AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

federal register

WEDNESDAY, JANUARY 16, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 11

Pages 1963–2068

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.

PLATELET CONCENTRATE (HUMAN)—FDA proposes additional standards for storing; comments by 3–18–74 2008

COAL MINE SAFETY—Interior Department proposes standards for refuse piles and water and silt impoundments; comments by 3–1–74 2004

HIGHRISE CONSTRUCTION SAFETY—OHSA proposal regarding tight and substantial flooring under erection cranes; comments by 2–15–74 2015

MEDICARE—HEW proposal on periodic interim payments to providers; comments by 2–15–74 2011

SUPPLEMENTAL SECURITY INCOME—HEW proposal regarding underpayment and overpayment of benefits; comments by 2–15–74 2012

DANGEROUS CARGOS—Coast Guard proposes amending compressed gases and war materials regulations; comments by 3–4–74 2014

BICENTENNIAL INFORMATION NETWORK—American Revolution Bicentennial Commission initiates and adopts regulations for operation 2027

FERRONICKEL—CLC exemption from Phase IV price regulations; effective 1–14–74 1971

CABINET X-RAY—FDA proposes standard revisions for baggage inspection systems; comments by 2–15–74 2010

MEETINGS—

Interior: Billings District Advisory Board, 1–25–74 2017

USDA: Spearfish District Grazing Advisory Board, 2–9–74 2018

HEW: Advisory Council on Financial Aid to Students, 1–24 and 1–25–74 2024

Commerce: Presidents Export Council, 1–23–74 2020

Defense: National Committee for Employer Support of the Guard and Reserve, 1–29–74 2017

Civil Service Commission: Federal Employee Pay Council, 1–23–74 2031

AEC: Advisory Committee on Reactor Safeguards Subcommittee on Regulatory Guides, 2–6–74 2028

PART II:

GASOLINE RATIONING—Federal Energy Office requests comments on contingency plan; comments by 1–20–74 2065

January 16, 1974—Pages 1963–2068

federal register

Area Code 202 Phone 523-5240

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

The FEDERAL REGISTER provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive orders and Federal agency documents having general applicability and legal effect, documents required to be published by Act of Congress and other Federal agency documents of public interest.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $5.00 per month or $45 per year, payable in advance. The charge for individual copies is 75 cents for each issue, or 75 cents for each group of pages as actually bound. Remit check or money order, made payable to the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

Contents

ACTION

Rules and Regulations

Grants and contracts; suspension and termination and denial of application for refunding 1996

AGRICULTURAL MARKETING SERVICE

Rules and Regulations

Irish potatoes grown in Washington; shipment requirements 1971

Proposed Rules

Frozen concentrated apple juice; standards for grades 2006

AGRICULTURE DEPARTMENT

See Agricultural Marketing Service; Animal and Plant Health Inspection Service; Forest Service; Rural Electrification Administration.

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

Notices

Bicentennial Information Network; adoption and approval of guidelines 2007

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

Rules and Regulations

Blood; saving of as edible product; labeling of products that contain blood 1973

ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT OFFICE

Rules and Regulations

Public housing: prototype cost limits; amendment 1979

ATOMIC ENERGY COMMISSION

Notices

Advisory Committee on Reactor Safeguards' Subcommittee on Regulatory Guides; meeting 2028

Cleveland Electric Illuminating Co., et al.; receipt of Attorney General's advice and time for filing of petitions to intervene on antitrust matters 2029

CIVIL AERONAUTICS BOARD

Notices

Hearings, etc.:

Cross Canada Flights, Ltd 2030

International Air Transport Association 2031

United Air Lines, Inc 2031

CIVIL SERVICE COMMISSION

Notices

Federal Employees Pay Council; meeting 2031

COAST GUARD

Proposed Rules

Dangerous cargo; miscellaneous amendments 2014

Lifesaving equipment; addition of alternative test 2014

COMMERCE DEPARTMENT

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

Notices

Advisory Committee on East-West Trade; establishment 2024

CONSUMER PRODUCT SAFETY COMMISSION

Rules and Regulations

Certain lead-containing paints and other similar surface-coating materials as banned hazardous substances; correction 1979

COST OF LIVING COUNCIL

Rules and Regulations

Ferronickel; exemption from Phase IV price regulations 1971

Notices

Secretary of the Treasury; delegation of authority 2031

CUSTOMS SERVICE

Rules and Regulations

Expanded metal, of base metal, from Japan; antidumping 1979

Italy; addition to list of coastwise transportation 1979

DEFENSE DEPARTMENT

Notices

National Committee for Employer Support of the Guard and Reserve; open meeting 2017

DOMESTIC AND INTERNATIONAL BUSINESS ADMINISTRATION

Rules and Regulations

Exports of ferrous scrap; quota allocations 1977

Notices

Consolidated decision on applications for duty free entry of scientific articles, etc.:

Litton Bionetics, Inc 2019

National Bureau of Standards 2019

University of California 2020

University of Florida 2021

President's Export Council; meeting 2020

EDUCATION OFFICE

Notices

Advisory Council On Financial Aid to Students; meeting 2024

ENVIRONMENTAL PROTECTION AGENCY

Rules and Regulations

3,5 - Dichloro-N-(1,1-Dimethyl-2-Propynl) benzamide; tolerances for residues; correction 1996

FEDERAL AVIATION ADMINISTRATION

Rules and Regulations

Standard instrument approach procedures; miscellaneous amendments 1976

Transition area:

Alteration 1975

Designation (2 documents) 1975

VOR Federal airway; number change 1975

Proposed Rules

Transition area; allocation 2014

Temporary restricted area; designation 2015

FEDERAL COMMUNICATIONS COMMISSION

Rules and Regulations

Class of emission for coast stations using radiotelephony; authorizations and definition; correction 2001

Repeater stations; showings required with applications 2001

Notices

Hearings, etc.:

Bello Broadcasting Corp., and WADECO, Inc. (2 documents) 2031, 2032

FEDERAL DISASTER ASSISTANCE ADMINISTRATION

Notices

Oklahoma; amendment to disaster relief notice 2027

FEDERAL ENERGY OFFICE

Notices

Gas rationing contingency plan; inquiry 2065

FEDERAL HOME LOAN BANK BOARD

Rules and Regulations

Place-of-business funds transfer systems; temporary provision 1974

FEDERAL INSURANCE ADMINISTRATION

Rules and Regulations

National Flood Insurance Program:

List of communities with special hazard areas 1984

Miscellaneous amendments necessitated by legislation 1980

Status of participating communities (3 documents) 1981–1983

FEDERAL POWER COMMISSION

Notices

Hearings, etc.:

Amoco Production Co 2034

Blue Dolphin Pipe Line Co 2034

Brazos Electric Power Cooperative, Inc 2034

California Co 2035

Cascade Natural Gas Corp 2035

Colorado Interstate Gas Co., and CIG Exploration, Inc 2035

Continental Oil Co 2039

Davis Oil Co., et al 2039

(Continued on next page)

Florida Gas Transmission Co. 2039
Gas Industry Research Plan 2042
Getty Oil Co. et al 2042
J. A. Steltenpohl 2040
J. L. Hannah 2041
John Earl Taulbee 2040
Michigan Wisconsin Pipe Line Co 2041
Transcontinental Gas Pipe Line Corp., and Mid Louisiana Gas Co 2041

FEDERAL RESERVE SYSTEM
Rules and Regulations
Affiliates; waiver of reports; correction 1974
Stocks; maximum loan value; correction 1974
Notices
Formation of bank holding companies:
Norbank, Inc 2043
Seafirst Corp 2043
Wadena Bankshares, Inc 2043

FISH AND WILDLIFE SERVICE
Rules and Regulations
Havasu National Wildlife Refuge, Arizona and California; public access, use and recreation 2002
Taking, possession, transportation, sale, purchase, barter, exportation, and importation of wildlife; correction 2002
Wichita Mountains Wildlife Refuge, Oklahoma; sport fishing 2003
Notices
Tamarac National Wildlife Refuge; public hearing regarding wildlife proposal 2017

FOOD AND DRUG ADMINISTRATION
Proposed Rules
Cabinet x-ray systems; revisions of performance standards to baggage inspection systems 2010
Platelet Concentrate (Human); additional standards 2008

FOREST SERVICE
Notices
American Fork Canyon-Provo Peak Planning Unit; availability of draft environmental statement 2018
Spearfish District Grazing Advisory Board; meeting 2018

HEALTH, EDUCATION, AND WELFARE DEPARTMENT
See also Education Office; Food and Drug Administration; Social Security Administration.
Notices
Statement of organization, functions, and delegations of authority to reflect reorganization of staff offices 2024

HOUSING AND URBAN DEVELOPMENT DEPARTMENT
See Assistant Secretary for Housing Production and Mortgage Credit Office; Federal Disaster Assistance Administration; Federal Insurance Administration.

IMMIGRATION AND NATURALIZATION SERVICE
Rules and Regulations
Powers and duties of Service Officers; availability of service records; correction 1972

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)
Notices
Applications for initial permits, electric face equipment standard; opportunity for public hearing (2 documents) 2044

INTERIOR DEPARTMENT
See Fish and Wildlife Service; Land Management Bureau; Mining Enforcement Safety Administration; National Park Service.

INTERSTATE COMMERCE COMMISSION
Proposed Rules
Intermediate application of rates; amendment of tariff circular 2015
Notices
Assignment of hearings 2052
Fourth section application for relief 2053
Motor carrier applications and certain other proceedings 2053
Motor carrier intrastate applications 2059
Motor carrier transfer proceedings 2061

JUSTICE DEPARTMENT
See Immigration and Naturalization Service.

LABOR DEPARTMENT
See Occupational Safety and Health Administration.

LAND MANAGEMENT BUREAU
Notices
Billings District Advisory Board; meeting 2017

MINING ENFORCEMENT AND SAFETY ADMINISTRATION
Proposed Rules
Surface coal mines and surface work areas; mandatory safety standards 2004

NATIONAL ENDOWMENT FOR THE ARTS
Notices
Theatre program; guidelines for fiscal year 1975 2044

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION
Rules and Regulations
Regulated commercial fisheries; gear restrictions 2003
Notices
Yellowtail Flounder; list of quotas for 1974 2022

NATIONAL PARK SERVICE
Notices
Dinosaur National Monument, Utah, Colorado; public hearing regarding wildlife proposal 2018

NATIONAL TECHNICAL INFORMATION SERVICE
Notices
Government owned inventions; availability of licensing 2022

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
Proposed Rules
Temporary flooring in skeleton steel construction in tiered buildings; revised standard 2015
Notices
Applications for variance, etc.:
Cactus Drilling Corp 2049
Caterpillar Tractor Co 2049
Granite City Steel Co 2050
Hess & Eisenhardt Co 2050
Lever Brothers Co 2051
Union Electric Co 2052

POSTAL SERVICE
Rules and Regulations
Postal employees; code of ethical conduct; revision 1989

RURAL ELECTRIFICATION ADMINISTRATION
Proposed Rules
Rural Telephone Program; specifications for facilities 2008

SECURITIES AND EXCHANGE COMMISSION
Notices
Hearings, etc.:
Canadian Javelin, Ltd 2047
Delmarva Power & Light Co 2047
Royal Properties Inc 2048

SOCIAL SECURITY ADMINISTRATION
Proposed Rules
Federal health insurance for the aged and disabled; provider services by hospital-based physicians; periodic interim payments 2011
Supplemental security income for the aged, blind, and disabled; underpayments and overpayments 2012

TARIFF COMMISSION
Notices
Worker's petition for a determination; notice of investigation (2 documents) 2048, 2049

TREASURY DEPARTMENT
See also Customs Service.
Notices
Mandelic acid from Japan and the United Kingdom; discontinuance of antidumping investigation (2 documents) 2017

TRANSPORTATION DEPARTMENT
See Coast Guard; Federal Aviation Administration.

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.

6 CFR

150 ... 1971

7 CFR

946 ... 1971

PROPOSED RULES:

52 ... 2006
1701 ... 2008

8 CFR

103 ... 1972

9 CFR

310 ... 1973
317 ... 1973
318 ... 1973

12 CFR

207 ... 1974
208 ... 1974
220 ... 1974
221 ... 1974
545 ... 1974

14 CFR

71 (4 documents) ... 1975
97 ... 1976

PROPOSED RULES:

71 ... 2014
73 ... 2015

15 CFR

377 ... 1977

16 CFR

1500 ... 1979

19 CFR

4 ... 1979
153 ... 1979

20 CFR

PROPOSED RULES:

405 ... 2011
416 ... 2012

21 CFR

PROPOSED RULES:

600 ... 2008
610 ... 2008
640 ... 2008
1020 ... 2010

24 CFR

275 ... 1979
1909 ... 1980
1911 ... 1980
1913 ... 1981
1914 (3 documents) ... 1981–1983
1915 ... 1984

29 CFR

PROPOSED RULES:

1926 ... 2015

30 CFR

PROPOSED RULES:

77 ... 2004

39 CFR

243 ... 1989
447 ... 1990
742 ... 1989
743 ... 1989

40 CFR

180 ... 1996

45 CFR

1206 ... 1996

46 CFR

PROPOSED RULES:

146 ... 2014
160 ... 2014

47 CFR

81 ... 2001
97 ... 2001

49 CFR

PROPOSED RULES:

1300 ... 2015

50 CFR

28 ... 2002
33 ... 2003
240 ... 2003

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

NOTE: There were no items published after October 1, 1972, that are eligible for inclusion in the list of RULES GOING INTO EFFECT TODAY.

Next Week's Hearings

JANUARY 23

USDA—Milk in the middle Atlantic and New York-New Jersey marketing areas..... 35006; 12–21–73

JANUARY 24

FRS—Underwriting of real estate mortgage guaranty insurance..... 13572, 5–23–73; 32823, 11–28–73

JANUARY 25

EPA—Water programs; toxic pollutant effluent standards..... 35388; 12–27–73

Next Week's Deadline for Comments on Proposed Rules

JANUARY 21

EPA—Water quality standards for navigable waters in New Jersey.... 34894; 12–20–73

EPA—Effluent limitations guidelines for dairy products processing industry point source category..... 34954; 12–20–73

HEW—Area designations for professional standards review of providers of health care services..... 34944; 12–20–73

VA—Disclosure of loan guaranty information..... 35023; 12–21–73

FAA—Alteration of Rutland, Vt. transition area..... 35016; 12–21–73

FAA—Designation of North Vernon, Ind. transition area..... 35016; 12–21–73

FAA—Designation of Fostoria, Oh. transition area..... 35015; 12–21–73

FDA—Notice of opportunity for hearing and appearance procedures for new drugs and antibiotics..... 35024; 12–21–73

EPA—Approval and promulgation of state implementation plans for Mississippi..... 35325; 12–27–73

FCC—Specialized common carriers eligible in the Telephone Maintenance Radio Service..... 30282; 11–2–73

—Educational broadcast..... 26212; 9–19–73

FCC—Combination advertising rates and other joint sales practices; extension of reply comment period. 20276, 7–30–73; 1077, 1–4–74

FAA—Alteration of certain Federal airways, jet routes and reporting points..... 1959, 1–4–74

JANUARY 22

FCC—Abbreviated method of aircraft identification during organized flying activity of short duration..... 33618; 12–6–73

FTC—Procedures for implementation of the National Environmental Policy Act of 1969..... 33618; 12–6–73

Transportation Department—Motor Vehicle Safety Standards, Brake Fluids. 32142; 11–21–73

JANUARY 23

FCC—FM table of assignments for Goshen and South Bend, Ind.; extension of time..... 31895, 11–19–73; 1077; 1–4–74

JANUARY 25

FCC—Expansion of radio communications for emergency medical services. 33617; 12–6–73

USDA/APHIS—Labeling and official marks of inspection of poultry products..... 32813; 11–28–73

EPA—Soap and detegent manufacturing point source category; effluent limitations..... 35250; 12–26–73

FRS—Bank holding companies; applications to engage in underwriting of bankers blanket bond insurance. 35236; 12–26–73

CLC—Rubber tire price increases; public hearings..... 1518; 1–10–74

JANUARY 28

FDA—Relationship of methadone treatment programs operated by the Federal government to State methadone authorities..... 32944; 11–29–73

USDA/PACKERS AND STOCKYARDS ADMINISTRATION—Scale tickets evidencing weighing of livestock. 35324; 12–27–73

LABOR—Revision of guidelines on sex discrimination..... 35336; 12–27–73

JANUARY 29

DoT/HMRB—American Society of Mechanical Engineers and Pressure Vessel Code; matter incorporated by reference..... 32817; 11–28–73

SEC—Net Capital Rule, proposed revision..... 34330; 12–13–73

JANUARY 31

SEC—Exemption of broker-dealers dealing solely in certain whole loan mortgages..... 34898; 12–20–73

TREASURY—National banks as travel agents..... 35023; 12–21–73

Next Week's Meetings

JANUARY 20

North Atlantic Regional Manpower Advisory Committee to be held at San Juan, Puerto Rico.... 33421; 12–4–73

JANUARY 21

FAA: Advisory Committee for Radiation Biology Aspects of the SST to be held at Washington, D.C. (open). 1660; 1–4–74

HEW: National Professional Standards Review Council to be held at Washington, D.C. (open)..... 844; 1–3–74

HEW: Health Care Technology Study Section to be held at Rockville, Md. 35345; 12–27–73

HEW: Continuing Education Training Review Committee to be held at Rockville, Md. (closed except discussion session)..... 34352; 12–13–73

North Atlantic Regional Manpower Advisory Committee to be held at San Juan, Puerto Rico (open)..... 33421; 12–4–73

DoD: USAF Scientific Advisory Board Geophysics Panel Task Group on Tropical Cyclone Forecast to be held at Coral Gables, Fla. (open).... 35339; 12–27–73

AEC: Lawrence Award Nomination–Ad Hoc Screening Panel, General Advisory Committee to be held at Washington, D.C. (closed)..... 35525; 12–28–73

HEW: Nursing Research and Education Advisory Committee to be held at Bethesda, Maryland (open)..... 842; 1–3–74

JANUARY 22

HEW: National Professional Standards Review Council to be held at Washington, D.C. (open).... 844; 1–3–74

USDA: Hop Marketing Advisory Board to be held at Portland, Oregon (open). 1081; 1–4–74

Interior Department: Bureau of Land Management, Lander District Advisory Board to be held at Lander, Wyoming (open)..... 18; 1–2–74

Interior Department: Office of Coal Research General Technical Advisory Committee to be held at Washington, D.C. (open)..... 835; 1–3–74

JANUARY 22

DoD: Department of Defense Wage Committee to be held at Washington, D.C. (closed)..... 35237; 12–26–73

Interior Department: BLM, Bakersfield District Advisory Board to be held at Bakersfield, California (open). 34675; 12–17–73

DoT: Coast Guard, Fuel and Electrical Systems Panel Boating Safety Advisory Council to be held at Washington, D.C. (open)..... 1660; 1–4–74

FPC: Technical Advisory Committee on Conservation of Energy to be held at Washington, D.C. (open).... 1668; 1–11–74

FAA: Advisory Committee for Radiation Biology Aspects of the SST to be held at Washington, D.C. (open).... 1660; 1–4–74

DoD: USAF Scientific Advisory Board Geophysics Panel Task Group on Tropical Cyclone Forecasts to be held at Coral Gables, Fla. (open).. 35339; 12–27–73

DoD: Community College of the Air Force Advisory Committee to be held at Randolph Air Force Base, Texas (open) 34900; 12–19–73

HEW: Health Care Technology Study Section to be held at Rockville, Md. 35345; 12–27–73

North Atlantic Regional Manpower Advisory Committee to be held at San Juan, Puerto Rico (open) 33421; 12–4–73

HEW: Continuing Education Training Review Committee to be held at Rockville, Md. (closed) 34352; 12–13–73

JANUARY 23

DoT: Coast Guard, Fuel and Electrical Systems Panel, Boating Safety Advisory Council to be held at Washington, D.C. (open) 1660; 1–4–74

FPC: Technical Advisory Committee on Conservation of Energy to be held at Washington, D.C. (open) 1668; 1–11–74

National Endowment for the Humanities: Fellowships Panel to be held at Fort Worth, Texas (closed) 1674; 1–11–74

National Endowment for the Humanities: Education Panel to be held at Washingon, D.C. (closed) 1674; 1–11–74

HEW: Alcoholism and Alcohol-Problems Review Committee to be held at Bethesda, Md. (closed except discussion session) 34352; 12–13–73

HEW: Continuing Education Training Review Committee to be held at Rockville, Md. (closed) 34352; 12–13–73

JANUARY 24

CSC: Federal Prevailing Rate Advisory Committee to be held at Washington, D.C. (closed) 35240; 12–26–73

HEW: Alcoholism and Alcohol-Problems Review Committee to be held at Bethesda, Md. (closed) 34352; 12–13–73

HEW: National Advisory Council on Adult Education to be held at Chicago, Illinois (open) 34902; 12–19–73

National Endowment for the Humanities: Education Panel to be held at Washingon, D.C. (closed) 1674; 1–11–74

National Endowment for the Humanities: Fellowships Panel to be held at Washington, D.C. (closed) 1675; 1–11–74

National Science Foundation: Advisory Committee for Research to be held at Washington, D.C. (open) 1675 1–11–74

HEW: Safety and Occupational Health Study Section to be held at Irvine, California (closed after 2:35 p.m.). 1651; 1–11–74

FDA: National Advisory Drug Committee to be held at Rockville, Md. (open). 35342; 12–27–73

JANUARY 25

HEW: Safety and Occupational Health Study Section to be held at Irvine, California (closed after 2:35 p.m.). 1651; 1–11–74

FDA: Radioactive Pharmaceuticals Advisory Committee to be held at Rockville, Maryland (closed after 10 a.m.). 1651; 1–11–74

HEW: National Advisory Council on Adult Education to be held at Chicago, Illinois (open) 34902; 12–19–73

National Endowment for the Humanities: Fellowships Panel to be held at Washington, D.C. (closed) 1674; 1–11–74

National Science Foundation: Advisory Committee for Research to be held at Washington, D.C. (open) 1675; 1–11–74

National Endowment for the Humanities: Fellowships Panel to be held at Chicago, Illinois (closed) 1675; 1–11–74

FDA: National Advisory Drug Committee to be held at Rockville, Md. (open). 35342; 12–27–73

HEW: Alcoholism and Alcohol-Problems Review Committee to be held at Bethesda, Md. (closed) 34352; 12–13–73

FDA: Panel on Review of Laxative, Antidiarrheal, Emetic and Antiemetic Drugs to be held at Rockville, Md. 35342; 12–27–73

Department of Labor: Federal Advisory Council on Unemployment Insurance to be held at Washington D.C. (open). 34371; 12–13–73

JANUARY 26

FDA: Panel on Review of Laxative, Antidiarrheal, Emetic and Antiemetic Drugs to be held at Rockville, Md. (closed) 35342; 12–27–73

HEW: National Advisory Council on Adult Education to be held at Chicago, Illinois (open) 34902; 12–19–73

National Endowment for the Humanities: Fellowships Panel to be held at Washington, D.C. (closed) 1675; 1–11–74

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.

The President vetoed H.R. 10511, to amend the Urban Mass Transportation Act of 1964 regarding financial assistance agreements. Message dated Jan. 4, 1974; Weekly Compilation of Presidential Documents, Vol. 10, No. 1

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 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 150—PHASE IV PRICE REGULATIONS

Exemption of Ferronickel

The purpose of this amendment is to exempt prices charged for ferronickel from the Phase IV price regulations.

To effect this exemption, § 150.54(v) is amended to make the exemption of certain nonferrous metals applicable to ferronickel. As with the other metals exempted in this section, ferronickel is exempt only through the processing stage which results in basic shapes. The exemption does not apply to ferronickel sold in semifinished or finished form.

