heavy metals from the hydrocarbon structure, incinearate in a pesticide incinerator as described in paragraph (a)(1) of this section.

(2) If appropriate treatment and incineration are not available, bury in a specially designated landfill as noted in paragraph (a)(2) of this section.

(3) Disposal by soil injection of metallo-organic pesticides should be undertaken only in accordance with the procedure set forth in paragraph (a)(3) of this section.

(4) Chemical degradation methods and procedures that can be demonstrated to provide safety to public health and the environment should be undertaken only as noted in paragraph (a)(4) of this section.

(5) If adequate disposal methods as listed above in this section are not available, the pesticides should be stored according to the procedures in § 165.10 until disposal facilities become available.

(6) Well injection of metallo-organic pesticides should be undertaken only in accordance with the procedures set forth in paragraph 165.8(a)(6) of this section.

(c) Organic mercury, lead, cadmium, arsenic, and all inorganic pesticides should be disposed of according to the following procedures:

(1) Chemically deactivate the pesticides by conversion to non-hazardous compounds, and recover the heavy metal resources. Methods that are appropriate will be described and classified according to their applicability to the different groups of pesticides. Until a list of practical methods is available, however, each use of such procedures should be undertaken only as noted in paragraph 165.8 (a)(4) of this section.

(2) If chemical deactivation facilities are not available, such pesticides should be encapsulated and buried in a specially designated landfill. Records sufficient to permit location for retrieval should be maintained.

(3) If none of the above options is available, place in suitable containers (if necessary) and provide temporary storage until such time as adequate disposal facilities or procedures are available. The general criteria for acceptable storage are noted in § 165.10.

§ 165.9 Recommended procedures for the disposal of pesticide containers and residues.

(a) *Group I Containers.* Combustible containers which formerly contained organic or metallo-organic pesticides, except organic mercury, lead, cadmium, or arsenic compounds, should be disposed of in a pesticide incinerator, or buried in a specially designated landfill, as noted in § 165.8(a); except that small quantities of such containers may be burned in open fields by the user of the pesticide when such open burning is permitted by State and local regulations, or buried singly by the user in open fields with due regard for protection of surface and sub-surface water.

(b) *Group II Containers.* Non-combustible containers which formerly contained organic or metallo-organic pesticides, except organic mercury, lead, cadmium, or arsenic compounds, should first be triple-rinsed. Containers in good condition may then be returned to the pesticide manufacturer or formulator, or drum reconditioner for reuse with the same chemical class of pesticide previously contained providing such reuse is legal under currently applicable U.S. Department of Transportation regulations including those set forth in 49 CFR 173.28. Other rinsed metal containers should be punctured to facilitate drainage prior to transport to a facility for recycle as scrap metal or for disposal. All rinsed containers may be crushed and disposed of by burial in a sanitary landfill, in conformance with State and local standards or buried in the field by the user of the pesticide. Unrinsed containers should be disposed of in a specially designated landfill, or subjected to incineration in a pesticide incinerator.

(c) *Group III Containers.* Containers (both combustible and noncombustible) which formerly contained organic mercury, lead, cadmium, or arsenic or inorganic pesticides and which have been triple-rinsed and punctured to facilitate drainage, may be disposed of in a sanitary landfill. Such containers which are not rinsed should be encapsulated and buried in a specially designated landfill.

(d) *Residue disposal.* Residues and rinse liquids should be added to spray mixtures in the field. If not, they should be disposed of in the manner prescribed for each specific type of pesticide as set forth in § 165.8.

§ 165.10 Recommended procedures and criteria for storage of pesticides and pesticide containers.

(a) *General.* (1) Pesticides and excess pesticides and their containers whose uncontrolled release into the environment would cause unreasonable adverse effects on the environment should be stored only in facilities where due regard has been given to the hazardous nature of the pesticide, site selection, protective enclosures, and operating procedures, and where adequate measures are taken to assure personal safety, accident prevention, and detection of potential environmental damages. These storage procedures and criteria should be observed at sites and facilities where pesticides and excess pesticides (and their containers) that are classed as highly toxic or moderately toxic and are required to bear the signal words DANGER, POISON, or WARNING, or the skull and crossbones symbol on the label are stored. These procedures and criteria are not necessary at facilities where most pesticides registered for use in the home and garden, or pesticides classed as slightly toxic (word CAUTION on the label) are stored. All facilities where pesticides which are or may in the future be covered by an experimental use permit or other special permit are stored should be in conformance with these procedures and criteria.