The bulk of domestic requirements for nickey must be met through imports, only about 7 percent of demand is produced domestically. Hence, inasmuch as ferronickel is priced on the basis of its nickel content only and most prices charged for ferronickel are already exempt, the economic impact of this exemption will be minor.

Because the purpose of these amendments is to provide immediate guidance and information with respect to decisions of the Council, the Council finds that publication in accordance with normal rule-making procedure is impracticable and that good cause exists for making this amendment effective in less than 30 days.

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

In consideration of the foregoing, Part 150 of Title 6 of the Code of Federal Regulations is amended as set forth below, effective January 14, 1974.

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

JAMES W. MCLANE,
Deputy Director.

Section 150.54(v) is amended to read as follows:

§ 150.54 **Certain price adjustments.**

* * * * *

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

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

(2) Ferroalloys; or

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

The products exempted are generally those described in Group Nos. 103, 106, and 109 and Industry Nos. 3332, 3333, 3339 and 3341 of the Standard Industrial Classification Manual, 1972 Edition. For purposes of this paragraph, "ferroalloys" means the metals described in Schedule 6, Part 2, Subpart B of the Tariff Schedules of the United States (19 U.S.C. 1202), except ferronickel.

[FR Doc.74-1417 Filed 1-14-74;12:58 pm]

Title 7—Agriculture

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

PART 946—IRISH POTATOES GROWN IN WASHINGTON

Administrative Rules

This document amends the administrative rules under which the State of Washington Potato Committee operates so they will conform with authorities contained in the recently amended order. Principal changes include establishing procedures for certain special purpose shipments including potatoes moving to adjacent States for grading or storage or to processing outlets, authorizing modification of inspection requirements where inspection cannot be readily obtained, and deleting exemption provisions.

Notice of rule making was published in the December 21, 1973, FEDERAL REGISTER (38 FR 35004) regarding a proposed amendment of rules and regulations (7 CFR 946.100-946.123) recommended by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 946, both as amended (7 CFR Part 946). This program regulates the handling of Irish potatoes grown in the State of Washington and is issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.). The notice afforded interested persons an opportunity to file written data, views, or arguments pertaining thereto not later than December 28, 1973. None was filed.

Sections 946.103 and 946.110 through 946.114 are being deleted because the authority for such rules was terminated when the order was recently amended. Sections 946.120-946.123 are being revised to provide for safeguards on shipments of potatoes to prepeeling and certain other outlets pursuant to §§ 946.54 and 946.55 of the amended order. These safeguards are necessary to insure that such potatoes do not enter unauthorized channels. The new §§ 946.130 through 946.133 establish a procedure for modifying inspection requirements for handlers in certain outlying portions of the production area who are caused an undue hardship by normal inspection requirements. Shipments of uninspected potatoes to adjacent States were authorized by the aforesaid amendment of the order and the procedures regulating such shipments are included in §§ 946.120 through 946.123. Certain reporting requirements must be applied to potatoes for processing into products to insure that such potatoes do not reach fresh market channels. Such requirements are contained in § 946.140.

Findings: After consideration of all relevant matters presented, including the proposal set forth in the notice, it is hereby found and determined that this amendment will tend to effectuate the declared policy of the act.

It is further found that good cause exists for not postponing the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 553) in that (1) these administrative rules are required to conform with the authorities specified in the amended order; (2) shipments of potatoes grown in the production area are currently being marketed and the amended rules should become effective at the time herein provided to improve operations of the State of Washington Potato Committee; (3) information regarding the provisions of the recommendations by the committee has been disseminated among the growers and handlers of potatoes in the production area; (4) notice hereof has been given by publication in the FEDERAL REGISTER of December 21, 1973 (38 FR 35004); and (5) compliance with this amendment will not require any special preparation on the part of handlers subject thereto which cannot be completed on or before the effective time hereof.

The amendment is as follows:

1. Section 946.100 is revised to read as follows:

§ 946.100 **Order.**

"Order" means Order No. 946 (§§ 946.1 to 946.78), as amended, regulating the handling of Irish potatoes grown in the State of Washington.

2. Section 946.101 is revised to read as follows:

§ 946.101 Marketing agreement.

"Marketing agreement" means Marketing Agreement No. 113, as amended.

§ 946.103 [Deleted]

3. Section 946.103 is deleted.

§§ 946.110–946.114 [Deleted]

4. Sections 946.110 through 946.114 inclusive are deleted.

5. Section 946.120 is revised as follows:

§ 946.120 Application.

(a) Whenever shipments for special purposes pursuant to § 946.54 are relieved in whole or in part from regulations issued under § 946.52, each handler desiring to make shipments of potatoes for the following purposes shall obtain from the committee, prior to initiating such shipments, a special purpose certificate permitting such shipments:

(1) Charity;

(2) Export;

(3) Prepeeling outside the district where grown; and

(4) Grading or storing at any specified location in Morrow or Umatilla Counties in the State of Oregon.

(b) Applications for special purpose shipment certificates shall be made on forms furnished by the committee. Such application shall contain the name and address of the handler, and such other information that the committee may require such as the estimated amount of potatoes to be shipped, the grades and sizes of potatoes to be shipped (when applicable), expected consignees and destinations, certification by applicant that statements are correct and that he will comply with disposition stated therein, and other information or documents as the committee may require in safeguarding against entry of such potatoes into trade channels other than those for which the special purpose certificate was granted.

6. Section 946.121 is revised as follows:

§ 946.121 Issuance.

The committee, or its duly authorized agents, shall give prompt consideration to each applicant for a special purpose certificate. Upon approval of the application, a special purpose certificate shall be issued authorizing the applicant named therein to ship potatoes for a specified purpose for a specified period of time.

7. Section 946.122 is revised as follows:

§ 946.122 Reports.

Each handler shipping potatoes under and pursuant to a special purpose certificate shall supply to the committee, upon request, a report thereon showing the name and address of the shipper, car or truck number, Federal-State Inspection Certificate number (if such inspection is required by regulations in effect at the time of such shipment), loading point, destination and consignee.

8. Section 946.123 is revised as follows:

§ 946.123 Denial and appeals.

The commitee may rescind a special purpose certificate issued to a handler for the purpose specified in § 946.120(a), or deny such special purpose certificates to a handler, upon proof satisfactory to the committee that such handler has shipped potatoes contrary to those provisions. Such committee action denying or rescinding a special purpose certificate shall apply to and not exceed a reasonable period of time as determined by the committee. Any handler who has been denied a special purpose certificate or who has had a special purpose certificate rescinded may appeal to the committee for reconsideration. Such appeal shall be in writing.

9. A new § 946.130 is added as follows:

MODIFICATION OF INSPECTION REQUIREMENTS

§ 946.130 Application.

Any handler whose packing facilities are located in an area where a Washington State Department of Agriculture, Plant Industry Division Office or Federal-State Inspector is not readily available to perform the inspection required by this part may, pursuant to § 946.60(a), apply to the committee for a permit authorizing modification of inspection requirements. Applications shall be made on forms furnished by the committee and shall contain such information as the committee, with approval of the Secretary, may find necessary in making a determination regarding the issuance of such permit.

10. A new § 946.131 is added as follows:

§ 946.131 Issuance.

The committee, or its duly authorized agents, shall give prompt consideration to each application for an inspection modification permit. Approval of an application shall be evidenced by the issuance of an applicable permit.

11. A new § 946.132 is added as follows:

§ 946.132 Reports.

Each handler shipping potatoes pursuant to an inspection modification permit shall report periodically as specified by the committee on forms furnished by the committee the following information on each shipment: quantity of potatoes, variety or varieties, grade, minimum size, type of container(s), date of shipment, carrier, destination, and name and address of receiver.

12. A new § 946.133 is added as follows:

§ 946.133 Cancellation.

Whenever the committee finds that shipments of potatoes pursuant to an inspection modification permit are not in accordance with the application provisions of the order, such inspection modification permit may be cancelled.

13. A new § 946.140 is added as follows:

§ 946.140 Handling potatoes for commercial processing into products.

Pursuant to § 946.54(a)(6), shipments of potatoes for commercial processing into products may be made only in accordance with paragraphs (a) or (b) below.

(a) Shipments may be made to persons whose names are on the State of Washington Potato Committee's list of manufacturers of potato products. Such list may consist of firms actively engaged in the business of canning, freezing, or "other processing" as defined in the act.

(1) Persons desiring to have their name placed on the committee's list shall apply to the committee. Such application shall contain the following:

(i) Name and address of applicant;

(ii) Location and description of facilities for commercial processing into products;

(iii) Expected source of potatoes for commercial processing into products;

(iv) Such other information as the committee, with approval of the Secretary, may deem necessary.

(2) Upon receipt of an application for such listing, the State of Washington Potato Committee shall make such investigation as it deems necessary, and if it appears that the applicant may reasonably be expected to use potatoes covered by the application in accordance with the requirements of this section, it shall place the applicant's name on the State of Washington Potato Committee's list of manufacturers of potato products.

(b) For each shipment to a person whose name is not on the committee's list, the handler must provide evidence to the committee prior to shipment that the potatoes will be used only for processing into products. Further, he shall submit reports as prescribed by the committee and approved by the Secretary.

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

Dated: January 11, 1974.

Effective date: January 18, 1974.

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

[FR Doc.74-1285 Filed 1-15-74;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

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

Miscellaneous Amendments

Correction

In FR Doc. 73-27094, appearing at page 35294 in the issue of Thursday, December 27, 1973 in § 103.7(b)(1), 3d column, following line 9, insert "For filing application for creation of".

Title 9—Animals and Animal Products

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

SUBCHAPTER A—MANDATORY MEAT INSPECTION

BLOOD AS EDIBLE PRODUCT

Provisions for Saving and Labeling

Pursuant to authority contained in the Federal Meat Inspection Act, as amended (21 U.S.C. 601, et seq.), this document amends the Federal meat inspection regulations (9 CFR 301, et seq.), by adding new §§ 310.20 and 317.8(b)(31) and by amending §§ 318.6(b)(7) and 318.7(c)(4), to allow blood from all livestock, including swine, to be saved as an edible product subject to certain restrictions and to be used in certain meat food products, to provide for informative labeling of products containing blood of livestock, and to permit specified anticoagulants to be used with all livestock blood.

Statement of Considerations. On August 20, 1971, a notice of proposed rulemaking was published in the FEDERAL REGISTER (36 FR 16194) regarding the saving of swine blood as an edible product, subject to certain restrictions. Interested persons were given 60 days in which to submit to the Hearing Clerk of the Department, written data, views or arguments concerning the proposed amendments.

The Department received 21 written comments; six of them supported the amendment, and 14 opposed it. One letter was noncommittal, but did recommend that collection procedures be thoroughly evaluated to assure that a wholesome product would be produced. Most of the persons who opposed the change based their opposition on religious grounds which prohibit the consumption of blood. Those who supported the amendment included individuals representing industry and consumers.

The Department believes that blood from inspected and passed livestock carcasses (including swine) slaughtered under Federal or State requirements may be saved for edible purposes if collected and handled in a manner so as not to render it unwholesome or otherwise adulterated under the Federal Meat Inspection Act and regulations issued pursuant thereto.

Whenever blood from livestock is used in a meat food product, it will be required to be declared as part of the product name, such as "Blood Sausage," and referred to in the label's ingredients statement, such as "beef blood." This will permit individuals who wish to avoid the purchase of such products—for any reason—to do so.

Some specialty foods, unique to different geographical regions of the country, require swine blood as an ingredient. Swine blood has, until the present time, been an inedible product under the Federal meat inspection regulations. Some State laws, prior to enactment of the Wholesome Meat Act in 1967, did not prohibit swine blood to be used in products for human consumption. However, the Wholesome Meat Act provides that State requirements be at least equal to the Federal requirements. Therefore, producers of specialty items containing swine blood were denied a source of supply of swine blood. This rulemaking would rectify that situation.

This amendment differs from that proposed in the following respects: The table in § 318.7(c)(4), under "Anticoagulants" in the column title "Products," is amended by deleting the word "beef" and adding the words "of livestock," in order to permit specified anticoagulants to be used with all livestock blood. Also, a provision is added to § 310.20 to allow the use of anticoagulants in lieu of defibrination. Only fluid blood is suitable for use in manufacturing meat food products. Mechanical defibrination has been used for many years to prevent the natural clotting process. Anticoagulants also prevent clotting. Two suitable chemicals, citric acid and sodium citrate, are currently approved for use in meat food products as anticoagulants. Anticoagulants work equally as well as mechanical defibrination in preventing clotting of livestock blood while requiring less equipment and attendant sanitation problems. In addition a change was made in § 317.8(b) to clearly indicate that when blood is used as an ingredient, this fact shall be indicated in the product name as well as the ingredients statement.

Therefore, after considering all the relevant information available to the Department, including comments received pursuant to the notice, §§ 310.20, 317.8(b)(31), 318.6(b)(7), and 318.7(c)(4) are amended as set forth below:

PART 310—POST-MORTEM INSPECTION

1. In Part 310 the Table of Contents is amended by adding a new § 310.20 to read as follows:

310.20 Saving of blood from livestock as an edible product.

2. In Part 310 a new § 310.20 is added to read as follows:

§ 310.20 Saving of blood from livestock as an edible product.

Blood may be saved for edible purposes at official establishments provided it is derived from livestock, the carcasses of which are inspected and passed, and the blood is collected, defibrinated, and handled in a manner so as not to render it adulterated under the Federal Meat Inspection Act and regulations issued pursuant thereto. The defibrination of blood intended for human food purposes shall not be done with the hands. Anticoagulants specified in § 318.7(c)(4) may be used in lieu of defibrination.

PART 317—LABELING, MARKETING DEVICES, AND CONTAINERS

3. In Part 317 a new paragraph (b)(31) is added to § 317.8(b) to read as follows:

§ 317.8 False or misleading labeling or practices generally; specific prohibitions and requirements for labels and containers.

* * * * *

(b) * * *

(31) Products that contain blood from livestock as permitted by Part 318 of this subchapter shall be labeled with a name that includes the term "blood," and the specific kind of blood shall be declared in the ingredient statement, e.g., "Swine blood," in the manner required by this part.

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

4. In Part 318, paragraph (b)(7) of § 318.6 is amended to read as follows:

§ 318.6 Requirements concerning ingredients and other articles used in preparation of products.

* * * * *

(b) * * *

(7) Blood from livestock prepared in accordance with § 310.20 of this subchapter may be used as an ingredient of a meat food product for which a standard is prescribed in Part 319 of this subchapter, if permitted by such standard, and may be used in any meat food product for which no such standard is prescribed in Part 319 of this subchapter if it is a common and usual ingredient of such product.

5. In Part 318 the provisions relating to anticoagulants as a class of substance in paragraph (c)(4) of § 318.7, are amended to read as follows:

Class of substance	Substance	Purpose	Products	Amount
Anticoagulants	Citric acid, sodium citrate.	To prevent clotting.	Fresh blood of livestock.	0.2 percent—with or without water. When water is used to make a solution of citric acid or sodium citrate added to blood of livestock, not more than 2 parts of water to 1 part of citric acid or sodium citrate shall be used.

It does not appear that further public participation in rulemaking proceedings would make additional information available to the Department. Therefore, under the administrative procedure provisions in 5 U.S.C. 553, it is found upon good cause that further rulemaking procedures are impracticable and unnecessary.

The amendments shall become effective February 15, 1974.

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

Done at Washington, D.C., on: January 8, 1974.

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

[FR Doc.74-1053 Filed 1-15-74;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Regs. G, T, U]

MAXIMUM LOAN VALUE OF STOCKS; CORRECTION

In FR Doc. 74–531, appearing on page 1006 of the issue for Friday, January 4, 1974, make the following changes:

PART 207—SECURITIES CREDIT BY PERSONS OTHER THAN BANKS, BROKERS OR DEALERS

1. Section 207.5(a) should read as follows:

§ 207.5 Supplement.

(a) *Maximum loan value of margin securities.* For the purpose of § 207.1, the maximum loan value of any margin security, except convertible securities subject to § 207.1(d) and any put, call, or combination thereof, shall be 50 percent of its current market value, as determined by any reasonable method. No put, call, or combination thereof shall have any loan value for the purposes of this part.

* * * * *

PART 220—CREDIT BY BROKERS AND DEALERS

2. Section 220.8(a)(1) should read as follows:

§ 220.8 Supplement.

(a) *Maximum loan value for general accounts.* The maximum loan value of securities in a general account subject to § 220.3 shall be:

(1) Of a registered non-equity security held in the account on March 11, 1968, and continuously thereafter, and of a margin equity security (except as provided in § 220.3(c) and paragraphs (b), (c), and (f) of this section), 50 percent of the current market value of such securities.

* * * * *

PART 221—CREDIT BY BANKS FOR THE PURPOSE OF PURCHASING OR CARRYING MARGIN STOCKS

3. Section 221.4(a) should read as follows:

§ 221.4 Supplement.

(a) *Maximum loan value of stocks.* For the purpose of § 221.1, the maximum loan value of any stock except puts, calls, and combinations thereof, whether or not registered on a national securities exchange shall be 50 percent of its current market value, as determined by any reasonable method. Puts, calls, and combinations thereof shall have no loan value.

* * * * *

Board of Governors of the Federal Reserve System, January 9, 1974.

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

[FR Doc.74–1266 Filed 1–15–74;8:45 am]

[Reg. H.]

PART 208—MEMBERSHIP OF STATE BANKING INSTITUTIONS IN THE FEDERAL RESERVE SYSTEM

Waiver of Reports of Affiliates; Correction

In FR Doc. 74–115 appearing on page 788 of the issue for Thursday, January 3, 1974, the second sentence of § 208.9(b)(2) should have read:

§ 208.9 Publication of reports of member banks and their affiliates.

* * * * *

(b) * * *

(2) * * * The published information shall agree in every respect with that shown on the face of the report of the affiliate furnished to the Federal Reserve Bank by the affiliated member bank, except that any item appearing under the caption "Financial relations with bank" against which the word "none" appears on the report furnished to the Federal Reserve Bank may be omitted in the published statement of the affiliate: *Provided*, That if the word "none" is shown against all of the items appearing under such caption in the report furnished to the Federal Reserve Bank the caption "Financial relations with bank" shall appear in the published statement followed by the word "none."

* * * * *

Board of Governors of the Federal Reserve System, January 8, 1974.

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

[FR Doc.74–1265 Filed 1–15–74;8:45 am]

[No. 74–8]

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

PART 545—OPERATIONS

Temporary Provision Relating to Place-of-Business Funds Transfer Systems

JANUARY 9, 1974.

The Federal Home Loan Bank Board considers it advisable to amend Part 545 of the rules and regulations for the Federal Savings and Loan System (12 CFR Part 545) for the purpose of providing temporary regulations relating to place-of-business funds transfer systems of Federal savings and loan associations. Accordingly, the Board hereby amends said Part 545 by adding a new § 545.4–2, immediately following § 545.4–1 thereof, to read as set forth below, effective January 9, 1974.

During the last several months the Board has received requests to amend its regulations in order to authorize Federal savings and loan associations to operate various types of electronic funds transfer systems. In particular it has been recommended that the Board authorize Federal associations to operate place-of-business funds transfer systems. Such systems include the use of on-line computer terminals located in places of business other than office facilities of the association. A customer of the association may use the terminals to engage in transactions with the association, including the making of deposits to or withdrawals from a savings account.

The Board is of the opinion that the operation by financial institutions of various electronic funds transfer systems is a matter of major importance which involves making decisions in which the public should be given a full opportunity to participate. The Board intends to propose, in the near future, certain regulatory amendments relating to the use by Federal associations of such systems. The Board will provide a public comment period of not less than 30 days with respect to those amendments.

The new § 545.4–2 added by this resolution is of a brief and temporary nature and is designed to permit limited experimentation until July 9, 1974, by Federal associations in the operation of place-of-business funds transfer systems. The Board is of the opinion that reports from, and observations of, the actual operation of one or more place-of-business funds transfer systems will furnish valuable experience and information to the Board, the savings and loan industry and to the public relating to the substance of any permanent regulations which the Board may promulgate regarding such systems as a result of the Board's forthcoming proposal. Therefore, the Board is adding § 545.4–2 for the principal purpose of permitting Federal associations, subject to prior approval by the Board of a plan submitted by such an association, to operate selective "pilot" projects of this kind on a limited basis for the purposes stated above, and for a limited period of time.

Since affording notice and public procedure on the above amendment would delay such amendment from becoming effective for a period of time and since it is in the public interest that such amendment become effective without such delay in order to permit approved experimentation to begin without such delay in order to facilitate the expeditious consideration of permanent regulations, and since the above amendment relieves restriction, and since the above amendment is designed to permit limited experimentation for the benefit of the Board and the public in order to assist in the formation of permanent regulations relating to place-of-business funds transfer systems and other forms of electronic funds transfer systems, after notice and public procedure, the Board hereby finds that notice and public procedure as to such amendment are impracticable, unnecessary and contrary to the public interest under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of such amendment for the 30-day period specified in 12 CFR 508.14 and 5 U.S.C. 553(d) prior to the effective date of such amendment is in the opinion of the Board not required for the same reasons, the Board hereby provides that such amendment shall become effective as hereinbefore set forth.

§ 545.4–2 Place-of-business funds transfer system (temporary provision).

(a) *General provisions.* Notwithstanding and without regard to any provision

of this part other than this section, a Federal association may provide, under and in accordance with a plan as to which there is outstanding an approval of such plan by the Board, a place-of-business funds transfer system, including services and facilities relating thereto. Any such approval may be granted, modified, or terminated by the Board by regulation or otherwise. Nothing in this section shall adversely affect any power or authority which, in the absence of this section, would be vested in or exercisable by a Federal association.

(b) *Definition of "place-of-business funds transfer system".* As used in this section, the term "place-of-business funds transfer system" means a system by which, through or by means of electronic signals or impulses (not solely of the human voice) generated through the use of equipment which is located within the State (as defined in § 545.5) in which the home office of the association is located and within fifty miles of the home office or a branch office of the association and which is located in, at, or adjacent to a place of business other than a place of business solely of the Federal association, one or the other or both of the following activities may, to such extent as may be provided by such plan, be effected:

(1) The placing of funds to the credit of savings accounts or deposits in a Federal association;

(2) Withdrawals of savings accounts or deposits, including withdrawals in favor of persons other than holders thereof, or transfers of savings accounts or deposits, in a Federal association, which withdrawals or transfers may be total or partial and may, to such extent as may be provided by such plan, be effected through the use of nontransferable orders or authorizations but shall not be effected through the use of negotiable or transferable orders or authorizations to the association.

(c) *Termination.* This section and any approval granted under this section shall automatically terminate at the close of July 9, 1974.

(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] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.74–1336 Filed 1–15–74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73–SW–73]

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

Transition Area; Alteration

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to alter the Bastrop, La., transition area.

On November 19, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 31840) stating the Federal Aviation Administration proposed to alter the transition area at Bastrop, La.

Interested persons were afforded an opportunity to participate in the rule making 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., March 28, 1974, as hereinafter set forth.

In § 71.181 (39 FR 440), the Bastrop, La., transition area is amended to read:

BASTROP, LA.

That airspace extending upward from 700 feet above the surface within a 5-mile radius of Morehouse Memorial Airport (latitude 32°45'25" N., longitude 91°52'50" W.) and within 2 miles each side of the Monroe VORTAC 030° radial extending from the 5-mile radius area to 19 miles northeast of the VORTAC and within 3 miles each side of the 159° bearing from the NDB (latitude 32°45'28" N., longitude 91°52'53" W.) extending from the 5-mile radius area to 8 miles southeast of the NDB.

(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 January 8, 1974.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.74–1254 Filed 1–15–74;8:45 am]

[Airspace Docket No. 73–SW–75]

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

Transition Area; Designation

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to designate the Fairview, Okla., transition area.

On November 19, 1973, a notice of proposed rule making was published in the FEDERAL REGISTER (38 FR 31840) stating the Federal Aviation Administration proposed to designate a transition area at Fairview, Okla.

Interested persons were afforded an opportunity to participate in the rule making 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., March 28, 1974, as hereinafter set forth.

In § 71.181 (39 FR 440), the following transition area is added:

FAIRVIEW, OKLA.

Within a 5-mile radius of the Fairview, Okla., Municipal Airport (latitude 36°17'12" N., longitude 98°28'00" W.) and within 3.5 miles either side of the 360° bearing of the Fairview RBN (latitude 36°17'10" N., longitude 98°28'06" W.) extending from the 5-mile radius to 2.5 miles north.

(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 Forth Worth, Tex., on January 8, 1974.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.74–1255 Filed 1–15–74;8:45 am]

[Airspace Docket No. 73–CE–28]

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

Transition Area; Designation

On Page 29817 of the FEDERAL REGISTER dated October 29, 1973, the Federal Aviation Administration published a notice of proposed rule making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Clarinda, Iowa.

Interested persons were given 30 days to submit written comments, suggestions or objections regarding the proposed amendment.

No objections have been received and the amendment as so proposed is hereby adopted, subject to the following change: The coordinates recited in the Clarinda, Iowa, Municipal Airport, transition area designation as "latitude 40°43'30" N., longitude 95°01'31" W." are changed to read "latitude 40°43'25" N., longitude 95°01'25" W.".

In § 71.181 (38 FR 440), the following transition area is added:

CLARINDA, IOWA

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Clarinda Municipal Airport (latitude 40°43'25" N., longitude 95°01'25" W.); and within 3 miles each side of the 169° bearing from the Clarinda Municipal Airport, extending from the 5-mile radius to 8 miles southeast of the airport; and that airspace extending upward from 1,200 feet above the surface within 4½ miles west and 9½ miles east of the 169° and 349° bearings from the Clarinda Municipal Airport extending from 6 miles north of the airport to 18½ miles south of the airport.

This amendment shall be effective 0901 G.m.t., February 28, 1974.

(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 Kansas City, Missouri, on December 19, 1973.

A. L. COULTER,
Director, Central Region.

[FR Doc.74–1253 Filed 1–15–74;8:45 am]

[Airspace Docket No.73–SW–84]

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

VOR Federal Airway; Number Change

The purpose of this amendment to Part 71 of the Federal Aviation Regula-

tions is to change the numbered identifier of V–317 to V–358. V–317 is alined from Waco, via Greater Southwest, Tex., to Ardmore, Okla., and V–17 parallels V–317, in part, to the west, from Waco, Tex., via Acton, Tex., to Bridgeport, Tex.

On several occasions aircraft have been cleared via one of these airways but proceeded via the other airway. This has been attributed to the similarity of the route numbers, and action is taken herein to eliminate that similarity.

Since this amendment is a minor editorial change on which the public would have no particular reason to comment, notice and public procedure are unnecessary, and it could be made effective immediately; however, it will become effective more than 30 days after publication to allow sufficient time for appropriate changes to be made to aeronautical charts.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective March 28, 1974, as hereinafter set forth.

Section 71.123 (39 FR 307) is amended as follows:

"V–317 from Waco, Tex., via Greater Southwest, Tex.; Ardmore, Okla." is deleted and "V–358 from Waco, Tex., via Greater Southwest, Tex.; to Ardmore, Okla." is substituted therefor.

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

Issued in Washington, D.C., on January 10, 1974.

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

[FR Doc.74–1256 Filed 1–15–74;8:45 am]

[Docket No. 13478; Amdt. No. 899]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Miscellaneous Amendments

This amendment to Part 97 of the Federal Aviation Regulations incorporates by reference therein changes and additions to the Standard Instrument Approach Procedures (SIAPs) that were recently adopted by the Administrator to promote safety at the airports concerned.

The complete SIAPs for the changes and additions covered by this amendment are described in FAA Forms 3139, 8260–3, 8260–4, or 8260–5 and made a part of the public rule making dockets of the FAA in accordance with the procedures set forth in Amendment No. 97–696 (35 FR 5609).

SIAPs are available for examination at the Rules Docket and at the National Flight Data Center, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, D.C. 20591. Copies of SIAPs adopted in a particular region are also available for examination at the headquarters of that region. Individual copies of SIAPs may be purchased from the FAA Public Document Inspection Facility, HQ–405, 800 Independence Avenue, SW., Washington, D.C. 20591 or from the applicable FAA regional office in accordance with the fee schedule prescribed in 49 CFR 7.85. This fee is payable in advance and may be paid by check, draft or postal money order payable to the Treasurer of the United States. A weekly transmittal of all SIAP changes and additions may be obtained by subscription at an annual rate of $150.00 per annum from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402. Additional copies mailed to the same address may be ordered for $30.00 each.

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

In consideration of the foregoing, Part 97 of the Federal Aviation Regulations is amended as follows, effective on the dates specified:

1. Section 97.23 is amended by originating, amending, or canceling the following VOR–VOR/DME SIAPS, effective February 28, 1974.

Casper, Wyo.—Natrona County Int'l. Arpt., VOR/DME Rwy 21, Amdt. 3.
Casper, Wyo.—Natrona County Int'l. Arpt., VOR Rwy 21, Amdt. 13.
Columbus, Nebr.—Columbus Municipal Arpt., VOR Rwy 14, Amdt. 6.
Columbus, Nebr.—Columbus Municipal Arpt., VOR Rwy 32, Amdt. 6.
Crookston, Minn.—Crookston Municipal Kirkwood Field, VOR Rwy 31, Orig.
Dothan, Ala.—Dothan Arpt., VOR–A, Amdt. 6.
Dothan, Ala.—Dothan Arpt., VOR/DME Rwy 13, Amdt. 6.
Dothan, Ala.—Dothan Arpt., VOR/DME Rwy 18, Amdt. 7.
DuBois, Pa.—DuBois Jefferson Co. Arpt., VOR/DME Rwy 7, Orig.
Holland, Mich.—Tulip City Arpt., VOR–A, Amdt. 4.
Holland, Mich.—Park Township Arpt., VOR–C, Amdt. 3.
Manitowoc, Wisc.—Manitowoc Municipal Arpt., VOR Rwy 17, Amdt. 6.
Manitowoc, Wisc.—Manitowoc Municipal Arpt., VOR Rwy 35, Amdt. 5.
Pittsburgh, Pa.—Greater Pittsburgh Int'l. Arpt., VOR Rwy 10R (TAC), Amdt. 1.
Winter Haven, Fla.—Gilbert Field Municipal, VOR/DME–A, Amdt. 1.

2. Section 97.25 is amended by originating, amending or canceling the following SDF–LOC–LDA SIAPs, effective February 28, 1974.

Casper, Wyo.—Natrona County Int'l. Arpt., LOC (BC) Rwy 25, Amdt. 12.
Redding, Calif.—Redding Municipal Arpt., LOC/DME (BC) Rwy 16, Orig.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective February 28, 1974.

Casper, Wyo.—Natrona County Int'l. Arpt., NDB Rwy 7, Amdt. 9.
Charlottesville, Va.—Charlottesville-Albemarle Arpt., NDB Rwy 3, Amdt. 6.
Columbus, Nebr.—Columbus Municipal Arpt., NDB Rwy 14, Amdt. 6.
Crookston, Minn.—Crookston Municipal Kirkwood Field, NDB Rwy 13, Amdt. 2.
Fairfield, Ill.—Fairfield Municipal Arpt., NDB Rwy 36, Amdt. 2.
Holland, Mich.—Park Township Arpt., NDB–B, Amdt. 2.
Minneapolis, Minn.—Minneapolis-St. Paul Int'l./Wold-Chamberlain Arpt., NDB Rwy 4, Amdt. 10.
Minneapolis, Minn.—Minneapolis-St. Paul Int'l./Wold-Chamberlain Arpt., NDB Rwy 29L, Amdt. 17.
Minneapolis, Minn.—Minneapolis-St. Paul Int'l./Wold-Chamberlain Arpt., NDB Rwy 29R, Amdt. 5.

* * * effective February 14, 1974.

Staples, Minn.—Staples Municipal Arpt., NDB Rwy 14, Orig.

* * * effective January 24, 1974.

Corning, Iowa—Corning Municipal Arpt., NDB Rwy 17, Orig.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective February 28, 1974.

Casper, Wyo.—Natrona County Int'l. Arpt., ILS Rwy 7, Amdt. 18.
Charlottesville, Va.—Charlottesville-Albemarle Arpt., ILS Rwy 3, Amdt. 1.
Dothan, Ala.—Dothan Arpt., ILS Rwy 31, Amdt. 1.
Minneapolis, Minn.—Minneapolis-St. Paul Int'l./Wold-Chamberlain Arpt., ILS Rwy 4, Amdt. 15.
Minneapolis, Minn.—Minneapolis-St. Paul Int'l./Wold-Chamberlain Arpt., ILS Rwy 11R (BC), Amdt. 3.
Minneapolis, Minn.—Minneapolis-St. Paul Int'l./Wold-Chamberlain Arpt., ILS Rwy 22 (BC), Amdt. 3.
Minneapolis, Minn.—Minneapolis-St. Paul Int'l./Wold-Chamberlain Arpt., ILS Rwy 29L, Amdt. 33.

* * * effective January 3, 1974

Washington, D.C. — Washington National Arpt., ILS Rwy 36, Amdt. 25.

5. Section 97.31 is amended by originating, amending, or canceling the following RADAR SIAPs, effective February 28, 1974.

Minneapolis, Minn.—Minneapolis-St. Paul Int'l/Wold-Chamberlain Arpt., RADAR–1, Amdt. 24.

5. Section 97.33 is amended by originating, amending, or canceling the following RNAV SIAPs, effective February 28, 1974.

Minneapolis, Minn.—Minneapolis-St. Paul Int'l./Wold-Chamberlain Arpt., RNAV Rwy 29R, Amdt. 2.

Correction

In Docket No. 13392, Amendment 895, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER dated December 21, 1973, on page 35300, under §§ 97.23 and 97.25, effective January 31, 1974—Change effective dates of Chicago, Ill.—Chicago O'Hare Int'l. Arpt., VOR Rwy 4L, Orig.; VOR Rwy 22R, Orig.; and LOC (BC) Rwy 22R, Amdt. 7 to 28 March 1974.

(Secs. 307, 313, 601, 1110, Federal Aviation Act of 1948 (49 U.S.C. 1438, 1354, 1421, 1510); sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c) and 5 U.S.C. 552(a)(1)))

Issued in Washington, D.C., on January 10, 1974.

JAMES M. VINES,
Chief, Aircraft Programs Division.

NOTE.—Incorporation by reference provisions in §§ 97.10 and 97.20 (35 FR 5610) approved by the Director of the Federal Register on May 12, 1969.

[FR Doc.74-1252 Filed 1-15-74;8:45 am]

Title 15—Commerce and Foreign Trade

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

SUBCHAPTER B—EXPORT REGULATIONS

[13th Gen. Rev., Export Regulations]

PART 377—SHORT SUPPLY CONTROLS

Ferrous Scrap Licensing System

The FEDERAL REGISTER of December 6, 1973 announced that a quota system would be established for exports of ferrous scrap in 1974 in order to provide an equitable distribution of export licenses. The FEDERAL REGISTER advised exporters that in order to be eligible to receive shares of the quotas to be established, they had to submit properly executed statements of past participation in the manner and by the dates therein specified. The purpose of this revision is to set forth the manner by which shares of the quotas will be allocated to individual exporters, and the method of issuing export licenses against the shares.

For purposes of the quota allocations, there are two groupings of ferrous scrap. Type "A" is composed of the following categories of scrap: No. 1 heavy-melting steel scrap, except stainless (Schedule B No. 282.0010); No. 2 heavy-melting steel scrap, except stainless (Schedule B No. 282.0020); No. 1 bundles steel scrap, except stainless (Schedule B No. 282.0030); and iron scrap, except borings, shoveling, and turnings (Schedule B No. 282.0080). Type "B" includes the remaining categories of ferrous scrap specified in Supplement No. 1 to Part 377, except for stainless steel scrap (Schedule B No. 282.0060), which is not subject to quota allocation and thus not included in either grouping. Each exporter who properly submitted a statement of past participation, will be issued a letter of quota participation for the first quarter 1974, which shall inform the exporter of—(1) the total quantity of Type "A" ferrous scrap for which he is eligible to apply for validated licenses for worldwide export, and (2) the total quantity of ferrous scrap, other than stainless steel scrap, for which he is eligible to apply for validated licenses for export to specific foreign destinations: hereinafter referred to as his "quota shares". In the case of individual foreign countries listed in Supplement No. 1 as countries for which separate quotas have been provided, the letter will state the exporter's quota shares, if any, for each such country. The European Community has notified this Department that notwithstanding past trade patterns, with the consent of its members [1] it has established a system whereby the ferrous scrap quotas for all members of the Community are to be allocated solely to Italy and the United Kingdom in a ratio of approximately 7 to 1. For the convenience of exporters, the letter of quota participation will state an exporter's quota share for the European Community, if any, in terms of the quantities for those two countries. In the case of individual foreign countries that are not members of the European Community or specifically identified in Supplement No. 1 as countries for which separate quotas have been provided, the letter will state the exporter's quota share, if any, for all such countries as a single entity.

The minimum quota shares for an exporter who properly submitted a statement of past participation are as follows:

(i) Any exporter who reported exports to Canada or Mexico will receive a quota share for each such reported country of not less than 60 tons;

(ii) Any exporter who reported exports to a listed country (other than Canada, Mexico, or a European Community member) will receive a quota share for each such reported country of not less than 200 tons;

(iii) Any exporter who reported exports to a country or countries not listed (other than a member of the European Community) will received a quota share for "all other countries" [2] of not less than 200 tons; and

(iv) Any exporter who reported exports to one or more European Community members will receive quota shares of not less than 200 tons each for Italy and the United Kingdom.

While exports of stainless steel scrap remain subject to validated license requirements, they will not be subject to quota restriction during the first quarter 1974.

A quota set-aside of 100,000 short tons has been earmarked for use during the first quarter for contingencies, including situations involving applicants without an exporting history during the base period who would suffer particular hardship if denied any quota share.

Licenses issued during the first quarter 1974 will expire 90 days from the date of issuance.

Exporters are advised that while no decision has been made as to the ferrous scrap export policy that may be in effect after the first quarter 1974, they should recognize the risks inherent in making export commitments that anticipate the specific form such a policy might take.

[1] The members of the Community are: Belgium, Denmark, France, Ireland, Italy, Luxembourg, Netherlands, United Kingdom, and West Germany.

[2] "All other countries" are defined for purposes of this regulation as all countries (other than members of the European Community) that are not specifically identified in Supplement No. 1.

Special rule for ship-breaking. In order to encourage increased production of ferrous scrap, any exporter engaged within the United States in ship-breaking activity (the conversion of ships to scrap metal) may apply for validated licenses to export ferrous scrap in excess of his quota shares under the rules of § 377.4a (d). For the first quarter 1974 production, such licenses may be granted for up to 50 percent of the increase of such exporter's domestic production of ferrous scrap from ship-breaking over his first quarter production for 1973. Exporters who feel they qualify under this paragraph should contact the Office of Export Administration, which upon verification of production documentation, will inform the exporter as to his export allowance under this rule. Such allowances may be restricted by destination and by scrap "Type".

Outstanding 1973 licenses. In appropriate cases, upon a showing of delay due to the difficulties of arranging shipment or other sufficient cause, licenses issued for export of ferrous scrap during 1973 may be extended through February 28, 1974, upon application by the exporter.

Accordingly, the Export Administration Regulations (15 CFR Part 377) are amended by adding new paragraphs (b) through (h) to § 377.4a and revising the portion of Supplement No. 1 to Part 377 which relates to "Ferrous Scrap", to read as follows:

1. Section 377.4a is amended to read as follows:

§ 377.4a Ferrous Scrap Licensing System for First Quarter 1974.

* * * * *

(b) *Letters of quota participation.* Each exporter who submitted a statement of past participation pursuant to the rules of paragraph (a) of this section shall be eligible to receive shares of the quotas. Such shares have been determined by the Office of Export Administration pursuant to the rules of § 377.2. Quota shares are based on an exporter's proportionate share of ferrous scrap exports (except for stainless steel scrap) to each foreign country during the base period, except that shares for exports to members of the European Community are allocated on the basis of overall shipments to the Community during the base period.[1] Further, in the case of exporters who during the base period had export shipments to foreign countries (other than members of the European Community) not separately identified in Supplement No. 1 to this Part 377 as countries for which separate quotas have been provided, there will be a quota share for "all other countries" (which are for this purpose treated as a single entity), which share shall be determined on the basis of overall shipments

[1] The members of the European Community are Belgium, Denmark, France, Ireland, Italy, Luxembourg, Netherlands, United Kingdom and West Germany.

to all such "other countries" during the base period. Each eligible exporter shall be issued a letter of quota participation for the first quarter 1974, which shall indicate per country and world-wide limitations as described below:

(1) *Individual country quota shares.* (i) The letter of quota participation shall indicate for each individual foreign country for which the exporter has received a quota share, the total quantity (in short tons) of ferrous scrap (other than stainless steel scrap) for which the exporter is eligible to apply for validated licenses. A stated quota share for an individual foreign country may only be used for shipment to such country. At the request of the European Community with the consent of its members, the first quarter 1974 ferrous scrap quota for the Community is to be allocated, notwithstanding past trade patterns, only to Italy and the United Kingdom in a ratio of approximately 7 to 1. For the convenience of exporters, the letter of quota participation will state an exporter's quota share for the European Community, if any, in terms of the quantities for those two countries. In the case of individual foreign countries that are not members of the European Community or specifically identified in Supplement No. 1 as countries for which separate quotas have been provided, the letter will state the exporter's quota share, if any, for all such countries as a single entity.

(ii) The minimum quota shares for an exporter who properly submitted a statement of past participation are as follows:

(*a*) Any exporter who reported exports to Canada or Mexico will receive a quota share for each such reported country of not less than 60 tons;

(*b*) Any exporter who reported exports to a listed country (other than Canada, Mexico, or a European Community member) will receive a quota share for each such reported country of not less than 200 tons;

(*c*) Any exporter who reported exports to a country or countries not listed (other than a member of the European Community) will receive a quota share for "all other countries" [1] of not less than 200 tons; and

(*d*) Any exporter who reported exports to one or more European Community members will receive quota shares of not less than 200 tons each for Italy and the United Kingdom.

(2) *World-wide limitation.* The letter of quota participation shall indicate the exporter's world-wide limitation (in short tons) on exports of Type "A" scrap, which is composed of the indicated categories of ferrous scrap listed by Schedule B number in Supplement No. 1. Exporters are cautioned that in the event applications are submitted for exports of Type "A" scrap to individual countries, in quantities significantly greater than historic patterns, the Office of Export Administration may restrict licensing of Type "A" scrap to such countries.

(c) *Issuance of export licenses.* An application for a validated license to export ferrous scrap against an accepted order will be considered if it is submitted on Forms FC–419 (or DIB–622) and FC–420 to the Office of Export Administration, U.S. Department of Commerce, Washington, D.C. 20230, by the date specified in Supplement No. 1.[2] Such application must be accompanied by: (1) A photocopy or certified copy of the contract, which must call for export shipment during the first quarter 1974, and (2) where import permits are required by the country of ultimate destination, a statement from the ultimate consignee (or other foreign party to the transaction), or other documentation, which indicates to the satisfaction of the Office of Export Administration that the permit has been obtained. In order for an application to be acceptable, the ferrous scrap must be described in sufficient detail so that the "Type" it belongs in may be ascertained and verified. The copy of the contract will serve in lieu of Form FC–842, which would otherwise be required pursuant to § 375.2.

(d) *Ship-breaking.* In order to encourage increased production of ferrous scrap, a special rule is established to allow any exporter engaged within the United States in ship-breaking activity (the conversion of ships to scrap metal) to apply for validated licenses to export ferrous scrap in excess of his quota shares. For first quarter 1974 production, such licenses may be granted for up to 50 percent of the increase of such exporter's domestic production of ferrous scrap from ship-breaking over his first quarter production for 1973. Exporters who feel they qualify under this paragraph should contact the Office of Export Administration, which upon verification of production documentation, will inform the exporter as to his export allowance under this rule. Such allowances may be restricted by destination and by scrap "Type". Exporters who receive an export allowance under this rule shall apply for validated licenses in the manner described in paragraph (c) above. Such applications must be clearly labeled "Ship-breaking Allowance".

(e) *Hardship.* A quota set-aside of 100,000 short tons has been earmarked for use during the first 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 rule may submit an application under the rules of paragraph (c) above, accompanied by a full and complete statement of the merits of their case. Such application must be clearly labeled "Hardship Application".

(f) *Stainless steel scrap.* Applications for export of stainless steel scrap (Schedule B. No. 282.0060) will be considered for licensing without regard to quota limitation. An exporter who wishes to be granted such a license shall submit an application under the rules of paragraph (c) above, no later than March 31, 1974.

(g) *Special rules.* Any license issued pursuant to this section will expire 90 days from the date of issuance. Any cancellation of a contract automatically revokes the license that was issued against it. If a contract has been cancelled and the exporter wishes to use that portion of his quota share for another contract, he should attach the unused license to his new application when submitting it to the Office of Export Administration.

(h) *Shipping tolerance.* The shipping tolerance for ferrous scrap exports is specified in Supplement No. 1 to this Part 377.

2. Supplement No. 1 is amended to read as follows:

SUPPLEMENT NO. 1—COMMODITIES SUBJECT TO SHORT SUPPLY LICENSING CONTROLS

FERROUS SCRAP

Schedule B No.	*Commodity description*
	FERROUS SCRAP SUBJECT TO QUOTAS
*Type A**	
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, shoveling, 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 tinplated and terne plate
282.0090	Rerolling material of iron or steel
	FERROUS SCRAP NOT SUBJECT TO QUOTAS
282.0060	Stainless steel scrap

SUBMISSION DATES: Orders for first quarter 1974 shipment, not prior to January 1, 1974, and not later than:

Historical exporters	Mar. 10, 1974
Hardships	Mar. 31, 1974
Stainless steel scrap exporters	Mar. 31, 1974

Shipping tolerance: 5 percent.

INDIVIDUAL FOREIGN COUNTRY QUOTAS

Country:	*Short tons*
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

*Cut plate and structurals are included in type A.

[1] "All other countries" are defined for purposes of this section as all countries (other than members of the European Community) that are not specifically identified in Supplement No. 1.

[2] 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.

European Community:	
United Kingdom	25,000
Italy	172,400
Greece	22,800
Hong Kong	2,600
Japan	823,300
Korean Republic	123,700
Liberia	600
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	1,800

Effective date of action: January 8, 1974.

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

[FR Doc.74-1059 Filed 1-15-74;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER C—FEDERAL HAZARDOUS SUBSTANCES ACT REGULATIONS

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

Certain Lead-Containing Paints and Other Similar Surface-Coating Materials as Banned Hazardous Substances; Extension of Regulations; Correction

In FR Doc. 73-27016, appearing at page 35302 in the issue of December 27, 1973, in the third column the date "August 10, 1973" in the third paragraph is corrected to read "August 10, 1972".

Dated: January 9, 1974.

JOLYON E. DAVIS,
Acting Secretary, Consumer Product Safety Commission.