(2) Temporary storage of highly toxic or moderately toxic pesticides for the period immediately prior to, and of the quantity required for a single application, may be undertaken by the user at isolated sites and facilities where flooding is unlikely, where provisions are made to prevent unauthorized entry, and where separation from water systems and buildings is sufficient to prevent contamination by runoff, percolation, or wind-blown particles or vapors.

(b) *Storage sites.* Storage sites should be selected with due regard to the amount, toxicity, and environmental hazard of pesticides, and the number and sizes of containers to be handled. When practicable, sites should be located where flooding is unlikely and where soil texture/structure and geologic/hydrologic characteristics will prevent the contamination of any water system by runoff or percolation. Where warranted, drainage from the site should be contained (by natural or artificial barriers or dikes), monitored, and if contaminated, disposed of as an excess pesticide as discussed in § 165.8. Consideration should also be given to containing windblown pesticide dusts or particles.

(c) *Storage facilities.* Pesticides should be stored in a dry, well ventilated, separate room, building or covered area where fire protection is provided. Where relevant and practicable, the following precautions should be taken:

(1) The entire storage facility should be secured by a climb-proof fence, and doors and gates should be kept locked to prevent unauthorized entry.

(2) Identification signs should be placed on rooms, buildings, and fences to advise of the contents and warn of their hazardous nature, in accordance with suggestions given in paragraph (g)(1)(i) of this section.

(3) All items of movable equipment used for handling pesticides at the storage site which might be used for other purposes should be labeled "contaminated with pesticides" and should not be removed from the site unless thoroughly decontaminated.

(4) Provision should be made for decontamination of personnel and equipment such as delivery trucks, tarpaulin covers, etc. Where feasible, a wash basin, and shower with a delayed-closing pull

chain valve should be provided. All contaminated water should be disposed of as an excess pesticide. Where required, decontamination area should be paved or lined with impervious materials, and should include gutters. Contaminated runoff should be collected, and treated as an excess pesticide.

(d) *Operational procedures.* Pesticide containers should be stored with the label plainly visible. If containers are not in good condition when received, the contents should be placed in a suitable container and properly relabeled. If dry excess pesticides are received in paper bags that are damaged, the bag and the contents should be placed in a sound container that can be sealed. Metal or rigid plastic containers should be checked carefully to insure that the lids and bungs are tight. Where relevant and practicable, the following provisions should be considered:

(1) *Classification and separation.* (i) Each pesticide formulation should be segregated and stored under a sign containing the name of the formulation. Rigid containers should be stored in an upright position and all containers should be stored off the ground, in an orderly way, so as to permit ready access and inspection. They should be accumulated in rows or units so that all labels are visible, and with lanes to provide effective access. A complete inventory should be maintained indicating the number and identity of containers in each storage unit.

(ii) Excess pesticides and containers should be further segregated according to the method of disposal to ensure that entire shipments of the same class of pesticides are disposed of properly, and that accidental mixing of containers of different categories does not occur during the removal operation.

(2) *Container inspection and maintenance.* Containers should be checked regularly for corrosion and leaks. If such is found, the container should be transferred to a sound, suitable, larger container and be properly labeled. Materials such as adsorptive clay, hydrated lime, and sodium hypochlorite should be kept on hand for use as appropriate for the emergency treatment or detoxification of spills or leaks. (Specific information relating to other spill treatment procedures and materials will be published as it is confirmed.)

(e) *Safety precautions.* In addition to precautions specified on the label and in the labeling, rules for personal safety and accident prevention similar to those listed below should be available in areas where personnel congregate:

(1) *Accident prevention measures.* (i) Inspect all containers of pesticides for leaks before handling them.