[FR Doc.74—1271 Filed 1-15-74;8:45 am]

Title 19—Customs Duties

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

[T.D. 74-28]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Addition of Italy to List for Coastwise Transportation of Certain Articles

In accordance with section 27, 41 Stat. 999, as amended (46 U.S.C. 883), the Secretary of State has advised the Secretary of the Treasury under date of October 11, 1973, that Italy allows privileges reciprocal to those provided for in the cited statute with respect to certain articles transported by vessels of the United States. Therefore, corresponding privileges are accorded to vessels of Italian registry effective as of the date of such notification. These privileges relate to the coastwise transportation, under the conditions specified in the applicable proviso of section 27, 41 Stat. 999, as amended (46 U.S.C. 883), of empty cargo vans, empty lift vans, and empty shipping tanks.

Accordingly, paragraph (b)(1) of § 4.93, Customs Regulations, is amended by the insertion of "Italy" in appropriate alphabetical order in the list of countries under that paragraph.

(Sec. 27, 41 Stat. 999, as amended (5 U.S.C. 301, 46 U.S.C. 883))

There is a statutory basis for the described extension of reciprocal privileges, and the amendment recognizes an exemption from the coastwise prohibition of section 27, 41 Stat. 999, as amended (46 U.S.C. 883). Therefore, good cause is found for dispensing with notice and public procedure thereon as unnecessary, and good cause exists for dispensing with a delayed effective date under 5 U.S.C. 553.

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

Approved: January 9, 1974.

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

[FR Doc.74-1334 Filed 1-15-74;8:45 am]

[T.D. 74-29]

PART 153—ANTIDUMPING

Base Metal From Japan

JANUARY 8, 1974.

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the Secretary of the Treasury responsibility for determination of sales at less than fair value. Pursuant to this authority the Secretary of the Treasury has determined that expanded metal, of base metal, from Japan is being, or is likely to be, sold at less than fair value within the meaning of section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)). (Published in the FEDERAL REGISTER of September 5, 1973 (38 FR 23981).)

Section 201(a) of the Antidumping Act, 1921, as amended (19 U.S.C. 160(a)), gives the United States Tariff Commission responsibility for determination of injury or likelihood of injury. The United States Tariff Commission has determined, and on November 30, 1973, it notified the Secretary of the Treasury that an industry in the United States is being injured by reason of the importation of expanded metal, of base metal, from Japan sold at less than fair value within the meaning of the Antidumping Act, 1921, as amended. (Published in the FEDERAL REGISTER of December 7, 1973 (38 FR 33819).)

On behalf of the Secretary of the Treasury, I hereby make public these determinations, which constitute a finding of dumping with respect to expanded metal, of base metal, from Japan.

Section 153.43 of the Customs Regulations is amended by adding the following to the list of findings of dumping currently in effect:

Merchandise	Country	T.D.
Expanded metal, of base metal	Japan	74-29

(Secs. 201, 407, 42 Stat. 11, as amended, 18; (19 U.S.C. 160, 173))

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.74-1375 Filed 1-15-74;8:45 am]

Title 24—Housing and Urban Development

CHAPTER II—OFFICE OF ASSISTANT SECRETARY FOR HOUSING PRODUCTION AND MORTGAGE CREDIT FEDERAL HOUSING COMMISSIONER (FEDERAL HOUSING ADMINISTRATION), DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. R-74-230]

PART 275—LOW RENT PUBLIC HOUSING PROTOTYPE COST LIMITS FOR PUBLIC HOUSING

Amendment to Prototype Cost Limits for Public Housing

In the FEDERAL REGISTER issued for Friday, June 8, 1973 (38 FR 15051), prototype per unit cost schedules were published pursuant to section 15(5) of the Housing and Urban Development Act of 1937. Consideration of subsequent factual project cost data received from the Los Angeles Area Office indicates that certain prototype per unit cost schedules should be revised for the State of New Mexico.

Inasmuch as the new prototype cost schedules cannot be utilized until the costs themselves become effective by publication in the FEDERAL REGISTER, continuity of contract approvals requires the immediate publication of this material. Accordingly, it is impractical to provide notice and public procedure with respect to those cost limits in accordance with the Department's adopted Publication Policy (24 CFR Part 10), and good cause exists for making them effective January 16, 1974.

For the foregoing reasons the following changes are made to the schedules, as published in Volume 38, No. 160—Monday, August 20, 1973, of the FEDERAL REGISTER:

1. On page 15063, delete the Isleta, New Mexico schedule under Region VI and substitute in lieu thereof the revised prototype per unit costs shown on the table set forth hereinafter, entitled Prototype Per Unit Cost Schedule.

(Sec. 7(d) of Dept. of HUD Act, (42 U.S.C. 3535(d)).)

Effective date: This amendment shall be effective January 16, 1974.

SHELDON B. LUBAR,
Assistant Secretary-Commissioner.

PROTOTYPE PER UNIT COST SCHEDULE

REGION VI

	Number of bedrooms						
	0	1	2	3	4	5	6
Isleta, New Mexico:							
Detached and semidetached	11,250	13,500	15,050	17,950	21,700	24,200	25,200
Row dwellings							
Walk-up							
Elevator-structure							

[FR Doc.74-1404 Filed 1-15-74;8:45 am]

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

[Docket No. R-74-246]

NATIONAL FLOOD INSURANCE PROGRAM

Miscellaneous Amendments

The Flood Disaster Protection Act of 1973, Pub. L. 93-234, made several changes in the National Flood Insurance Act of 1968, which necessitate several changes in the regulations governing the National Flood Insurance Program. In addition, the Administrator has determined that, to increase the affordability of flood insurance and to establish a simplified and more understandable rate schedule, rates for certain levels of coverage should be reduced and that current policy holders should be able to increase their coverage to take advantage of the new rates. Pursuant to the authority contained in section 306(g), 82 Stat. 540; 12 U.S.C. 1721, the following amendments are made to the regulations governing the National Flood Insurance Program to reflect the changes made by the Flood Disaster Protection Act of 1973, and to implement the changes found necessary by the Administrator.

Because these amendments reflect a legislative mandate and make the flood insurance program conform more closely to the needs of the consuming public, notice and public procedure are impracticable and contrary to the public interest. Inasmuch as these amendments bring the National Flood Insurance Program into compliance with current statutory law and confer a benefit on the public, good cause exists for making them effective on January 1, 1974.

Accordingly, Subchapter B of Chapter X of Title 24 of the Code of Federal Regulations is amended as follows:

PART 1909—GENERAL PROVISIONS

1. Section 1909.1 is amended to read as follows:

§ 1909.1 Definitions.

* * * * *

"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of streams, rivers, or other inland water, or abnormally high tidal waters or rising coastal waters proximately caused by severe storms, hurricanes, or tsunamis. It also includes collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels.

* * * * *

2. Section 1909.3 is amended by striking the date "December 31, 1973" and inserting in lieu thereof "December 31, 1975".

PART 1911—INSURANCE COVERAGE AND RATES

3. Section 1911.1 is revised to read as follows:

§ 1911.1 Special definition.

The definitions set forth in § 1909.1 of this subchapter are applicable to this part except that, for the purposes of this part, "flood" or "flooding" means:

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source,

(3) Mudslides which are proximately caused or precipitated by accumulations of water on or under the ground;

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels which result in flooding as defined in (a) (1) above.

4. Section 1911.6 is amended to read as follows:

§ 1911.6 Maximum amounts of coverage available.

(a) Except in Alaska, Hawaii, the Virgin Islands, and Guam, the maximum limits of coverage of the policy under the regular program are the following, and under the emergency program are one-half the following:

(1) For structures used for residential purposes and designed for the occupancy of a single family (including townhouses or row houses), which are either separated from other structures by standard firewalls or open space, or contiguous to the ground and customarily regarded as separate structures:

(i) $70,000 structural coverage.

(ii) $20,000 contents coverage, which may be purchased by the owner or the tenant.

(2) For dwelling properties containing more than one dwelling unit:

(i) $200,000 aggregate structural coverage.

(i) $200,000 aggregate structural coverage,

(ii) $20,000 contents coverage for each unit, which may be purchased by the owner or the tenant;

(b) In Alaska, Hawaii, the Virgin Islands, and Guam, the maximum limits of coverage under the regular program are the following, and under the emergency program are one-half the following:

(1) For structures used for residential purposes and designed for the occupancy of a single family (including townhouses or row houses), which are either separated from other structures by standard firewalls or open space, or contiguous to the ground and customarily regarded as separate structures:

(i) $100,000 structural coverage,

(ii) $20,000 contents coverage, which may be purchased by the owner or the tenant.

(2) For dwelling properties containing more than one dwelling unit:

(i) $300,000 aggregate structural coverage

(ii) $20,t000 conents coverage for each unit, which may be purchased by the owner or the tenant;

(c) The maximum limits of coverage of the policy for churches and other properties under the regular program are the following, and under the emergency program are one-half the following:

(1) $200,000 aggregate structural coverage for any single structure,

(2) $200,000 contents coverage for each unit, which may be purchased by the owner or the tenant.

5. § 1911.8 is amended to read as follows:

§ 1911.8 Applicability of actuarial rates.

* * * * *

(a) Any structure, the construction or substantial improvement of which was started after December 31, 1974, or the effective date of the initial rate map published by the Administrator for the area in which the property is located, whichever is later; or

(b) Coverage which exceeds the following limits:

(1) For dwelling properties in States other than Alaska, Hawaii, the Virgin Islands, and Guam (i) $35,000 aggregate liability for any property containing only one unit, (ii) $100,000 for any property containing more than one unit, and (iii) $10,000 liability per unit for any contents related to such unit.

(2) For dwelling properties in Alaska, Hawaii, the Virgin Islands, and Guam (i) $50,000 aggregate liability for any property containing only one unit, (ii) $150,000 for property containing more than one unit, and (iii) $10,000 aggregate liability per unit for any contents related to such unit.

(3) For churches and other properties (i) $100,000 for the structure and (ii) $100,000 for contents of any such unit.

* * * * *

6. § 1911.9 is amended to read as follows:

§ 1911.9 Establishment of chargeable rates.

(a) Pursuant to section 1308 of the Act, chargeable rates per year per $100 of flood insurance are established as follows for all areas designated by the Administrator under Part 1914 of this subchapter for the offering of flood insurance—

RATES FOR NEW AND RENEWAL POLICIES

Type of structure	Rate per year per $100 coverage on structure	Rate per year per $100 coverage on contents
(1) Residential	$0.25	$0.35
(2) All other (including hotels and motels with normal occupancy of less than 6 months in duration)	.40	.75

* * * * *

7. A new § 1911.11 is added to read as follows:

§ 1911.11 Adding coverage while policy is in force.

(a) Adding new coverage or increasing the amount of coverage in force is permitted during any policy term.

(b) The additional premium for additional coverage or an increase in the amount of coverage shall be calculated pro rata in accordance with the rates currently in force, with a minimum premium of $4.

(c) The effective date of any new or added coverage, or of any increase in the amount of coverage, shall be at least 15 calendar days after the date of the application therefor.

PART 1913—EXEMPTION FROM DENIAL OF FEDERAL DISASTER BENEFITS

8. Part 1913 is revoked.

Effective Date. These amendments ar effective January 1, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–1283 Filed 1–15–74;8:45 am]

SUBCHAPTER B—NATIONAL FLOOD INSURANCE PROGRAM

[Docket No. FI–278]

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
*	*	*	*	*	*	*
California	Alameda	Oakland, City of	I 06 001 2480 05 through I 06 001 2480 22	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012, and 1407 Market St., San Francisco, Calif. 94103.	City Clerk's Office, City Hall, City of Oakland, 14th and Washington Sts., Oakland, Calif. 94612.	Dec. 4, 1970. Emergency. Jan. 4, 1974. Regular.
Do	Tulare	Tulare, City of	I 06 107 3920 01 I 06 107 3920 02	do	Tulare Planning Department, 411 East Kern Ave., Tulare, Calif. 93274.	May 28, 1971. Emergency. Jan. 4, 1974. Regular.
New Jersey	Bergen	Elmwood Park, Borough of. (Formerly East Paterson, Borough of.)				May 26, 1972. Emergency.

(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, Pub. L. 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: January 4, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–1065 Filed 1–15–74;8:45 am]

[Docket No. FI-280]

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
*	*	*	*	*	*	*
Georgia	Jeff Davis	Hazelhurst, City of.				Jan. 14, 1974, Emergency.
Massachusetts	Hampden	Chicopee, City of				Do.
Do	Norfolk	Milton, Town of				Do.
Do	Plymouth	Pembroke, Town of.				Do.
Nebraska	Lincoln	North Platte, City of.				Do.
New Jersey	Hunterdon	East Amwell, Township of.				Do.
New York	Suffolk	Sag Harbor, Village of.				Do.
South Carolina	Spartanburg	Spartanburg, City of.				Do.
Texas	Bee	Beeville, City of				Do.
Do	Harris	Bunker Hill Village, 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, Pub. L. 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: January 7, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-1063 Filed 1-15-74;8:45 am]

[Docket No. FI-281]

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	Colbert	Sheffield, City of				Jan. 10, 1974. Emergency.
Connecticut	Tolland	Coventry, Town of.				Jan. 7, 1974. Emergency.
Georgia	Walker	Chickamauga, City of.				Jan. 10, 1974. Emergency.
Do.	Ware	Waycross, City of				Do.
Kansas	Saline	Gypsum, City of				Jan. 7, 1974. Emergency.
New York	Westchester	Irvington, Village of.				Jan. 10, 1974. Emergency.
N. Carolina	Nash	Unincorporated Areas.				Do.
Pennsylvania	Lycoming	South Williamsport, Borough of.				Jan. 7, 1974. Emergency.
Texas	Wilson	Floresville, City of.				Do.
Do.	do	Unincorporated Areas.				Jan. 10, 1974. Emergency.
Virginia	Accomack	do				Do.
Do.	Botetourt	Buchanan, Town of.				Do.
Do.	Winchester	Winchester, City of.				Jan. 7, 1974. Emergency.

(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, Pub. L. 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: January 7, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74-1062 Filed 1-15-74;8:45 am]

[Docket No. FI-279]

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, a purpose which is accomplished pursuant to statute by denying subsidized flood insurance to structures thereafter built within such areas. The practice of issuing proposed identifications for comment or of delaying effective dates would tend to frustrate this purpose by permitting imprudent or unscrupulous builders to start construction within such hazardous areas before the official identification became final, thus increasing the communities' aggregate exposure to loss of life and property and the agency's financial exposure to flood losses, both of which are contrary to the statutory purposes of the program. Accordingly, the Department is not providing for public comment in issuing this amendment and it will become effective upon publication in the FEDERAL REGISTER. Section 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 authorization of sale of flood insurance for area
Arizona	Cochise	Benson, Town of	H 04 003 0040 01 through H 04 003 0040 03	Arizona State Land Department, 1624 W. Adams, Room 400, Phoenix, Ariz. 85007. Arizona Department of Insurance, P.O. Box 7098, 718 W. Glenrosa, Phoenix, Ariz. 85011.	Town Manager, Town of Benson, Town Hall, Benson, Ariz. 85602.	Jan. 4, 1974.
California	Alameda	Oakland, City of	H 06 001 2480 05 through H 06 001 2480 22	Department of Water Resources, P.O. Box 388, Sacramento, Calif. 95802. California Insurance Department, 107 South Broadway, Los Angeles, Calif. 90012, and 1407 Market St., San Francisco, Calif. 94103.	City Clerk's Office, City Hall, City of Oakland, 14th and Washington Sts., Oakland, Calif. 94612.	Do.
Do	Sacramento	Isleton, City of	H 06 067 1720 01 H 06 067 1720 02	do	City Hall, City of Isleton, Isleton, Calif. 95641.	Do.
Do	Tulare	Tulare, City of	H 06 107 3920 01 H 06 107 3920 02	do	Tulare Planning Department, 411 East Kern Ave., Tulare, Calif. 93274.	Do.
Colorado	Jefferson	Lakewood, City of (Revised 1-4-73).	H 08 059 1435 04 through H 08 059 1435 13	Colorado Water Conservation Board, Room 102, 1845 Sherman St., Denver, Colo. 80203. Colorado Division of Insurance, 106 State Office Bldg., Denver, Colo. 80203.	City Administrator's Office, City of Lakewood, 1580 Yarrow St., Lakewood, Colo. 80215.	Do.
Connecticut	New Haven	Hamden, Town of.	H 09 009 0267 01 through H 09 009 0267 10	Department of Environmental Protection, Division of Water and Related Resources, Room 207 State Office Bldg., Hartford, Conn. 06115. Connecticut Insurance Department, State Capitol Bldg., 165 Capitol Ave., Hartford, Conn. 06115.	Engineer's Office, Hamden Town Hall, 2372 Whitney Ave., Hamden, Conn. 06518.	Do.
Do	Tolland	Vernon, Town of	H 09 013 0785 01 through H 09 013 0785 05	do	Town Clerk, Town of Vernon, P.O. Box 245, Vernon, Conn. 06066.	Do.
Florida	Hamilton	White Springs, Town of.	H 12 047 3220 01	Department of Community Affairs, 2571 Executive Center Circle East, Howard Bldg., Tallahassee, Fla. 32301. State of Florida Insurance Department, Treasurer's Office, The Capitol, Tallahassee, Fla. 32304.	Mayor, City Hall, White Springs, Fla. 32096.	Do.
Do	Hardee	Wauchula, City of	H 12 049 3120 01	do	City Manager, City Hall, Wauchula, Fla. 33873.	Do.
Do	do	Zolfo Springs, Town of.	H 12 049 3340 01	do	Mayor, Community Center, Zolfo Springs, Fla. 33890.	Do.
Do	Hendry	La Belle, City of	H 12 051 1600 01	do	Mayor, City Hall, La Belle, Fla. 33935.	Do.
Do	Indian River	Fellsmere, City of.	H 12 061 0990 01	do	Mayor, City Hall, Fellsmere, Fla. 32948.	Do.
Do	Jackson	Graceville, City of.	H 12 063 1180 01	do	Mayor, City Hall, Graceville, Fla. 32440.	Do.
Do	Lake	Groveland, City of.	H 12 069 1240 01	do	Mayor, Groveland, Fla. 32736	Do.
Do	Palm Beach	Juno Beach, Town of.	H 12 099 1559 01	do	Mayor, 841 Ocean Dr., Juno Beach, Fla. 33408.	Do.
Do	do	Mangonia Park, Town of.	H 12 099 1920 01	do	Mayor, 5301 Voss Rd., Mangonia Park, Fla. 33407.	Do.
Do	do	South Palm Beach, Town of.	H 12 099 2872 01	do	Mayor, Town of South Palm Beach, 604 N. Dixie Highway, Lantana, Fla. 33462.	Do.
Do	Pasco	Dade City, City of.	H 12 101 0750 01	do	City Manager, City Hall, Dade City, Fla. 33525.	Do.
Do	do	New Port Richey, City of.	H 12 101 2180 01 H 12 101 2180 02	do	City Manager, City Hall, New Port Richey, Fla. 33552.	Do.
Do	do	Port Richey, City of.	H 12 101 2590 01	do	Mayor, City Hall, Port Richey, Fla. 33568.	Do.
Do	Polk	Fort Meade, City of.	H 12 105 1060 01	do	City Manager, City Hall, Fort Meade, Fla. 33841.	Do.
Do	do	Frostproof, City of.	H 12 105 1110 01 H 12 105 1110 02	do	City Manager, City Hall, Frostproof, Fla. 33843.	Do.
Do	Sumter	Bushnell, Town of.	H 12 119 0420 01 H 12 119 0420 02	do	Mayor, Town of Bushnell, City Hall, Bushnell, Fla. 33513.	Do.
Idaho	Bannock	Lava Hot Springs, City of.	H 16 005 0940 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, Lava Hot Springs, Idaho 83246.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Illinois	Carroll	Savanna, City of.	H 17 015 7780 01 through H 17 015 7780 04	Governor's Task Force on Flood Control, Natural Resources Service Center, Thornhill Bldg., P.O. Box 475, Lisle, Ill. 60532. Illinois Insurance Department, 525 W. Jefferson St., Springfield, Ill. 62702.	Mayor, City Offices, Main and Washington, Savanna, Ill. 61074.	Jan. 4, 1974.
Do	Champaign	Sidney, Village of.	H 17 019 8000 01	do	Mayor, City Hall, Sidney, Ill. 61877	Do.
Do	Gallatin	New Haven, Village of.	H 17 059 6120 01	do	President of Village Board, Village Hall, New Haven, Ill. 62867.	Do.
Do	Hancock	Pontoosuc, Village of.	H 17 067 7075 01	do	Chairman, Township Board, Village of Pontoosuc, Niota, Ill. 62358.	Do.
Do	Hardin	Elizabethtown, Village of.	H 17 069 2710 01	do	Mayor, Elizabethtown, Ill. 62931	Do.
Do	Henry	Green Rock, City of.	H 17 073 3605 01	do	Mayor, City Hall of Green Rock, Colona, Ill. 61241.	Do.
Do	Whiteside	Morrison, City of.	H 17 195 5760 01 through H 17 195 5760 02	do	Mayor, City Clerk's Office, Morrison, Ill. 61270.	Do.
Indiana	Dearborn	Greendale, Town of.	H 18 029 1880 01	Division of Water, Department of Natural Resources, 608 State Office Bldg., Indianapolis, Ind. 46204. Indiana Insurance Department, 509 State Office Bldg., Indianapolis, Ind. 46204.	President, Town Board, Town of Greendale, Town Hall, 510 Ridge Ave., Lawrenceburg, Ind. 47025	Do.
Do	do	Lawrenceburg, City of.	H 18 029 2610 01 through H 18 029 2610 03	do	Mayor, City Hall, Short St., Lawrenceburg, Ind. 47025.	Do.
Do	De Kalb	Waterloo, City of.	H 18 033 5130 01 through H 18 033 5130 02	do	Plan Commission, Waterloo, Ind. 46793.	Do.
Do	Delaware	Muncie, City of.	H 18 035 3360 01 through H 18 035 3360 12	do	Mayor, City Hall, Muncie, Ind. 47304.	Do.
Do	Johnson	New Whiteland, Town of.	H 18 081 3588 01	do	Chairman, Town Board, Town Office, 401 Mooreland, New Whiteland, Ind. 46148.	Do.
Do	Miami	Peru, City of.	H 18 103 3940 01 through H 18 103 3940 02	do	City Building Commissioner, Peru, Ind. 46970.	Do.
Do	Perry	Tell City, City of.	H 18 123 4820 01 through H 18 123 4820 02	do	President of the City Council, City of Tell City, Tell City, Ind. 47586.	Do.
Iowa	Allamakee	Lansing, Town of.	H 19 005 4510 01 through H 19 005 4510 03	Iowa Natural Resources, James W. Grimes Bldg., Des Moines, Iowa 50319. Iowa Insurance Department, Lucas State Office Bldg., Des Moines, Iowa 50319.	Mayor, City Hall, Lansing, Iowa 52151.	Do.
Do	Black Hawk	Elk Run Heights, Town of.	H 19 013 2695 01 through H 19 013 2695 02	do	Mayor City Hall, 5040 Lafayette Rd., Elk Run Heights, Iowa.	Do.
Do	Louisa	Wapello, City of.	H 19 115 8760 01 through H 19 115 8760 03	do	Town Council, Wapello, Iowa 52653	Do.
Do	Muscatine	West Liberty, City of.	H 19 139 9010 01	do	Mayor, City Hall, West Liberty, Iowa 52776.	Do.
Do	Plymouth	Le Mars, City of.	H 19 149 4660 01 through H 19 149 4660 02	do	Director of Public Works, City Hall, Le Mars, Iowa 51031.	Do.
Do	Van Buren	Keosauqua, Town of.	H 19 177 4260 01 through H 19 177 5260 04	do	Mayor, City Hall, Keosauqua, Iowa 52565.	Do.
Kansas	Johnson	De Soto, City of.	H 20 091 1340 01	Division of Water Resources, State Board of Agriculture, Topeka, Kans. 66612. Kansas Insurance Department, 1st Floor, Statehouse, Topeka, Kans. 66612.	Mayor, City Hall, De Soto, Kans. 66018.	Do.
Kentucky	Bourbon	Paris, City of.	H 21 017 2540 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, 800 Pleasant St., Paris, Ky. 40361.	Do.
Do	Carroll	Ghent, Town of.	H 21 041 1300 01	do	Mayor, Ghent, Ky. 41045	Do.
Do	Pendleton	Butler, Town of.	H 21 191 0480 01	do	Mayor, City Bldg, Butler, Ky. 41006	Do.
Louisiana	Calcasieu	De Quincy, City of.	H 22 019 0580 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.	De Quincy City Hall, 218 E. 4th, De Quincy, La. 70633.	Do.
Do	Concordia	Vidalia, Town of.	H 22 029 2310 01 through H 22 029 2310 03	do	Town Hall, Town of Vidalia, 409 Texas St., Vidalia, La. 71343.	Do.
Minnesota	Hennepin	Dayton, Village of.	H 27 053 1680 01 through H 27 085 1680 08	Division of Waters, Soils, and Minerals, Department of Natural Resources, Centennial Bldg., St. Paul, Minn. 55101. Minnesota Division of Insurance, R-210 State Office Bldg., St. Paul, Minn. 55101.	Office of City Clerk, Route 6, Box 63, Anoka, Minn. 55303.	Do.
Do	McLeod	Lester Prairie, Village of.	H 27 058 4140 01	do	Mayor, Lester Prairie, Minn., 55354	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Mississippi	Greene	McLain, Town of	H 28 041 1486 01 through H 28 041 1486 02	Mississippi Research and Development Center, P.O. Drawer 2470, Jackson, Miss. 39205. Mississippi Insurance Department 910 Woolfolk Bldg., P.O. Box 79, Jackson, Miss. 39205.	Mayor, City Hall, McLain, Miss. 39456.	Jan. 4, 1974.
Do	Holmes	Lexington, Town of.	H 28 051 1360 01	do	Mayor, Lexington, Miss. 39095	Do.
Do	Itawamba	Fulton, Town of	H 28 057 0910 01 through H 28 057 0910 02	do	Mayor, City Hall, Fulton, Miss. 38843	Do.
Do	Jones	Ellisville, City of	H 28 067 0800 01 through H 28 067 0800 02	do	Mayor, City Hall, Ellisville, Miss. 39437.	Do.
Do	Lauderdale	Marion, Town of	H 28 075 1545 01	do	Mayor, Town Hall, Marion, Miss. 39342.	Do.
Missouri	Jasper	Webb City, City of.	H 29 097 8220 01 through H 29 097 8220 04	Water Resources Board, P.O. Box 271, Jefferson City, Mo. 65101. Division of Insurance, P.O. Box 690, Jefferson City, Mo. 65101.	Mayor, 31 South Main, Webb City, Mo. 64870.	Do.
Do	Lewis	Canton, City of	H 29 111 1380 01 through H 29 111 1380 04	do	Mayor, City Hall, Canton, Mo. 63435	Do.
Do	Newton	Neosho, City of	H 29 145 5580 01 through H 29 145 5580 04	do	City Manager, City Hall, Neosho, Mo. 64850.	Do.
Do	Platte	Parkville, Town of.	H 29 165 6080 01 through H 29 165 6080 04	do	Mayor, P.O. Box 12045, Parkville, Mo. 64152.	Do.
Nebraska	Boone	St. Edward, City of.	H 31 011 4260 01	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, St Edward, Nebr. 68660.	Do.
Do	Colfax	Schuyler, City of.	H 31 037 4320 01 through H 31 037 4320 02	do	Mayor, Court House, Schuyler, Nebr. 68661.	Do.
Do	Seward	Milford, City of	H 31 159 3190 01 through H 31 159 3190 02	do	Mayor, City Hall, Milford, Nebr. 68405.	Do.
New Jersey	Bergen	Elmwood Park, Borough of.	H 34 003 0810 01 through H 34 003 0810 05	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.	Office of Borough Clerk, Borough of Elmwood Park, Elmwood Park, N.J. 07407.	Do.
Do	do	Hillsdale, Borough of.	H 34 003 1410 01 through H 34 003 1410 03	do	Borough Clerk, Borough Hall, Hillsdale, N.J. 07642.	Do.
Do	do	Norwood, Borough of.	H 34 003 2310 01	do	Mayor, 605 Broadway, Norwood, N.J. 07648.	Do.
Do	do	Tenafly, Borough of.	H 34 003 3340 01 through H 34 003 3340 03	do	Mayor, 401 Tenafly Rd., Tenafly, N.J. 07670.	Do.
Do	do	Upper Saddle Borough of.	H 34 003 3420 01 through H 34 003 3420 02	do	Borough Clerk's Office, 376 W. Saddle River Rd., Upper Saddle River, N.J. 07458.	Do.
Do	Camden	Pennsauken, Township of.	H 34 007 2545 01 through H 34 007 2545 04	do	Pennsauken Municipal Bldg., 5605 N. Crescent Blvd., Pennsauken, N.J. 08110.	Do.
Do	Middlesex	South Brunswick, Township of.	H 34 023 3144 01 through H 34 023 3144 11	do	Mayor, Township of South Brunswick, Municipal Bldg., New Rd., Monmouth Junction, N.J. 08852.	Do.
Do	Morris	Mt. Olive, Township of.	H 34 027 2046 01 through H 34 027 2046 03	do	Township Clerk's Office, Municipal Bldg., Route 46, Budd Lake, N.J. 07828.	Do.
Do	Morris	Rockaway, Township of.	H 34 027 2854 01 through H 34 027 2854 06	do	Township Engineer, Township of Rockaway, Rockaway, N.J. 07866.	Do.
Do	Ocean	Lakewood, Township of.	H 34 029 1591 01 through H 34 029 1591 08	do	Township Attorney, Township of Lakewood, Municipal Bldg., Lakewood, N.J. 08701.	Do.
Do	Somerset	Warren, Township of.	H 34 035 3503 01 through H 34 035 3503 03	do	Office of Township Clerk, Township of Warren, Warren, N.J. 07060.	Do.
New Mexico	Eddy	Artesia, City of	H 35 015 0050 01 through H 35 015 0050 02	State Engineer's Office, Bataan Memorial Bldg., Santa Fe, N. Mex. 87501. New Mexico Department of Insurance, P.O. Box 1269, Sante Fe, N. Mex. 87501.	City Supervisor, City Hall, Artesia, N. Mex. 88210.	Do.
New York	Clinton	Plattsburgh, City of.	H 36 019 4880 01 through H 36 019 4880 02	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, and 324 State St., Albany, N.Y. 12210.	City Clerk, City Hall, Plattsburgh, N.Y. 12901.	Do.
Do	Monroe	Henrietta, Town of.	H 36 055 2607 01 through H 36 055 2607 09	do	Henrietta Town Clerk's Office, Engineering Department, 475 Calkins Rd., Henrietta, N.Y. 14467.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
New York	Niagara	Wheatfield, Town of.	H 36 063 6658 01 through H 36 063 6658 08	do	Town Supervisor, Town of Wheatfield, 2884 Niagara Falls Blvd., North Tonawanda, N.Y. 14120.	Jan. 4, 1974.
Do	Otsego	Oneonta, City of	H 36 077 4490 01 through H 36 077 4490 05	do	City Engineer, Department of Engineering, City of Oneonta, Oneonta, N.Y. 13820.	Do.
Do	Steuben	Bath, Village of	H 36 101 0420 01 through H 36 101 0420 05	do	Clerk's Office Municipal Bldg., Bath, N.Y. 14810.	Do.
North Carolina	Rutherford	Forest City, Town of.	H 37 161 1680 01 through H 37 161 1680 04	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, Town Hall, Forest City, N.C. 28043.	Do.
Ohio	Allen	Lima, City of	H 39 003 4220 01 through H 39 003 4220 04	Ohio Department of Natural Resources, Fountain Square, Columbus, Ohio 43224. Ohio Insurance Department, 115 E. Rich St., Columbus, Ohio 43215.	Mayor, Municipal Bldg., Lima, Ohio 45801.	Do.
Do	Carroll	Carrollton, Village of.	H 39 019 1360 01 through H 39 019 1360 02	do	Mayor, 240 Main St., Carrollton, Ohio 44615.	Do.
Do	Columbiana	East Liverpool, City of.	H 39 029 2360 01 through H 39 029 2360 03	do	City Council, City Hall, East Liverpool, Ohio 43920.	Do.
Do	do	East Palestine, City of.	H 39 029 2370 01	do	Mayor, City Hall, East Palestine, Ohio 44413.	Do.
Do	do	Wellsville, City of.	H 39 029 8680 01 through H 39 029 8680 02	do	Mayor, City Hall, Wellsville, Ohio 43968.	Do.
Do	Cuyahoga	Fairview Park, City of.	H 39 035 2560 01 through H 39 035 2560 03	do	Mayor, City Hall, 20771 Lorain Ave., Fairview Park, Ohio 44126.	Do.
Do	do	Middleburg Heights, City of.	H 39 035 4970 01 through H 39 035 4970 03	do	Mayor, Administrative Bldg., 15700 Bagley Rd., Middleburg Heights, Ohio 44130.	Do.
Do	Jefferson	Toronto, City of	H 39 081 8140 01 through H 39 081 8140 03	do	Mayor, 309 N. 5th., Toronto, Ohio 43964.	Do.
Do	Stark	Navarre, Village of.	H 39 151 5490 01	do	Mayor, Village Hall, 27 W. Canal St., Navarre, Ohio 44662.	Do.
Do	Wayne	Fredericksburg, Village of.	H 39 169 2730 01	do	Mayor, Fredericksburg, Ohio 44627.	Do.
Oklahoma	Johnston	Tishomingo, City of.	H 40 069 4740 01 through H 40 069 4740 02	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.	Mayor, City Hall, Tishomingo, Okla. 73460.	Do.
Do	Pawnee	Pawnee, City of	H 40 117 3690 01	do	Mayor, Pawnee, Okla. 74058.	Do.
Do	Payne	Cushing, Town of.	H 40 119 1210 01	do	City Manager, Cushing, Okla. 74023	Do.
Do	Tulsa	Owasso, Town of.	H 40 143 3630 01	do	Chairman, Owasso Planning Commission, 38 S. Main, Owasso, Okla. 74055.	Do.
Oregon	Marion	Turner, City of	H 41 047 2110 01	Executive Department, State of Oregon, Salem, Oreg. 97310. Oregon Insurance Division, Department of Commerce, 158 12th St. NE., Salem, Oreg. 97310.	Mayor, City Hall, Turner, Oreg. 97392.	Do.
Pennsylvania	Allegheny	Clairton, City of	H 42 003 1335 01	Department of Community Affairs, Commonwealth of Pennsylvania, Harrisburg, Pa. 17120. Pennsylvania Insurance Department, 108 Finance Bldg., Harrisburg, Pa. 17120.	Mayor, 570 Miller Ave., Clairton, Pa. 15025.	Do.
Do	do	Rosslyn Farms, Borough of.	H 42 003 7180 01 through H 42 003 7180 02	do	Mayor, 306 Kings Highway, Rosslyn Farms, Pa. 15106.	Do.
Do	do	White Oak, Borough of.	H 42 003 9320 01 through H 42 003 9320 05	do	Mayor, Borough of White Oak, 806 Maple St., McKeesport, Pa. 15131.	Do.
Do	Berks	Union, Township of.	H 42 011 8688 01 through H 42 011 8688 04	do	Secretary, Union Township, Municipal Bldg., Rural Delivery No. 1, Douglassville, Pa. 19518.	Do.
Do	Bucks	East Rockhill, Township of.	H 42 017 2314 01 through H 42 017 2314 05	do	Providence National Bank, P.O. Box 110, Sellersville, Pa. 18960.	Do.
Do	do	Upper Southampton, Township of.	H 42 017 8734 01 through H 43 017 8734 02	do	Upper Southampton Township Bldg., 939 Street Rd., Southampton, Pa. 18966.	Do.
Do	Cambria	Johnstown, City of.	H 42 021 4010 01 through H 42 021 4010 016	do	Bureau of Engineering, Room 205, City Hall, Johnstown, Pa. 15901.	Do.
Do	Carbon	Bowmanstown, Borough of.	H 42 025 0790 01 through H 42 025 0790 02	do	Mayor, 627 E. White St., Bowmanstown, Pa. 18030.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
* * *	* * *	* * *	* * *	* * *	* * *	* * *
Pennsylvania	Carbon	East Penn, Township of.	H 42 025 2274 01 through H 42 025 2274 02	do	East Penn Municipal Bldg., East Penn Township, Carbon County, Pa.	Jan. 4, 1974.
Do	do	Weissport, Borough of.	H 42 025 8950 01	do	Mayor, 218 White St., Weissport, Pa. 18235.	Do.
Do	Centre	Port Matilda, Borough of.	H 42 027 6750 01	do	Borough Council, Port Matilda, Pa. 16870.	Do.
Do	Chester	Phoenixville, Borough of.	H 42 029 6560 01	do	Mayor, Municipal Bldg., Phoenixville, Pa. 19460.	Do.
Do	Clearfield	Clearfield, Borough of.	H 42 033 1430 01 through H 42 033 1430 04	do	Clearfield Borough Office, 221 East Market St., Clearfield, Pa. 16830.	Do.
Do	Dauphin	Swatara, Township of.	H 42 043 8302 01 through H 42 043 8302 06	do	Swatara Township Board of Commissioners, 599 Eisenhower Blvd., Harrisburg, Pa. 17111.	Do.
Do	Delaware	Springfield	H 42 045 8074 01 through H 42 045 8074 04	do	Springfield Township Municipal Bldg., 50 Powell Road, Springfield, Pa. 19061.	Do.
Do	do	Upper Darby	H 42 045 8715 01 through H 42 045 8715 08	do	Township Engineer, Township of Upper Darby, 301 Municipal Bldg., Upper Darby, Pa. 19082.	Do.
Do	Fayette	Belle Vernon, Borough of.	H 42 051 0550 01	do	Mayor, 325 Main St., Belle Vernon, Pa. 15012.	Do.
Do	Juniata	Mifflin, Borough of.	H 42 067 5170 01	do	Mifflin Borough Bldg., Tuscarora St., Mifflin, Pa. 17058.	Do.
Do	Lackawanna	Moscow, Borough of.	H 42 069 5510 01 through H 52 069 5510 02	do	Mayor, Borough Bldg., 616 Church St., Moscow, Pa. 18444.	Do.
Do	Lehigh	Alburtis, Borough of.	H 42 077 0060 01	do	Mayor, Borough Hall, 260 Franklin St., Alburtis, Pa. 18011.	Do.
Do	do	South Whitehall	H 42 077 7964 01 through H 42 077 7964 08	do	South Whitehall Township, Route 1, Allentown, Pa. 18104.	Do.
Do	Mercer	Grove City, Borough of.	H 42 085 3410 01	do	Borough Manager, Municipal Bldg., 1328 West Main St., Grove City, Pa. 16127.	Do.
Do	do	Sandy Lake, Borough of.	H 42 085 7370 01 through H 42 085 7370 02	do	President, Borough Council, Sandy Lake, Pa. 16145.	Do.
Do	Montgomery	Bridgeport, Borough of.	H 42 091 0870 01 through H 42 091 0870 02	do	Bridgeport Borough, Borough Hall, 4th and Mill Sts., Bridgeport, Pa. 19405.	Do.
Do	do	Conshohocken	H 42 091 9020 01 through H 42 091 9020 02	do	Borough Hall, Ford St., W. Conshohocken, Pa. 19428.	Do.
Do	Northampton	Lower Mt. Bethel	H 42 095 4612 01 through H 42 095 4612 12	do	Lower Mt. Bethel Township, Municipal Bldg., Route 611, Martins Creek, Pa. 18603.	Do.
Do	Northumberland	Upper Augusta, Township of.	H 42 097 8711 01 through H 42 097 8711 12	do	Upper Augusta Township, Maintenance Bldg., Rural Delivery No. 2, Sunbury, Pa. 17801.	Do.
Do	Perry	Millerstown	H 42 099 5260 01 through H 42 099 5260 02	do	Millerstown Borough Mayor, Borough Office, 209 Sunbury St., Millerstown, Pa. 17062.	Do.
Do	Snyder	Shamokin, Borough of.	H 42 109 7540 01 through H 42 109 7540 04	do	Borough Offices, Martin Oakes Bldg., Shamokin Dam, Pa. 17876.	Do.
Texas	Bowie	Wake Village, City of.	H 48 037 7230 01	Texas Water Development Board, P.O. Box 13087, Capitol Station, Austin, Tex. 78711. Texas Insurance Department, 1110 San Jacinto St., Austin, Tex. 78701.	Mayor, City Hall, Wake Village, Tex. 75501.	Do.
Do	Camerorn	Port Isabel, City of.	H 48 061 5440 01 through H 48 061 5440 04	do	City Hall, Port Isabel, Tex. 78578	Do.
Do	Martin	Stanton, City of	H 48 317 6580 01	do	City Manager, Box 868, Stanton, Tex. 79782.	Do.
Utah	Cache	Logan, City of	H 49 005 0990 01 through H 49 005 0990 02	Department of Natural Resources, Division of Water Resources, State Capitol Bldg., Room 435, Salt Lake City, Utah 84114. Utah Insurance Department, 115 State Capitol, Salt Lake City, Utah 84114.	Mayor, 1032 N. 2 E., Logan, Utah 84321.	Do.
Do	Carbon	Price, City of	H 49 007 1540 01	do	Mayor, City Hall, Price, Utah 84501	Do.
Washington	King	Snoqualmie, Town of.	H 53 033 2040 01	Department of Ecology, Olympia, Wash. 98501. Washington Insurance Department, Insurance Bldg., Olympia, Wash. 98501.	Mayor, City Hall, Snoqualmie, Wash. 98065.	Dec. 21, 1973.
Do	Yakima	Selah, City of	H 53 077 1980 01 through H 53 077 1980 02	do	City Manager, Selah, Wash. 98942	Jan. 4, 1974.
Do	do	Zillah, City of	H 53 077 2610 01	do	County Commissioners, Yakima Courthouse, City of Zillah, Yakima, Wash. 98902.	Do.
Wisconsin	Clark	Neillsville, City of.	H 55 019 3290 01	Department of Natural Resources, P.O. Box 450, Madison, Wis. 53701. Wisconsin Insurance Department, 212 N. Bassett St., Madison, Wis. 53703.	Mayor, Neillsville, Wis. 54456	Do.
Do	do	Owen, City of	H 55 019 3640 01	do	Mayor, Owen, Wis. 54460	Do.
Do	Grant	Woodman, Village of.	H 55 043 5440 01	do	Chairman, County Board of Supervisors, Village of Woodman, Lancaster, Wis. 53813.	Do.

State	County	Location	Map No.	State map repository	Local map repository	Effective date of authorization of sale of flood insurance for area
• • •	• • •	• • •	• • •	• • •	• • •	• • •
Wisconsin	Green Lake and Waushara.	Berlin, City of.	H 55 047 0460 01 through H 55 047 0460 02	do	Office of the Assessor and Building Inspector, 108 N. Capron, Berlin, Wis. 54923.	Jan. 4, 1974.
Do	La Crosse	Bangor, Village of.	H 55 063 0300 01	do	Village President, Bangor, Wis. 54614	Do.
Do	Lafayette	Gratiot, Village of.	H 55 065 1990 01	do	President, Village Board, Gratiot, Wis. 53541.	Do.
Do	Lincoln	Tomahawk, City of.	H 55 069 4840 01 through H 55 069 4840 02	do	Mayor, City Hall, Tomahawk, Wis. 54487.	Do.
Do	Ozaukee	Saukville, Village of.	H 55 089 4270 01	do	Village President, Saukville, Wis. 53080.	Do.
Do	Portage	Plover, Village of	H 55 097 3796 01 through H 55 097 3796 03	do	Village President, Plover, Wis. 54467	Do.
Do	Price	Park Falls, City of.	H 55 099 3680 01 through H 55 099 3680 02	do	Mayor, City Hall, Park Falls, Wis. 54552.	Do.
Do	Sauk	West Baraboo, Village of.	H 55 111 5165 01 through	do	Village Board, Village of West Baraboo, Rural Route 4, Baraboo, Wis. 53913.	Do.
Do	Winnebago	Winneconne, Village of.	H 55 139 5380 01	do	Village President, Winneconne, Wis. 54986.	Do.
West Virginia	Mingo	Kermit, Town of.	H 54 059 1360 01	Office of Federal—State Relations, Room W. 115, Capitol Bldg., Charleston, W. Va. 25305. West Virginia Insurance Department, State Capitol, Charleston, W. Va. 25305.	Building Official, Town of Kermit, Kermit, W. Va.	Do.
Wyoming	Sheridan	Sheridan, City of.	H 56 033 0750 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, Sheridan, Wyo. 82801	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, Pub. L. 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: January 4, 1974.

GEORGE K. BERNSTEIN,
Federal Insurance Administrator.

[FR Doc.74–1064 Filed 1–15–74;8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE PERSONNEL

Conduct of Postal Employees

This document constitutes a complete revision of the former Post Office Department's Code of Ethical Conduct, presently found in Part 742 of title 39, Code of Federal Regulations. While the new Code continues to implement Federal conflict of interest statutes, Presidential Executive Orders issued thereunder, and applicable Civil Service Commission regulations, to which postal employees remain subject, it removes a number of obsolete references to the former Post Office Department and revises various provisions to reflect the new structure and powers of the Postal Service.

In the section in Subpart B on financial conflicts of interest there is added a general prohibition on the ownership of interests in contracts with the Postal Service, a prohibition on the acceptance of a fee from any person in connection with dealings with the Postal Service or any other Government agency, and a prohibition on the use of office or official information for private benefit, whether that of the employee or of another person.

In the section in Subpart B on employment here are listed several types of activity that are prohibited unless there is "no realistic possibility of a conflict," a qualification that was not stated in the previous Code. One type of employment subject to this qualified prohibition which is new to the Code is working for or representing professionally anyone whose interests are dependent on postal rates or the sale of goods or services to the Postal Service. Certain other types of employment are prohibited without qualification, in the belief that a conflict is inherently present. New among these is the prohibition against engaging in the business of delivering mailable matter. Also added is a broadened prohibition against the use by an employee of his position or uniform in a commercial advertisement.

The provisions relating to the ethical conduct advisory service in Subpart C have been rewritten in line with the new structure of the Postal Service. The section on the submission of confidential financial statements in Subpart D has been revised, also to conform to the Postal Service's new organizational structure.

In Subparts E and F new sections relating to political and community activities have been included for the sake of a more complete package of information for employees. The major change is the elimination of the former requirement that employees wishing to hold nonpartisan state or local office obtain prior permission from the General Counsel or Regional Postmaster General. In its place the Postal Service encourages, but does not require, employees to seek the advice of their Associate Ethical Conduct Officer before running for office.

In Subpart G a provision is added requiring the reporting of bribery attempts or other criminal activity to the General Counsel and the Chief Postal Inspector. This new section will provide a clear course for employees in the event they learn of conduct which they believe to be improper.

These regulations were approved by the U.S. Civil Service Commission on September 25, 1973. All changes are effective immediately.

ROGER P. CRAIG,
Deputy General Counsel.