(ii) Do not mishandle containers and thereby create emergencies by carelessness.

(iii) Do not permit unauthorized persons in the storage area.

(iv) Do not store pesticides next to food or feed or other articles intended for consumption by humans or animals.

(v) Inspect all vehicles prior to departure, and treat those found to be contaminated.

(2) *Safety measures.* (i) Do not store food, beverages, tobacco, eating utensils, or smoking equipment in the storage or loading areas.

(ii) Do not drink, eat food, smoke, or use tobacco in areas where pesticides are present.

(iii) Wear rubber gloves while handling containers of pesticides.

(iv) Do not put fingers in mouth or rub eyes while working.

(v) Wash hands before eating, smoking, or using toilet and immediately after loading, or transferring pesticides.

(vi) Persons working regularly with organophosphate and N-alkyl carbamate pesticides should have periodic physical examinations, including cholinesterase tests.

(f) *Protective clothing and respirators.* (1) When handling pesticides which are in concentrated form, protective clothing should be worn. Contaminated garments should be removed immediately, and extra sets of clean clothing should be maintained nearby.

(2) Particular care should be taken when handling certain pesticides to protect against absorption through skin, and inhalation of fumes. Respirators or gas masks with proper canisters approved for the particular type of exposure noted in the label directions, should be used when such pesticides are handled.

(g) *Fire control.* (1) Where large quantities of pesticides are stored, or where conditions may otherwise warrant, the owner of stored pesticides should inform the local fire department, hospitals, public health officials, and police department in writing of the hazards that such pesticides may present in the event of a fire. A floor plan of the storage area indicating where different pesticide classifications are regularly stored should be provided to the fire department. The fire chief should be furnished with the home telephone numbers of (i) the person(s) responsible for the pesticide storage facility, (ii) the appropriate Regional Administrator, who can summon the appropriate Agency emergency response team, (iii) the U.S. Coast Guard, and (iv) the Pesticide Safety Team Network of the National Agricultural Chemicals Association.

(2) *Suggestions for Fire Hazard Abatement.* (i) Where applicable, plainly label the outside of each storage area with "DANGER," "POISON," "PESTICIDE STORAGE" signs. Consult with the local fire department regarding the use of the current hazard signal system of the National Fire Protection Association.

(ii) Post a list on the outside of the storage area of the types of chemicals stored therein. The list should be updated to reflect changes in types stored.

(3) *Suggested Fire Fighting Precautions.* (i) Wear air-supplied breathing apparatus and rubber clothing.

(ii) Avoid breathing or otherwise contacting toxic smoke and fumes.

(iii) Wash completely as soon as possible after encountering smoke and fumes.

(iv) Contain the water used in fire fighting within the storage site drainage system.

(v) Fireman should take cholinesterase tests after fighting a fire involving organophosphate or N-alkyl carbamate pesticides, if they have been heavily exposed to the smoke. Baseline cholinesterase tests should be part of the regular physical examination for such firemen.

(vi) Evacuate persons near such fires who may come in contact with smoke or fumes or contaminated surfaces.

(h) *Monitoring.* An environmental monitoring system should be considered in the vicinity of storage facilites. Samples from the surroundng ground and surface water, wildlife, and plant environment, as appropriate, should be tested in a regular program to assure minimal environmental insult. Analyses should be performed according to "Official Methods of the Association of Official Analytical Chemists (AOAC)," and such other methods and procedures as may be suitable.

Subpart D—Pesticide-Related Wastes

§ 165.11 Procedures for disposal and storage of pesticide-related wastes.

(a) In general all pesticide-related wastes should be disposed of as excess pesticides in accordance with the procedures set forth in §§ 165.7 and 165.8. Such wastes should not be disposed of by addition to an industrial effluent stream if not ordinarily a part of or contained within such industrial effluent stream, except as regulated by and in compliance with effluent standards established pursuant to sections 304 and 307 of the Federal Water Pollution Control Act as amended.

(b) Pesticide-related wastes which are to be stored should be managed in accordance with the provisions of § 165.10.

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