Accordingly, 39 CFR Parts 243, 742 and 743 are amended and a new Part 447 (Subchapter F) is added as set forth below:

PART 243—CONDUCT OF OFFICES

PART 743—EMPLOYEE SERVICES

1. New paragraph (g)(6) is added to § 243.2, redesignated from § 743.5, and Part 743 is revoked.

PART 742—CODE OF ETHICAL CONDUCT

2. Part 742 is revised and redesignated as Part 447.

SUBCHAPTER F—PERSONNEL

PART 447—CODE OF ETHICAL CONDUCT FOR POSTAL EMPLOYEES

Subpart A—Basic Purpose and Applicability

Sec.
447.11 Basic Purpose and applicability.
447.12 Congressional code of ethics for Government service.

Subpart B—Standards of Conduct

447.21 General.
447.22 Conflicts of interest—financial.
447.23 Conflicts of interest—employment.
447.24 Conflicts of interest—gifts, entertainment and favors.
447.25 Other prohibited conduct.
447.26 Indebtedness.
447.27 Provisions concerning special postal service employees.

Subpart C—Ethical Conduct Advisory Services and Remedial Action

447.31 Advisory service.
447.32 Remedial action.

Subpart D—Statements of Employment and Financial Interests

447.41 Employees required to file statements.
447.42 Persons to whom statements should be submitted.
447.43 Time for submission of statements.
447.44 Confidentiality of statements.
447.45 Information not known by employees.
447.46 Information prohibited.
447.47 Exclusions.
447.48 Reviewing statements and remedial action.

Subpart E—Political Activities

447.51 General.
447.52 Additional prohibited political activities.
447.53 Investigation and enforcement.

Subpart F—Participation in Community Affairs

447.61 General.
447.62 Holding of State or local office by Postal Service employee.

Subpart G—Bribery, Undue Influence or Coercion

447.71 General.

Subpart H—Definitions

447.81 Definitions of terms used in this code.

Subpart I—Statutory Provisions

447.91 Statutes and regulations applicable to Postal Employees.

AUTHORITY: (39 U.S.C. 401) and Executive Order 11222 of May 8, 1965 (30 FR 6469, May 11, 1965, 3 CFR 306, 1965 Supp.), as amended by Executive Order 11590 of April 23, 1971 (36 FR 7831, April 27, 1971) 3 CFR 405 (1972); 5 CFR 735.104.

Subpart A—Basic Purpose and Applicability

§ 447.11 Basic purpose.

(a) This Code of Ethical Conduct is designed to instruct and guide employees entering the Postal Service, and to remind all employees of the conduct expected and required of them in performing their official duties and in their general conduct.

(b) Each employee, including each special Postal Service employee, is required to read and become familiar with this Code. A violation of this Code may be cause for remedial or disciplinary action, including discharge. In any instance where an employee needs guidance concerning this Code including any statute or regulation mentioned herein, he should request guidance from the appropriate Postal official as designated in § 447.31(b) of this part.

(c) Although this Code is not applicable to members of a uniformed service or to employees of another Government agency who are serving with the Postal Service, these persons are not relieved from their responsibilities under the regulations of the service or agency from which they are assigned or detailed to the Postal Service.

(d) The provisions of this Code shall be broadly construed and strictly enforced in order to prevent postal employees from securing any pecuniary advantage, however indirect, from their public employment, other than their compensation as provided by the Postal Service.

§ 447.12 Congressional code of ethics for government service.

The standards of conduct for all employees of the United States have been stated by Congress in the Code of Ethics for Government Service. These standards properly call for the best that is in all who are in public service and should be followed by all Postal Service employees.

CODE OF ETHICS FOR GOVERNMENT SERVICE

Any person in Government service should:

1. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or Government department.

2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.

3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.

4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.

5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.

6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.

7. Engage in no business with the Government, either directly or indirectly, which is inconsistent with the conscientious performance of his governmental duties.

8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.

9. Expose corruption wherever discovered.

10. Uphold these principles, ever conscious that public office is a public trust.

Subpart B—Standards of Conduct

§ 447.21 General.

(a) An employee shall avoid any action, whether or not specifically prohibited by this Code, which might result in or create the appearance of:

(1) Using Postal Service office for private gain;

(2) Giving preferential treatment to any person;

(3) Impeding Postal Service efficiency or economy;

(4) Losing complete independence or impartiality;

(5) Making a Postal Service decision outside official channels; or

(6) Affecting adversely the confidence of the public in the integrity of the Postal Service.

§ 447.22 Conflicts of interest—financial.

(a) General Principles: An employee may own property and engage in financial transactions, except to the extent limited by statute, Executive order, or regulations, including this Code. Because of his employment, however, no employee may have a financial interest, direct or indirect, that conflicts substantially, or appears to conflict substantially, with his duties and responsibilities to the Postal Service.

(b) Whether a financial conflict of interest exists will often depend on the particular facts of each instance. Detailed rules cannot practically be prescribe that will cover every situation. The following rules, however, provide guidance for specific situations and illustrate the manner in which the general principles should be applied.

(1) No employee shall enter into any contract with the Postal Service or otherwise have an interest (including the ownership of stock or debt securities in a corporation which has an interest) in any contract with the Postal Service except as may be authorized by law or regulation. (For example, section 1–302.3 of the Postal Contracting Manual permits contracts between the Postal Service and its employees only under the most compelling circumstances.) This § 447.22 (b) (1), however, does not prohibit the ownership of an interest (1) if the interest is so minor that no realistic possibility of a conflict of interest, or the appearance of a conflict of interest, exists or (2) if the employee advises his Associate Ethical Conduct Officer of the interest, makes full disclosure of all relevant facts, and receives a written decision by the Associate Ethical Conduct Officer that the possibility of a conflict is too remote or too inconsequential to be likely to affect the integrity of his services.

(2) No employee shall solicit or accept any part of any fee or other compensation paid by any person in connection with any business dealings with, or proceedings before, the Postal Service or other agency of the Government;

(3) No employee shall act as agent or broker in procuring any bond required by the Postal Service.

(4) No employee with authority to contract for the transportation of mail, to review or give legal advice concerning these contracts, or to recommend or make decisions concerning the transportation of mail shall have any financial interest in any entity which carries, or may reasonably be expected to carry, mail;

(5) No employee with authority to recommend or make decisions, or to give legal advice, concerning the acquisition, leasing or disposal of real property shall have any interest in any entity which deals with real estate in which the Postal Service has, or may reasonably be expected to have, an interest.

(c) No employee shall solicit or accept, directly or indirectly, any compensation from any source other than the Postal Service for any act or omission as an employee, or accept any salary or any contribution to or supplementation of salary as compensation for his services as an employee, from any source other than the Postal Service. This section does not prohibit:

(1) Acceptance of a lawful contribution to salary out of the treasury of a State, county, or municipality;

(2) Acceptance of contributions, awards, or other expenses under the terms of Chapter 41 of Title 5, United States Code, relating to training of employees of the United States Government;

(3) Continued participation in a bona fide pension, retirement, group life, health or accident insurance, profit-sharing, stock bonus, or other employee welfare or benefit plan maintained by a former employer.

(d) No employee, whether acting for personal benefit or not, shall use, or appear to use, his official position or information obtained as a result of his employment to further any private interest, whether his own or that of any other person.

(e) Unless required by his official duties to do so, no employee shall recommend or suggest the employment of any private person offering services as a consultant, agent, attorney, expeditor or the like for the purpose of assisting in any negotiations, transactions or other business with the Postal Service.

§ 447.23 Conflict of interest—employment.

General Principles: An employee may engage in outside employment and other outside activity with or without compensation, except as limited by statute, Exectuive order or regulations, including this Code. An employee may not engage in outside employment or other outside activity that is not compatible with the full and proper discharge of the duties and responsibilities of his Postal Service employment. Detailed rules cannot practically be prescribed that will cover every situation of incompatible employment or activity. The following rules, however, provide guidance for specific situations and illustrate the manner in which the general principles should be applied.

(a) No employee shall accept employment, compensation, payment of expense, or any other thing of monetary value under circumstances in which acceptance may result in, or create the appearance of, a conflict of interest. To this end, each employee should avoid the following:

(1) Manufacturing or representing a manufacturer of any product produced for exclusive use by the Postal Service or required by the Postal Service for use by its customers;

(2) Working for any person with whom the employee has official dealings on behalf of the Postal Service;

(3) Engaging in, or working in any capacity for a person engaged in, the business of delivering mailable matter to or from postal installations if this employment requires him to conduct business with postal employees performing postal duties of the same nature as his own postal duties at a postal installation or within the delivery area of a post office in which the employee works;

(4) Acting as consultant to any person who has a contract with the Postal Service or whom the employee has reason to believe intends to obtain, or seek to obtain, such a contract;

(5) Engaging in any sales activity, including the solicitation of business or the receipt of orders, for himself or any other person, while on duty, or in uniform, or in the office where he is stationed;

(6) Engaging in outside employment or professional practice, whether or not for pay, with or for a person whose business interests are:

(i) Substantially dependent upon, or may be significantly affected by, postal rates, fees or classifications; or

(ii) Substantially dependent on providing goods or services to or for use in connection with the Postal Service.

(b) This section does not prohibit outside employment in which no realistic possibility of a conflict of interest, or the appearance of a conflict of interest, exists.

(c) No employee shall engage in outside employment which tends to impair his mental or physical capacity to perform his Postal Service duties and responsibilities in an acceptable manner.

(d) No employee shall engage in any activity for compensation, or accept any outside employment, or receive any salary or other thing of monetary value which is, directly or indirectly, a form of compensation from a private source for his services to the Postal Service.

(e) No employee shall engage in any outside business or activity that may reflect discredit upon the Postal Service.

(f) No employee shall use his official title, position, uniform equipment, vehicle, or authority in the endorsement or advertisement of a commercial product or service.

(g) No employee shall engage in or work in any capacity for a person engaged in, a private business of delivering any type of mailable matter, including parcels and advertising circulars.

(h) No employee shall engage in any business or activity in which his employment in the Postal Service will or may reasonably be expected to give him an advantage over others not in the Postal Service who are engaged in a smiliar business or activity.

(i) Section 205 of title 18, United States Code, in general prohibits any officer or employee of the Postal Service from acting as agent or attorney for the prosecution of a claim against the United States or the representation of any person other than himself or a member of his immediate family in any proceeding before any court or agency of the United States, other than in the performance of his official duties. As an illustration, while an employee may engage in tax work involving Federal income or other Federal taxes if this work consists of no more than preparation of tax returns or furnishing the Internal Revenue Service with information obtained solely from the records of the taxpayer, he may not, in general, represent the position of a taxpayer before the Internal Revenue Service, or in the courts.

(j) Within the limitations imposed by this section, employees are encouraged to engage in teaching, lecturing, and writing. An employee, however, shall not, engage either on a paid or unpaid basis, in teaching, lecturing, or writing for the purpose of the special preparation of a person or class of persons for an examination of the Civil Service Commission or Board of Examiners for the Foreign Service, or for appointment in the U.S. Postal Service, when these activities are dependent on information obtained as a result of his employment with the Postal Service, except when that information has been made available to the general public or will be made available on request, or when the Postmaster General gives written authorization that the use of nonpublic information is in the public interest. In addition, an employee shall not receive compensation or anything of monetary value for any consultation, lecture, discussion, writing, or appearance whose subject matter is devoted substantially to the responsibilities, programs, or operations of the Postal Service, or which draws substantially on official data or ideas which have not become part of the body of public information.

(k) No employee shall take sick leave to enable himself to engage in outside work.

§ 447.24 Conflicts of interests—gifts, entertainment and favors.

General Principles:

(a) No employee shall solicit or accept any gift, gratuity, favor, entertainment, meal, loan, or other thing of value from any person who:

(1) Has, or is seeking to obtain, contractual or other business or financial relations with the Postal Service;

(2) Conducts operations or activities that are regulated by the Postal Service; or

(3) Has interests that may be substantially affected by the performance or non-performance of the employee's official duties.

(b) The provisions of section (a) are intended to prevent a conflict of interest or the appearance of such a conflict on the part of a Postal Service employee. The conduct described in the following paragraphs (1) through (5) is permitted because it is considered that it will not create a conflict of interest and that its prohibition would unduly and unnecessarily restrict Postal Service employees

in legitimate activities and relationships. Upon this basis, notwithstanding the provisions of section (a) an employee may:

(1) Accept a gift, favor, entertainment, travel or accommodation expense, loan, or other thing of value from a parent, spouse, child, brother, sister, or other member of his immediate family when the circumstances make it clear that the family relationships are the motivative factors;

(2) Accept unsolicited advertising or promotional items such as a pen, pencil, note pad, or calendar of nominal value, *i.e.*, not in excess of a retail price of $2 per item;

(3) Accept loans from banks or other financial institutions on terms generally available to the public, in order to finance proper and usual activities of an employee, such as a home mortgage loan;

(4) Accept and use courtesy discount cards from department stores or other organizations if these discount cards are offered to the public generally.

(5) Participate as an authorized representative of the Postal Service in a public event such as a convention, conference or inaugural flight and accept without payment transportation or meals which are an integral part of the event.

(6) Accept food and refreshment of nominal value on infrequent occasions in connection with inspection tours that the employee is authorized to make.

(c) When an employee travels on official business he should use commercial transportation at Government expense. With respect to inter-city travel, if there is no commercial transportation which will enable him to arrive at his destination in time for the performance of his duties, he may accept private transportation, provided the private party is reimbursed therefor at the standard commercial rate.

(d) No employee shall solicit contributions from another employee for a gift to an employee in a superior official position, make a donation as a gift to an official superior, or accept a gift from an employee receiving less pay than himself. An employee who violates this prohibition is to be removed from the Postal Service as provided by section 7351 of title 5, United States Code. However, this paragraph does not prohibit voluntary gifts of nominal value or donations of a nominal amount toward the purchase of a gift on a special occasion, such as marriage, illness, or retirement.

(e) An employee who believes that the limitations on the acceptance of gifts, entertainment and favors imposed by this § 447.24 will interfere with the proper performance of his duties or will cause hardship or unnecessary embarrassment to himself or another person shall, if possible, make full disclosure of all relevant facts to his Associate Ethical Conduct Officer before the event and may act in accordance with the written decision of that Officer. If it is not possible to obtain an advance decision of the Associate Ethical Conduct Officer, the employee shall exercise his judgment as to the course of action which best serves the public interest and shall as soon as possible thereafter make full disclosure of the circumstances and his actions to his Associate Ethical Conduct Officer.

(f) No employee shall accept a gift, present, decoration, or any other thing from a foreign government unless authorized in accordance with section 7342 of title 5, United States Code. An employee, however, may accept a nominal gift from a visiting foreign dignitary if the gift is from the visiting dignitary in his personal capacity, as distinguished from a gift from and on behalf of the foreign country.

(g) A gift, the receipt of which is prohibited by this Code, shall be returned to the donor with a written explanation of the reason for return. If the return of the gift is not feasible the gift shall be given to the Associate Ethical Conduct Officer with a written explanation of why the return is not feasible. The Associate Ethical Conduct Officer shall turn the gift over to a public or private charity or charitable institution and make a record of its disposition.

§ 447.25 Other prohibited conduct.

(a) No employee while acting in his official capacity shall directly or indirectly authorize, permit, or participate in any action, event or course of conduct which subjects any person to discrimination, or results in any person being discriminated against, on the basis of race, color, religion, sex, national origin, or age.

(b) No employee shall use, directly or indirectly, or allow the use of Postal Service or other Government property or services, including property leased to the Postal Service or other Government agency, for other than officially approved activities. Each employee has a positive duty to protect and conserve Postal Service property, including equipment, supplies and other property entrusted or issued to him.

(c) No employee shall engage in criminal, dishonest, notoriously disgraceful or immoral conduct, or other conduct prejudicial to the Postal Service. Conviction of a violation of any criminal statute may be grounds for disciplinary action by the Postal Service in addition to any other penalty imposed by or pursuant to statute.

(d) No employee shall habitually use intoxicating beverages to excess. No employee shall drink beer, wine, or other intoxicating beverages while on duty. No employee shall begin work or return to duty while intoxicated. No employee shall drink intoxicating beverages in a public place while in uniform. Unless the Postmaster General specifically authorizes an exception (as in the case, for example, of an official reception) no employee shall have or bring any container of beer, wine, or other intoxicating beverage on premises occupied by a postal facility, whether or not the container has been opened.

(e) Illegal use of drugs may be grounds for removal from the Postal Service.

(f) No employee while on property owned or leased by the Postal Service or the United States or while on duty, shall participate in any gambling activity, including the operation of a gambling device, in conducting or acting as an agent for a lottery or pool, in conducting a game for money or property, or in selling or purchasing a numbers slip or ticket.

NOTE: This section does not prohibit participation in activities specified herein if participation is necessitated by an employee's law enforcement duties, or if participation is in accordance with section 3 of Executive Order No. 10927, of March 18, 1961, relating to agency-approved solicitations.

§ 447.26 Indebtedness.

An employee shall pay each just financial obligation in a proper and timely manner, especially one imposed by law, such as Federal, State, or local taxes. For the purpose of this section, a "just financial obligation" means one acknowledged by the employee or reduced to judgment by a court, and "in a proper and timely manner" means in a manner which the Postal Service determines does not, under the circumstances, reflect adversely on the Postal Service as his employer. In the event of dispute between an employee and an alleged creditor, the Postal Service is not required to determine the validity or amount of the disputed debt.

§ 447.27 Provisions concerning special Postal Service employees.

(a) A special employee shall not use his employment with the Postal Service for a purpose that is, or gives the appearance of being, motivated by the desire for private gain for himself or another person, particularly one with whom he has family, business or financial ties.

(b) A special employee shall not use his employment with the Postal Service to coerce, or give the appearance of coercing, a person to provide financial benefit to himself or another person, particularly one with whom he has family, business, or, financial ties.

(c) A special employee shall not use inside information obtained as a result of his Postal Service employment for private gain for himself or another person either by direct action on his part or by counsel, recommendation, or suggestion to another person, particularly one with whom he has family, business or financial ties. For the purpose of this section, "inside information" means information obtained under Postal Service or other Government authority which has not become part of the body of public information.

(d) A special employee may teach, lecture, or write in a manner consistent with § 447.23(d) as it applies to employees.

(e) A special employee, while so employed or in connection with his employment, shall not receive or solicit from a person having business with the Postal Service anything of value as a gift, gratuity, loan, entertainment or favor for himself or another person, particularly one with whom he had family, business, or

financial ties. He is not prohibited, however, from accepting or receiving gifts, loans, reimbursement of expenses or other things of value under circumstances permissible for an employee in accordance with § 447.24.

Subpart C—Ethical Conduct Advisory Service and Remedial Action

§ 447.31 Advisory service.

(a) The Ethical Conduct Officer is responsible for the administration of this Code. In the exercise of that responsibility he shall coordinate the advisory service provided by this subpart, assure that authoritative interpretations of this Code are available to the Associate Ethical Conduct Officers, and render final rulings on behalf of the Postal Service in appeals by employees from interpretations of this Code made by Associate Ethical Conduct Officers. The Ethical Conduct Officer shall provide advice and guidance for the Postmaster General and all Associate Ethical Conduct Officers concerning questions arising under this Code. He may delegate to an Assistant Ethical Conduct Officer authority to perform any duty or function vested in him by this Code. The General Counsel is the Ethical Conduct Officer of the Postal Service and is the Postal Service's designee to the U.S. Civil Service Commission on matters relating to this Code.

(b) The Deputy Postmaster General (or, in the event of a vacancy in the office of the Deputy Postmaster General, the Executive Assistant to the Postmaster General for Postal Affairs) is the Associate Ethical Conduct Officer for all employees in the Office of the Postmaster General and the Office of the Deputy Postmaster General. The Senior Assistant Postmasters General, Regional Postmasters General, heads of those departments which report directly to the Postmaster General or Deputy Postmaster General, Regional Chief Inspectors, Directors of Postal Data Centers, Directors of Automatic Data Processing Centers, and the Executive Manager of the Postal Service Training & Development Institute are Associate Ethical Conduct Officers for their respective organizational elements. An Associate Ethical Conduct Officer may with prior approval of the Ethical Conduct Officer, designate suitable employees to assist or act for him.

(c) An employee or special employee may obtain advice and guidance on questions of conflicts of interest covered by this Code from the Associate Ethical Conduct Officer having appropriate jurisdiction. In order to avoid undue interference with established grievance and disciplinary procedures, advisory service under this subpart will not normally be available in an instance in which a grievance is pending or disciplinary action has been initiated.

(d) An employee may appeal to the Ethical Conduct Officer from a ruling made by an Associate Ethical Conduct Officer concerning questions of conflicts of interest covered by this Code within 30 days from the date of the ruling. The appeal shall be in writing and shall contain a full statement of the relevant facts. It should be addressed to the Ethical Conduct Officer, United States Postal Service, Washington, D.C. 20260, and a copy thereof should be sent to the official whose ruling is being appealed.

(e) All employees and special employees shall be informed of this Code and their rights and responsibilities under it, and in particular they shall be informed of the availability of advisory services and of how and where these services are available. This information shall be provided within 90 days after approval and publication of this Code in the FEDERAL REGISTER and periodically thereafter. In the case of a new employee, this information shall be provided by the appointing officer at the time of his entrance on duty.

(f) The Ethical Conduct Officer and Associate Ethical Conduct Officers shall, upon reqeust make Postal Service Publications 73 and 74, "Code of Ethical Conduct for Postal Employees" and "Laws Relating to Ethical Conduct and Conflict of Interest," respectively available to employees for review. This review shall not interfere with the orderly conduct of postal activities.

§ 447.32 Remedial action.

(a) Whenever a possible conflict of interest or appearance of a conflict of interest on the part of an employee or special employee comes to the attention of the Ethical Conduct Officer, of an Associate Ethical Conduct Officer, or of a person designated to assist or act for an Associate Ethical Conduct Officer, that officer shall ascertain whether a conflict or appearance of conflict of interest exists. The employee or special employee concerned shall be provided an opportunity to explain the conflict or appearance of conflict. Whenever, after consideration of any explanation, the officer determines that remedial action is required, he shall take action or, if the employee or special employee is not under his general supervision, he shall recommend to the employee's installation head that action be taken to end the conflict or appearance of conflict of interest.

(b) Remedial action may include, but is not limited to:

(1) Disqualification for a particular assignment;

(2) Changes in assigned duties;

(3) Divestment by the employee or special employee of his conflicting interest; or

(4) Disciplinary action.

(c) Remedial or disciplinary action shall be taken in accordance with any applicable laws, Executive orders, regulations and collective bargaining agreements.

Subpart D—Statements of Employment and Financial Interests

§ 447.41 Employees required to file statements.

(a) Each employee (other than a special employee) who is in one or more of the following categories, shall submit a Confidential Statement of Employment and Financial Interests (Postal Service Form 2417).

(1) Each employee who is paid basic compensation at an annual rate of $30,000 or more.

(2) Each employee who is in pay grade PES–24 or a higher pay grade of the Postal Executive Salary Structure and whose basic duties and responsibilities require him to make or recommend a decision, or take or recommend official action, in regard to—

(i) Contracting or procurement. For the purpose of this section "contracting or procurement" includes all functions that pertain to the authorization, award, or administration of contracts with non-Postal Service entities.

(ii) Auditing enterprises other than the Postal Service, including the supervision of auditors engaged in audit activities or the participation in the development of policies and procedures for performing such audits.

(iii) Activities in which the decision may have an economic impact on the interests of any enterprise other than the Postal Service, including the design and maintenance of the Postal Service rate structure, the selection of carriers for the transportation of mail, the selection of sites for postal facilities, and the recommending or approval of claims of any person against the Postal Service or any such claims by the Postal Service against any person.

(b) An employee temporarily performing the duties of a position which meets the criteria in paragraph (a) of this section shall also be subject to the filing requirement in this section if he performs those duties for more than 90 calendar days.

(c) Determination as to whether an employee is in one or more of the categories set forth in paragraph (a) and (b) of this section and is therefore required to submit a Confidential Statement of Employment and Financial Interests shall be made by the employee's Associate Ethical Conduct Officer.

(d) (1) Each special employee, regardless of the rate of compensation received, if any, shall submit a Confidential Statement of Employment and Financial Interests (For Use By Special Government Employees) (Postal Service Form 2418).

(2) The Ethical Conduct Officer may waive the requirement for the submission of a statement by a special employee, other than a consultant or an expert, when he finds, either by general regulation or in a specific instance that the duties of the position held by that special employee are of a nature and are at such a level of responsibility that the submission of the statement is not necessary to protect the intergrity of the Postal Service.

(e) With the prior approval of the Civil Service Commission, an employee in pay grade PES–23, or a lower pay grade, who is in a position which otherwise meets the criteria of paragraph (a)(2) of this section, shall submit a Statement when it is essential to protect the integrity of the Postal Service

and to avoid employee involvement in possible conflict-of-interest situations, Associate Ethical Conduct Officers may recommend to the Ethical Conduct Officer, with full justification in writing, that the approval of the Commission be sought with respect to specific positions.

(f) An employee who believes that his position has been improperly included as one required to submit a statement in accordance with this subpart may obtain review of his complaint to that effect through the grievance procedure provided by collective bargaining agreement or Postal Service regulations, as applicable.

§ 447.42 Persons to whom statements shall be submitted.

(a) The Postmaster General, all Associate Ethical Conduct Officers, and the Assistant Ethical Conduct Officer shall submit their statements to the Ethical Conduct Officer.

(b) Employees required to submit statements who are within the jurisdiction of a District Manager shall submit their statements to the District Manager. District Managers shall review the statements, after which they will forward the statements directly to their Associate Ethical Conduct Officer with any recommendations for action in accordance with § 447.48 of this subpart.

(c) All other employees shall submit their statements directly to their Associate Ethical Conduct Officers.

§ 447.43 Time for submission of statements.

(a) An employee required to file a Statement shall submit that Statement no later than 30 days after he first becomes subject to the reporting requirements. An employee who has filed a Statement pursuant to the regulations in effect immediately prior to the effective date of this subpart need not submit a Statement pursuant to this paragraph (a) but shall submit a supplementary Statement or a report of no change pursuant to paragraph (b) of this section.

(b) Changes in, or additions to, the information contained in an employee's Statement shall be reported in a supplementary Statement, in the format prescribed by the Ethical Conduct Officer, as of June 30 each year. If no changes or additions occur, a report to that effect is required.

(c) In addition to filing the Statement required by this subpart, each employee shall, at all times, avoid acquiring a financial interest, or taking any action that could result, in a violation of the conflicts of interest provisions of 18 U.S.C. 208 or of this part.

§ 447.44 Confidentiality and retention of statements.

(a) Statements and Supplementary Statements shall be held in confidence and may not be disclosed to anyone other than the Postmaster General, the Ethical Conduct Officer, the employee's Associate Ethical Conduct Officer, or their designees, without express written approval of the Ethical Conduct Officer. The Statements and Supplementary Statements shall be retained under appropriate security by the Associate Ethical Conduct Officer except as may be otherwise directed by the Ethical Conduct Officer. When Statements are transmitted, they shall be enclosed in opaque inner and outer envelopes. The inner envelope shall be sealed and plainly marked "Limited Official Use—To Be Opened Only by Authorized Reviewer" and addressed to the authorized reviewer. The outer envelope shall also be sealed and addressed, but shall bear no legend indicating the contents. Employees, when transmitting their Statements and Supplementary Statements, should, and are authorized to, use this double envelope procedure.

(b) Statements and Supplementary Statements do not require that amounts be shown. An authorized reviewer, however, may require disclosure if he deems it essential to making a determination as to whether a conflict of interest, or appearance of a conflict, exists.

(c) The statement and any Supplementary Statements submitted by an employee or special employee shall be destroyed two years after the employee leaves the Postal Service, or two years after he ceases to occupy a position for which the submission of a Statement is required, whichever is earlier.

§ 447.45 Information not known by employees.

If any information required to be included in a Statment or Supplementary Statement, including holdings placed in trust, is not known to the employee but is known to another person, the employee shall request that other person to submit the information in his behalf, except when the trust is a blind, no-control trust, in which case a copy of the trust shall be submitted for review. Failure by the other person or trustee to furnish the needed information shall not constitute a violation by the employee of this provision if he certifies that he made a bona fide effort to have the information submitted and it was refused.

§ 447.46 Information prohibited.

This subpart does not require an employee to submit any information relating to his connection with, or interest in, a professional society or a charitable religious, social, fraternal, recreational, public service, civic, or political organization or a similar organization not conducted as a business enterprise. Savings accounts in credit unions, loan associations or banks, savings certificates and interests in mutual funds are not interests in "business enterprises". For the purpose of this section, educational and other institutions doing research and development or related work involving grants of money from or contracts with the Postal Service are "business enterprises" and are required to be included in an employee's statement.

§ 447.47 Exclusions.

An employee whose pay is at a rate less than that for Level V in the Executive Schedule (currently $36,000 per year, see note following 2 U.S.C. 358 (1970)) who is otherwise required to file a statement under § 447.41 (a) or (b), may be relieved of the reporting requirement when the Ethical Conduct Officer determines that:

(a) His duties are such that the likelihood of his involvement in a conflict of interest situation is remote; or

(b) The duties of the position are at such a level of responsibility that the submission of a Statement is not necessary because of the degree of supervision and review over the incumbent or the inconsequential effect of the position on the integrity of the Government.

§ 447.48 Reviewing statements and remedial action.

Associate Ethical Conduct Officers shall review all Statements received by them whether submitted to them directly or forwarded by District Managers. Whenever the employee's Statement reveals a possible conflict of interest or appearance of a conflict of interest, appropriate action shall be taken pursuant to § 447.32.

Subpart E—Political Activities

§ 447.51 General.

(a) Postal Service employees, except those mentioned in paragraph (b) of this section, are subject, at all times to restrictions on their participation in political activity (5 U.S.C. subchapter III of chapter 73, and 18 U.S.C. 602, 603, and 607), and to the regulations issued by the Civil Service Commission relating thereto.

(b) Those Postal Service employees who are employed on an irregular or occasional basis; e.g., experts and consultants, substitute rural carriers, others on a per diem basis, and without compensation or when actually employed employees, are subject to the restrictions mentioned in paragraph (a) of this section only while in an active duty status and only for the entire 24 hours of any day of actual employment. Notwithstanding this paragraph, full-time employees in a leave status and part-time employees are fully subject to the restrictions of paragraph (a) of this section.

§ 447.52 Additional prohibited political activities.

(a) In addition to the restrictions on political activities mentioned in § 447.51, an employee may not:

(1) Display a political picture or sticker on property owned or leased by the Postal Service. He is not forbidden by this paragraph, however, from displaying a picture, including a personally autographed picture of a political figure in his office or place of work if it has no language in the nature of political campaigning;

(2) Wear a political badge or button while in uniform or while on duty when that duty requires him to deal with the public or be in the view of the public;

(3) Display a political picture or sticker on his private vehicle while that vehicle is being used for official postal purposes.

§ 447.53 Investigation and enforcement.

By agreement with the Postal Service, the Civil Service Commission investigates and adjudicates allegations of political activity in violaton of the regulations of the Civil Service Commission by Postal Service employees. For jurisdiction and procedures in such a case, see 5 CFR 733.401 and 733.402.

Subpart F—Participation in Community Affairs

§ 447.61 General.

An employee is permitted to participate in community affairs to the extent consistent with the proper performance of his postal duties and with applicable laws and regulations. Nothing in this section shall prevent an employee from serving as an official of a religious or fraternal organization or of a civil nonpolitical organization which is supported by dues or contributions from its own members.

§ 447.62 Holding of State or local office by Postal Service employees.

(a) An employee may seek, accept, or hold a nonpartisan State or local office subject to the provisions of this Code and in particular this section. A "nonpartisan" office is one filled by a "nonpartisan election", which is an election at which none of the candidates are to be nominated or elected as representing a political party any of whose candidates for presidential elector received votes in the last preceding election at which presidential electors were selected.

(b) An employee who wishes to seek, accept, or hold a nonpartisan State or local office is responsible for ascertaining:

(1) Whether the office is "nonpartisan" within the definition in § 447.62(a)

(2) Whether State or local law permits a Postal Service employee to seek, accept, or hold the particular office.

(3) Whether the duties of the office would result in a conflict with his Postal Service employment.

(4) Whether the discharge of the duties of the office would interfere with the performance by the particular employee of his Postal Service duties in an acceptable manner or would interfere with the performance by other Postal Service employees of their respective duties in an acceptable manner.

(c) An employee is encouraged to seek advice from his Associate Ethical Conduct Counselor prior to taking any action to seek, accept, or hold a State or local office. If, after the employee has entered upon the discharge of the duties of this non-postal office, his non-postal duties interfere with the proper discharge of postal duties, either by him or by other postal employees, the employee holding the non-postal office shall be advised by his superior to eliminate the interference, either by resignation from the non-postal office, or in such other manner as is appropriate under the circumstances. If the employee fails, refuses, or neglects to comply with the foregoing advice and the interference continues, he will be subject to disciplinary proceedings.

(d) Employees, other than postmasters or acting postmasters in a salary level of PES–25 or higher, may be granted permission to campaign for a full-time State or local nonpartisan office while on annual leave or on authorized leave without pay during the campaign when

(1) The criteria in paragraphs (b)(1) and (b)(2) of this section are met, and

(2) The Regional Postmaster General determines that the employee's postal responsibilities are being conducted in a satisfactory manner and that the absence of the employee during the campaign period will not disrupt the operation of the facility where he is employed.

NOTE: Requests shall be submitted through the postmaster or other installation head to the Regional Postmaster General. If the employee is elected to and takes such a full-time office, he may either be separated from the Postal Service or granted leave without pay.

(e) A postmaster or acting postmaster in salary level PES–25 or higher shall not be authorized to take annual leave or leave without pay for the purpose of campaigning for a full-time State or local nonpartisan office.

Subpart G—Bribery, Undue Influence or Coercion

§ 447.71 General.

(a) An employee shall report immediately to the General Counsel, U.S. Postal Service, Washington, D.C. 20260:

(1) Any instance in which a person either within or outside the Postal Service uses or attempts to use a bribe, undue influence, or coercion to induce or attempt to induce the employee to act or neglect to act in regard to his official responsibilities; and

(2) Any information that causes him to believe that there has been a violation of a Federal criminal statute or any law or regulation directly or indirectly related to the responsibilities of the Postal Service. A copy of a report made under this paragraph shall also be sent by the employee to the Chief Postal Inspector, Washington, D.C. 20260. The report shall be sent in a sealed envelope clearly marked "Limited Official Use—To Be Opened by Addressee Only".

Subpart H—Definitions

§ 447.81 Definitions of terms used in this Code.

(a) *Postal Service.* The United States Postal Service as established by section 201 of title 39, United States Code.

(b) *Employee.* An individual appointed to a position, temporary or permanent, within the Postal Service, or hired as an executive under an employment contract, including a substitute. The term "employee" does not include the Governors of the Postal Service and members of the Postal Service Advisory Council nor, unless the context requires, a special Postal Service employee.

(c) *Associate Ethical Conduct Officers.* The persons designated in Section 442.735–41(b) and any other persons specifically designated by the Postmaster General to assist the Ethical Conduct Officer in administering this Code.

(d) *Person.* An individual, a corporation, a company, an association, a firm, a partnership, a society, a joint stock company, or any other organization, institution or entity.

(e) *Special Postal Service Employee or Special Employee.* An individual retained, designated, appointed, or employed in the Postal Service to perform, with or without compensation, temporary duties either on a full-time or intermittent basis for not to exceed 130 days during a period of 365 consecutive days.

(f) *Official Responsibility.* Direct administrative or operating authority, whether intermediate or final, and either exercisable alone or with others, and either personally or through subordinates, to approve, disapprove, or otherwise direct Postal Service action.

(g) *Employee's Interests.* The interests of an employee and his spouse and, in addition, the interest of his minor child, or children, and other individuals related to the employee by blood who are residents of the employee's household.

(h) *Nominal Value.* In respect to food and refreshment, "nominal value" means not in excess of what an employee would ordinarily and generally spend for food and refreshment if he were paying his own bill. In respect to gifts, nominal value means an item having a retail value of not more than $2.00.

(i) *Business Dealings with the Postal Service.* Any contract, work, or business, or the performance thereof, or any litigation arising out of or involving any contract, work, or business, or the sale or acquisition of any property, real or personal, or any interest in property, whose expense, price, or consideration is payable by or to the Postal Service.

(j) *This Code.* The Code of Ethical Conduct for Postal Employees which consists of the regulations of the Postal Service which are published in 39 CFR 447.11 through 447.91 inclusive.

Subpart I—Statutory Provisions

The laws mentioned in this Code are listed for information only. Nothing in this Code constitutes an interpretation or construction of these laws which would bind the United States Postal Service or the United States. Failure to mention a statute does not excuse any person from complying with it.

§ 447.91 Statutes and regulations applicable to postal employees.

The following statutes are applicable to all employees in the Postal Service:

(a) House Concurrent Resolution 175, 85th Congress, 2nd Session, 72 Stat. B12, the "Code of Ethics for Government Service." (Quoted above at § 447.12)

(b) Prohibition against proscribed political activities (5 U.S.C. subchapter III of chapter 73 and 18 U.S.C. 602, 603, 607, and 608).

(c) Prohibition against appointing or promoting a relative, or advocating such an appointment or promotion (5 U.S.C. 3110).

(d) Prohibitions against disloyalty and striking (5 U.S.C. 7311; 18 U.S.C. 1918).

(e) Chapter 11 of title 18, United States Code, relating to bribery, graft, and conflicts of interest.

(f) Prohibition against acting as the agent for a foreign principal registered under the Foreign Agents Registration Act (18 U.S.C. 219).

(g) Prohibition against unauthorized taking or use of documents relating to claims against or by the Government (18 U.S.C. 285).

(h) Prohibition against postal employees becoming interested in any contract for carrying the mail (18 U.S.C. 440).

(i) Prohibition against counterfeiting and forging transportation requests (18 U.S.C. 508).

(j) Prohibition against

(1) Embezzlement of Government money or property (18 U.S.C. 641);

(2) Failing to account for public money (18 U.S.C. 643); and

(3) Embezzlement of the money or property of another person in the possession of an employee by reason of his employment (18 U.S.C. 654).

(k) Prohibitions against

(1) Disclosure of classified information (18 U.S.C. 798), and

(2) Disclosure of confidential information (18 U.S.C. 1905).

(l) Prohibition against fraud or false statements in a Government matter (18 U.S.C. 1001).

(m) Prohibition against participation in lottery enterprises (18 U.S.C. 1303).

(n) Prohibition against Carriage of Mail contrary to law (18 U.S.C. 1693).

(o) Prohibition against Desertion of Mail (18 U.S.C. 1700).

(p) Prohibition against Obstruction of Correspondence (18 U.S.C. 1702).

(q) Prohibition against Delay or Destruction of Mail or newspapers (18 U.S.C. 1703).

(r) Prohibition against theft of mail (18 U.S.C. 1709).

(s) Prohibition against theft of newspapers (18 U.S.C. 1710).

(t) Prohibition against Misappropriation of Postal Service funds (18 U.S.C. 1711).

(u) Prohibition against falsification of postal returns (18 U.S.C. 1712).

(v) Prohibition against improper issuance of money orders (18 U.S.C. 1713).

(w) Prohibition against misuse of the franking privilege (18 U.S.C. 1719).

(x) Prohibition against sale or pledge of stamps (18 U.S.C. 1721).

(y) Prohibition against unlawful collection of postage (18 U.S.C. 1726).

(z) Prohibition against failure to account for postage (18 U.S.C. 1727).

(aa) Prohibition against improper approval of bond or sureties (18 U.S.C. 1732).

(bb) Prohibition against lobbying with appropriated funds (18 U.S.C. 1913).

(cc) Prohibition against the use of deceit in an examination or personnel action in connection with Government employment (18 U.S.C. 1917).

(dd) Prohibition against mutilating or destroying a public record (18 U.S.C. 2071).

(ee) Prohibition against disclosure of lists of names and addresses (39 U.S.C. 412).

(ff) Prohibition against making or receiving political recommendation for appointment or promotion (39 U.S.C. 1002).

(gg) Prohibition against receipt of unauthorized fees (39 U.S.C. 1009).

(hh) Oath of office required for all postal employees (39 U.S.C. 1011).

(ii) Prohibition against opening first-class mail (39 U.S.C. 3623).

NOTE: In addition to these statutes, Executive Order No. 11222 of May 8, 1965, as made applicable to the Postal Service by Executive Order No. 11590 of April 23, 1971, prescribes standards of ethical conduct for officers and employees of the Government.

[FR Doc.74-1301 Filed 1-15-74;8:45 am]

Title 40—Protection of the 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

3,5-Dichloro-N-(1,1-Dimethyl-2-Propynyl) Benzamide

Correction

In FR Doc. 73-26121, appearing at page 33973 for the issue for Monday, December 10, 1973, line 7 of the last paragraph should read "ton, D.C. 20406, written objections thereto in quintuplicate. Objections shall show * * *".

Title 45—Public Welfare

CHAPTER XII—ACTION

PART 1206—GRANTS AND CONTRACTS—SUSPENSION AND TERMINATION AND DENIAL OF APPLICATION FOR REFUNDING

By vitrue of authority vested in me by sections 112, 402(14), 412 and 420 of Pub. L. 93-113, 87 Stat. 394, 411 and 414, I hereby prescribe regulations which will appear as Title 45, Chapter XII, Part 1206 of the Code of Federal Regulations. This provides procedures for the suspension and termination of assistance through grants and contracts because of the material failure of the recipient to comply with the terms and conditions of any grant or contract. It also provides procedures for denial of applications for refunding of assistance through grants and contracts. In that the material contained herein is a matter relating to grants and contracts, the relevant provisions of the Administrative Procedures Act (5 U.S.C. 553) requiring notice of proposed rule making, opportunity for public participation and delay and effective date are inapplicable. Pursuant to section 420 of Pub. L. 93-113, ACTION regulations are effective 30 days after publication in the FEDERAL REGISTER.

In accordance with the spirit of the public policy set forth in 5 U.S.C. 553, interested persons may submit written comments, or suggestions to the Director of ACTION, 806 Connecticut Avenue, NW., Washington, D.C. 20525, Attention: General Counsel. Material thus submitted will be evaluated and acted upon in the same manner as if this document were a proposal. Until such time as further changes are made, however, part 1206 as set forth herein shall remain in effect.

In consideration of the foregoing, Chapter XII of Title 45 of the Code of Federal Regulations is amended, effective February 15, 1974, as follows:

Subpart A—Suspension and Termination of Assistance

Sec.
1206.1-1 Purpose and scope.
1206.1-2 Application of this part.
1206.1-3 Definitions.
1206.1-4 Suspension.
1206.1-5 Termination.
1206.1-6 Time and place of termination hearings.
1206.1-7 Termination hearing procedures.
1206.1-8 Decisions and notices regarding termination.
1206.1-9 Right to counsel; travel expenses.
1206.1-10 Modification of procedures by consent.
1206.1-11 Other remedies.

Subpart B—Denial of Application for Refunding

1206.2-1 Applicability of this subpart.
1206.2-2 Purpose.
1206.2-3 Definitions.
1206.2-4 Procedures.
1206.2-5 Right to counsel.

AUTHORITY: (Sections 402(12), 412 and 420 of Pub. L. 93-113, 87 Stat. 394, 411 and 414.)

Subpart A—Suspension and Termination of Assistance

§ 1206.1-1 Purpose and scope.

(a) This subpart establishes rules and review procedures for the suspension and termination of assistance provided by ACTION pursuant to various sections of titles I, II and III of the Domestic Volunteer Service Act of 1973, 87 Stat. 394, Pub. L. 93-113, (hereinafter the Act) because of a material failure of a recipient to comply with the terms and conditions of any grant or contract providing assistance under these sections of the Act, including applicable laws, regulations, issued program guidelines, instructions, grant conditions or approved work programs.

(b) However, this subpart shall not apply to any administrative action of the ACTION Agency based upon any violation, or alleged violation, of title VI of the Civil Rights Act of 1964 and sections 417 (a) and (b) of Pub. L. 93-113 relating to nondiscrimination. In the case of any such violation or alleged violation other provisions of this chapter shall apply.

§ 1206.2 Application of this part.

This subpart applies to programs authorized under titles I, II, and III of the Act.

§ 1206.1–3 Definitions.

As used in this subpart—

(a) The terms "ACTION" or "ACTION Agency" include each Regional Office.

(b) The term "Director" means the Director of the ACTION Agency.

(c) The term "responsible ACTION official" means the Director and Deputy Director of ACTION, appropriate Regional Director and any ACTION headquarters or regional office official who is authorized to make the grant of assistance in question. In addition to the foregoing officials, in the case of the suspension proceedings described in § 1206.1–4, the term "responsible ACTION official" shall also include a designee of an ACTION official who is authorized to make the grant of assistance in question.

(d) The term "assistance" means assistance under titles I, II and III of the Act in the form of grants or contracts involving Federal funds for the administration of which ACTION has primary responsibility.

(e) The term "recipient" means a public or private agency, institution or organization or a State or other political jurisdiction which has received assistance under title I, II, or III of the Act, but does not include individuals who ultimately receive benefits under any program of assistance or volunteers participating in any program.

(f) The term "agency" means a public or private agency, institution, or organization or a State or other political jurisdiction with which the recipient has entered into an arrangement, contract or agreement to assist in its carrying out of the development, conduct and administration of all or part of a project assisted under titles I, II and III.

(g) The term "party" in the case of a termination hearing means ACTION, the recipient concerned, and any other agency or organization which has a right or which has been granted permission by the presiding officer to participate in a hearing concerning termination of assistance to the recipient pursuant to § 1206.1–5(e).

(h) The term "termination" means any action permanently terminating or curtailing assistance to all or any part of a program prior to the time that such assistance is concluded by the terms and conditions of the document in which such assistance is extended, but does not include the refusal to provide new or additional assistance.

(i) The term "suspension" means any action temporarily suspending or curtailing assistance in whole or in part, to all or any part of a program, prior to the time that such assistance is concluded by the terms and conditions of the document in which such assistance is extended, but does not include the refusal to provide new or additional assistance.

§ 1206.1–4 Suspension.

(a) *General.* The responsible ACTION official may suspend assistance to a recipient in whole or in part for a material failure or threatened material failure to comply with any requirement stated in § 1206.1–1. Such suspension shall be pursuant to notice and opportunity to show cause why assistance should not be suspended as provided in paragraph (b) of this section. However, in emergency cases, where the responsible ACTION official determines summary action is appropriate, the alternative summary procedure of paragraph (c) of this section shall be followed.

(b) *Suspension on notice.* (1) Except as provided in paragraph (c) of this section, the procedure for suspension shall be on notice of intent to suspend as hereinafter provided.

(2) The responsible ACTION official shall notify the recipient by letter or by telegram that ACTION intends to suspend assistance in whole or in part unless good cause is shown why assistance should not be suspended. In such letter or telegram the responsible ACTION official shall specify the grounds for the proposed suspension and the proposed effective date of the suspension.

(3) The responsible ACTION official shall also inform the recipient of its right to submit written material in opposition to the intended suspension and of its right to request an informal meeting at which the recipient may respond and attempt to show why such suspension should not occur. The period of time within which the recipient may submit such written material or request the informal meeting shall be established by the responsible ACTION official in the notice of intent to suspend. However, in no event shall the period of time within which the recipient must submit written material or request such a meeting be less than 5 days after the notice of intent to suspend assistance has been sent. If the recipient requests a meeting, the responsible ACTION official shall fix a time and place for the meeting, which shall not be less than 5 days after the recipient's request is received by ACTION.

(4) In lieu of the provisions of subparagraph (3) of this paragraph dealing with the right of the recipient to request an informal meeting, the responsible ACTION official may on his own initiative establish a time and place for such a meeting and notify the recipient in writing or by telegram. However, in no event shall such a meeting be scheduled less than seven days after the notice of intent to suspend assistance is sent to the recipient.

(5) The responsible ACTION official may in his discretion extend the period of time or date referred to in the previous paragraphs of this section and shall notify the recipient in writing or by telegram of any such extension.

(6) At the time the responsible ACTION official sends the notification referred to in subparagraphs (2), (3), and (4) of this paragraph to the recipient, he shall also send a copy of it to any agency whose activities or failures to act have substantially contributed to the proposed suspension, and shall inform such agency that it is entitled to submit written material or to participate in the informal meeting referred to in subparagraphs (3) and (4) of this paragraph. In addition the responsible ACTION official may in his discretion give such notice to any other agency.

(7) Within 3 days of receipt of the notice referred to in subparagraphs (2), (3), and (4) of this paragraph, the recipient shall send a copy of such notice and a copy of these regulations to all agencies which would be financially affected by the proposed suspension action. Any agency that wishes to submit written material may do so within the time stated in the notice. Any agency that wishes to participate in the informal meeting with the responsible ACTION official contemplated herein may request permission to do so from the responsible ACTION official, who may in his discretion grant or deny such permission. In acting upon any such request from an agency, the responsible ACTION official shall take into account the effect of the proposed suspension on the particular agency, the extent to which the meeting would become unduly complicated as a result of granting such permission, and the extent to which the interests of the agency requesting such permission appear to be adequately represented by other participants.

(8) In the notice of intent to suspend assistance the responsible ACTION official shall invite voluntary action to adequately correct the deficiency which led to the initiation of the suspension proceeding.

(9) The responsible ACTION official shall consider any timely material presented to him in writing, any material presented to him during the course of the informal meeting provided for in subparagraphs (3) and (4) of this paragraph as well as any showing that the recipient has adequately corrected the deficiency which led to the initiation of suspension proceedings. If after considering the material presented to him the responsible ACTION official concludes the recipient has failed to show cause why assistance should not be suspended, he may suspend assistance in whole or in part and under such terms and conditions as he shall specify.

(10) Notice of such suspension shall be promptly transmitted to the recipient and shall become effective upon delivery. Suspension shall not exceed 30 days unless during such period of time termination proceedings are initiated in accordance with § 1206.1–5, or unless the responsible ACTION official and the recipient agree to a continuation of the suspension for an additional period of time. If termination proceedings are initiated, the suspension of assistance shall remain in full force and effect until such proceedings have been fully concluded.

(11) During a period of suspension no new expenditures shall be made and no new obligations shall be incurred in connection with the suspended program except as specifically authorized in writing by the responsible ACTION official. Expenditures to fulfill legally enforceable commitments made prior to the notice of suspension, in good faith and in ac-

cordance with the recipient's approved work program, and not in anticipation of suspension or termination, shall not be considered new expenditures. However, funds shall not be recognized as committed solely because the recipient has obligated them by contract or otherwise to an agency.

NOTE: Willful misapplication of funds may violate Federal criminal statutes.

(12) The responsible ACTION official may in his discretion modify the terms, conditions and nature of the suspension or rescind the suspension action at any time on his own initiative or upon a showing satisfactory to him that the recipient had adequately corrected the deficiency which led to the suspension and that repetition is not threatened. Suspensions partly or fully rescinded may, in the discretion of the responsible ACTION official be reimposed with or without further proceedings: *Provided however,* That the total time of suspension may not exceed 30 days unless termination proceedings are initiated in accordance with § 1206.1–5 or unless the responsible ACTION official and the recipient agree to a continuation of the suspension for an additional period of time. If termination proceedings are initiated, the suspension of assistance shall remain in full force and effect until such proceedings have been fully concluded.

(c) *Summary suspension.* (1) The responsible ACTION official may suspend assistance without the prior notice and opportunity to show cause provided in paragraph (b) of this section if he determines in his discretion that immediate suspension is necessary because of a serious risk of (i) substantial injury to or loss of project funds or property, or (ii) violation of a Federal, State or local criminal statute, or (iii) violation of section 403 of Pub. L. 93–113 or of ACTION rules, regulations, guidelines and instructions, published in accordance with Section 420 of P.L. 93–113, implementing this section of the Act, and that such risk is sufficiently serious to outweigh the general policy in favor of advance notice and opportunity to show cause.

(2) Notice of summary suspension shall be given to the recipient by letter or by telegram, shall become effective upon delivery to the recipient, and shall specifically advise the recipient of the effective date of the suspension and the extent, terms, and condition of any partial suspension. The notice shall also forbid the recipient to make any new expenditures or incur any new obligations in connection with the suspended portion of the program. Expenditures to fulfill legally enforceable commitments made prior to the notice of suspension, in good faith and in accordance with the recipient's approved work program, and not in anticipation of suspension or termination, shall not be considered new expenditures. However, funds shall not be recognized as committed by a recipient solely because the recipient obligated them by contract or otherwise to an agency. (See note under paragraph (b) (11) of this section.)

(3) In the notice of summary suspension the responsible ACTION official shall advise the recipient that it may request ACTION to provide it with an opportunity to show cause why the summary suspension should be rescinded. If the recipient requests such an opportunity, the responsible ACTION official shall immediately inform the recipient in writing of the specific grounds for the suspension and shall within 7 days after receiving such request from the recipient hold an informal meeting at which the recipient may show cause why the summary suspension should be rescinded. Notwithstanding the provisions of this subparagraph, the responsible ACTION official may proceed to initiate termination proceedings at any time even though assistance to the recipient has been suspended in whole or in part. In the event that termination proceedings are initiated, the responsible ACTION official shall nevertheless afford the recipient, if it so requests, an opportunity to show cause why suspension should be rescinded pending the outcome of the termination proceedings.

(4) Copies of the notice of summary suspension shall be furnished by the recipient to agencies in the same manner as notices of intent to suspend as set forth in paragraph (b) (6), (7), and (8) of this section. Agencies may submit written material to the responsible ACTION official or to participate in the informal meeting as in the case of intended suspension proceedings set forth in paragraph (b) (6) and (7) of this section.

(5) The effective period of a summary suspension of assistance may not exceed 30 days unless termination proceedings are initiated in accordance with § 1206.1–5, or unless the parties agree to a continuation of summary suspension for an additional period of time, or unless the recipient, in accordance with subparagraph (3) of this paragraph, requests an opportunity to show cause why the summary suspension should be rescinded.

(6) If the recipient requests an opportunity to show cause why a summary suspension action should be rescinded the suspension of assistance shall continue in effect until the recipient has been afforded such opportunity and a decision has been made. Such a decision shall be made within 5 days after the conclusion of the informal meeting referred to in subparagraph (3) of this paragraph. If the responsible ACTION official concludes, after considering all material submitted to him, that the recipient has failed to show cause why the suspension should be rescinded, the responsible ACTION official may continue the suspension in effect for an additional 7 days: *Provided however,* That if termination proceedings are initiated, the summary suspension of assistance shall remain in full force and effect until all termination proceedings have been fully concluded.

§ 1206.1–5 Termination.

(a) If the responsible ACTION official believes that an alleged failure to comply with any requirement stated in § 1206.1–1 may be sufficiently serious to warrant termination of assistance, whether or not assistance has been suspended, he shall so notify the recipient by letter or telegram. The notice shall state that there appear to be grounds which warrant terminating the assistance and shall set forth the specific reasons therefor. If the reasons result in whole or substantial part from the activities of an agency other than the grantee, the notice shall identify that agency. The notice shall also advise the recipient that the matter has been set down for hearing at a stated time and place, in accordance with § 1206.1–6. In the alternative the notice shall advise the recipient of its right to request a hearing and shall fix a period of time which shall not be less than 10 days in which the recipient may request such a hearing.

(b) Termination hearings shall be conducted in accordance with the provision of §§ 1206.1–7 and 1206.1–8. They shall be scheduled for the earliest practicable date, but not later than 30 days after a recipient has requested such a hearing in writing or by telegram. Consideration shall be given to a request by a recipient to advance or postpone the date of a hearing scheduled by ACTION. Any such hearing shall afford the recipient a full and fair opportunity to demonstrate that it is in compliance with requirements specified in § 1206.1–1. In any termination hearing, ACTION shall have the burden of justifying the proposed termination action. However, if the basis of the proposed termination is the failure of a recipient to take action required by law, regulation, or other requirement specified in § 1206.1–1, the recipient shall have the burden of proving that such action was timely taken.

(c) If a recipient requests ACTION to hold a hearing in accordance with paragraph (a) of this section, it shall send a copy of its request for such a hearing to all agencies which would be financially affected by the termination of assistance and to each agency identified in the notice pursuant to paragraph (a) of this section. This material shall be sent to these agencies at the same time the recipient's request is made to ACTION. The recipient shall promptly send ACTION a list of the agencies to which it has sent such material and the date on which it was sent.

(d) If the responsible ACTION official pursuant to paragraph (a) of this section informs a recipient that a proposed termination action has been set for hearing, the recipient shall within 5 days of its receipt of this notice send a copy of it to all agencies which would be financially affected by the termination and to each agency identified in the notice pursuant to paragraph (a) of this section. The recipient shall send the responsible ACTION official a list of all agencies notified and the date of notification.

(e) If the responsible ACTION official has initiated termination proceedings because of the activities of an agency, that agency may participate in the hearing as a matter of right. Any other agency, person, or organization that wishes to

participate in the hearing may, in accordance with § 1206.1–7(d), request permission to do so from the presiding officer of the hearing. Such participation shall not, without the consent of ACTION and the recipient, alter the time limitations for the delivery of papers or other procedures set forth in this section.

(f) The results of the proceeding and any measure taken thereafter by ACTION pursuant to this part shall be fully binding upon the recipient and all agencies whether or not they actually participated in the hearing.

(g) A recipient may waive a hearing by notice to the responsible ACTION official in writing and submit written information and argument for the record. Such material shall be submitted to the responsible ACTION official within a reasonable period of time to be fixed by him upon the request of the recipient. The failure of a recipient to request a hearing, or to appear at a hearing for which a date has been set, unless excused for good cause, shall be deemed a waiver of the right to a hearing and consent to the making of a decision on the basis of such information as is then in the possession of ACTION.

(h) The responsible ACTION official may attempt, either personally or through a representative, to resolve the issues in dispute by informal means prior to the date of any applicable hearing.

§ 1206.1–6 Time and place of termination hearings.

The termination hearing shall be held in Washington, D.C., or in the appropriate Regional Office, at a time and place fixed by the responsible ACTION official unless he determines that the convenience of ACTION, or of the parties or their representatives, requires that another place be selected.

§ 1206.1–7 Termination hearing procedures.

(a) *General.* The termination hearing, decision, and any review thereof shall be conducted in accordance with the rules of procedure set forth in this section and §§ 1206.1–8 and 1206.1–9.

(b) *Presiding officer.* (1) The presiding officer at the hearing shall be the responsible ACTION official or, at the discretion of the responsible ACTION official, an independent hearing examiner designated as promptly as possible in accordance with section 3105 of title 5 of the United States Code. The presiding officer shall conduct a full and fair hearing, avoid delay, maintain order, and make a sufficient record for a full and true disclosure of the facts and issues. To accomplish these ends, the presiding officer shall have all powers authorized by law, and he may make all procedural and evidentiary rulings necessary for the conduct of the hearing. The hearing shall be open to the public unless the presiding officer for good cause shown shall otherwise determine.

(2) After the notice described in paragraph (f) of this section is filed with the presiding officer, he shall not consult any person or party on a fact in issue unless on written notice and opportunity for all parties to participate. However, in performing his functions under this part the presiding officer may use the assistance and advice of an attorney designated by the General Counsel of ACTION or the appropriate Regional Counsel: *Provided*, That the attorney designated to assist him has not represented ACTION or any other party or otherwise participated in a proceeding, recommendation, or decision in the particular matter.

(c) *Presentation of evidence.* Both ACTION and the recipient are entitled to present their case by oral or documentary evidence, to submit rebuttal evidence and to conduct such examination and cross-examination as may be required for a full and true disclosure of all facts bearing on the issues. The issues shall be those stated in the notice required to be filed by paragraph (f) of this section, those stipulated in a prehearing conference or those agreed to by the parties.

(d) *Participation.* (1) In addition to ACTION, the recipient, and any agency which has a right to appear, the presiding officer in his discretion may permit the participation in the proceedings of such persons or organizations as he deems necessary for a proper determination of the issues involved. Such participation may be limited to those issues or activities which the presiding officer believes will meet the needs of the proceeding, and may be limited to the filing of written material.

(2) Any person or organization that wishes to participate in a proceeding may apply for permission to do so from the presiding officer. This application, which shall be made as soon as possible after the notice of suspension or proposed termination has been received by the recipient, shall state the applicant's interest in the proceeding, the evidence or arguments the applicant intends to contribute, and the necessity for the introduction of such evidence or arguments.

(3) The presiding officer shall permit or deny such participation and shall give notice of his decision to the applicant, the recipient, and ACTION, and, in the case of denial, a brief statement of the reasons therefor: *Provided however*, That the presiding officer may subsequently permit such participation if, in his opinion, it is warranted by subsequent circumstances. If participation is granted, the presiding officer shall notify all parties of that fact and may, in appropriate cases, include in the notification a brief statement of the issues as to which participation is permitted.

(4) Permission to participate to any extent is not a recognition that the participant has any interest which may be adversely affected or that the participant may be aggrieved by any decision, but is allowed solely for the aid and information of the presiding officer.

(e) *Filing.* All papers and documents which are required to be filed shall be filed with the presiding officer. Prior to filing, copies shall be sent to the other parties.

(f) *Notice.* The responsible ACTION official shall send the recipient and any other party a written notice which states the time, place, nature of the hearing, the legal authority and jurisdiction under which the hearing is to be held. The notice shall also identify with reasonable specificity the facts relied on as justifying termination and the ACTION requirements which it is contended the recipient has violated. The notice shall be filed and served not later than 10 days prior to the hearing and a copy thereof shall be filed with the presiding officer.

(g) *Notice of intention to appear.* The recipient and any other party which has a right or has been granted permission to participate in the hearing shall give written confirmation to ACTION of its intention to appear at the hearing 3 days before it is scheduled to occur. Failing to do so may, at the discretion of the presiding officer, be deemed a waiver of the right to a hearing.

(h) *Form and date of service.* All papers and documents filed or sent to party shall be signed in ink by the appropriate party or his authorized representative. The date on which papers are filed shall be the day on which the papers or documents are deposited, postage prepaid in the U.S. mail, or are delivered in person: *Provided however*, That the effective date of the notice that there appear to be grounds which warrant terminating assistance shall be the date of its delivery or attempted delivery at the recipient's last known address as reflected in the records of ACTION.

(i) *Prehearing conferences.* Prior to the commencement of a hearing the presiding officer may, subject to the provisions of paragraph (b)(2), of this section, require the parties to meet with him or correspond with him concerning the settlement of any matter which will expedite a quick and fair conclusion of the hearing.

(j) *Evidence.* Technical rules of evidence shall not apply to hearings conducted pursuant to this subpart, but the presiding officer shall apply rules or principles designed to assure production of relevant evidence and to subject testimony to such examination and cross-examination as may be required for a full and true disclosure of the facts. The presiding officer may exclude irrelevant, immaterial, or unduly repetitious evidence. A transcript shall be made of the oral evidence and shall be made available to any participant upon payment of the prescribed costs. All documents and other evidence submitted shall be open to examination by the parties and opportunity shall be given to refute facts and arguments advanced on either side of the issues.

(k) *Depositions.* If the presiding officer determines that the interests of justice would be served, he may authorize the taking of depositions provided that all parties are afforded an opportunity to

participate in the taking of the depositions. The party who requested the deposition shall arrange for a transcript to be made of the proceedings and shall upon request, and at his expense, furnish all other parties with copies of the transcript.

(l) *Official notice.* Official notice may be taken of a public document, or part thereof, such as a statute, official report, decision, opinion or published scientific data issued by any agency of the Federal Government or a State or local government and such document or data may be entered on the record without further proof of authenticity. Official notice may also be taken of such matters as may be judicially noticed in the courts of the United States, or any other matter of established fact within the general knowledge of ACTION. If the decision of the presiding officer rests on official notice of a material fact not appearing in evidence, a party shall on timely request be afforded an opportunity to show the contrary.

(m) *Proposed findings and conclusions.* After the hearing has concluded, but before the presiding officer makes his decision, he shall afford each participant a reasonable opportunity to submit proposed findings of fact and conclusions. After considering each proposed finding or conclusion the presiding officer shall state in his decision whether he has accepted or rejected them in accordance with the provisions of § 1206.1–8 (a).

§ 1206.1–8 Decisions and notices regarding termination.

(a) Each decision of a presiding officer shall set forth his findings of fact, and conclusions, and shall state whether he has accepted or rejected each proposed finding of fact and conclusion submitted by the parties, pursuant to § 1206.1–7(m). Findings of fact shall be based only upon evidence submitted to the presiding officer and matters of which official notice has been taken. The decision shall also specify the requirement or requirements with which it is found that the recipient has failed to comply.

(b) The decision of the presiding officer may provide for continued suspension or termination of assistance to the receipient in whole or in part, and may contain such terms, conditions, and other provisions as are consistent with and will effectuate the purposes of the Act.

(c) If the hearing is held by an independent hearing examiner rather than by the responsible ACTION official, he shall make an initial decision, and a copy of this initial decision shall be mailed to all parties. Any party may, within 20 days of the mailing of such initial decision, or such longer period of time as the presiding officer specifies, file with the responsible ACTION official his written exceptions to the initial decision and any supporting brief or statement. Upon the filing of such exceptions, the responsible ACTION official shall, within 20 days of the mailing of the exceptions, review the initial decision and issue his own written decision thereof, including the reasons therefor. The decision of the responsible ACTION official may increase, modify, approve, vacate, remit, or mitigate any sanction imposed in the initial decision or may remand the matter to the presiding officer for further hearing or consideration.

(d) Whenever a hearing is waived, a decision shall be made by the responsible ACTION official and a written copy of the final decision of the responsible ACTION official shall be given to the recipient.

(e) The recipient may request the Director to review a final decision by the responsible ACTION official which provides for the termination of assistance. Such a request must be made in writing within 15 days after the recipient has been notified of the decision in question and must state in detail the reasons for seeking the review. In the event the recipient requests such a review, the Director or his designee shall consider the reasons stated by the recipient for seeking the review and shall approve, modify, vacate or mitigate any sanction imposed by the responsible ACTION official or remand the matter to the responsible ACTION official for further hearing or consideration. The decision of the responsible ACTION official will be given great weight by the Director or his designee during the review. During the course of his review the Director or his designee may, but is not required to, hold a hearing or allow the filing of briefs and arguments. Pending the decision of the Director or his designee assistance shall remain suspended under the terms and conditions specified by the responsible ACTION official, unless the responsible ACTION official or the Director or his designee otherwise determines. Every reasonable effort shall be made to complete the review by the Director or his designee within 30 days of receipt by the Director of the recipient's request. The Director or his designee may however extend this period of time if he determines that additional time is necessary for an adequate review.

§ 1206.1–9 Right to counsel; travel expenses.

In all proceedings under this subpart, whether formal or informal, the recipient and ACTION shall have the right to be represented by counsel or other authorized representatives. If the recipient and any agency which has a right to participate in an informal meeting pursuant to § 1206.1–4 or a termination hearing pursuant to § 1206.1–7 do not have an attorney acting in that capacity as a regular member of the staff of the organization or a retainer arrangement with an attorney, the Boards of Directors of such recipient and agency will be authorized to designate an attorney to represent their organizations at any such show cause proceeding or termination hearing and to transfer sufficient funds from the Federal grant monies they have received for the project to pay the fees, travel, and per diem expenses of such attorney. The fees for such attorney shall be the reasonable and customary fees for an attorney practicing in the locality of the attorney. However, such fees shall not exceed $100 per day without the prior express written approval of ACTION. Travel and per diem expenses may be paid to such attorney only in accordance with the policies set forth in the Standard Government Travel Regulations and in §§ 1206.3–1 and 1206.3–6 of this chapter. The Boards of Directors of the recipient or any agency which has a right to participate in an informal meeting pursuant to § 1206.1–4 or a termination hearing pursuant to § 1206.1–7 will also be authorized to designate two persons in addition to an attorney whose travel and per diem expenses to attend the meeting or hearing may be paid from Federal grant or contract monies. Such travel and per diem expenses shall conform to the policies set forth in the Standard Government Travel Regulations and in §§ 1206.3–1 and 1206.3–6 of this chapter.

§ 1206.1–10 Modification of procedures by consent.

The responsible ACTION official or the presiding officer of a termination hearing may alter, eliminate or modify any of the provisions of this subpart with the consent of the recipient and, in the case of a termination hearing, with the consent of all agencies that have a right to participate in the hearing pursuant to § 1206.1–5(e). Such consent must be in writing or be recorded in the hearing transcript.

§ 1206.1–11 Other remedies.

The procedures established by this subpart shall not preclude ACTION from pursuing any other remedies authorized by law.

Subpart B—Denial of Application for Refunding

§ 1206.2–1 Applicability of this subpart.

This subpart applies to grantees and contractors receiving financial assistance under titles I, II, and III of the Domestic Volunteer Service Act of 1973, Pub. L. 93–113.

§ 1206.2–2 Purpose.

This subpart establishes rules and review procedures for the denial of a current recipient's application for refunding.

§ 1206.2–3 Definitions.

As used in this subpart, the terms "ACTION," "Director," and "recipient" shall be defined in accordance with § 1206.1–3.

§ 1206.2–4 Procedures.

(a) Wherever possible, ACTION shall make a tentative decision at the time of its field preview as to the level of refunding which it intends to furnish a recipient for the recipient's next program year. An ACTION official shall notify the recipient of this tentative decision normally in the letter of understanding and as soon as possible following the field preview.

(b) The procedures set forth in paragraphs (c) through (g) of this section shall apply only where an application for refunding submitted by a current recipi-

ent is rejected or is reduced to 80 percent or less of the recipient's current level of operations or where ACTION requires that a program account be eliminated or reduced to 80 percent or less of the current level of operations. These procedures apply only to reductions based on circumstances related to the particular grant or contract, such as ineffective or improper use of Federal funds or noncompliance with ACTION rules, regulations and program guidelines directives. These procedures do not apply to reductions based on legislative requirements, or on general policy or in instances where regardless of a recipient's current level of operations, its application for refunding is not reduced by 20 percent or more.

(c) Before rejecting an application of a recipient for refunding the refunding within the meaning of paragraph (b) of this section, ACTION shall notify the recipient of its intention and shall offer the recipient an opportunity to submit written material and to meet informally with an ACTION official to show cause why its application for refunding should not be rejected or reduced. Written notification of ACTION's intention shall be sent to the recipient as far in advance of the end of the recipient's current program year as possible. The notice shall inform the recipient that a tentative decision has been made to reject or reduce an application for refunding. The notice shall also state the reasons for the tentative decision to which the applicant shall address himself if he wishes to make a presentation.

(d) If the recipient requests an informal meeting with an ACTION official as discussed in paragraph (c) of this section, such a meeting shall be scheduled by ACTION as soon as possible after the notice is sent to the recipient informing it of ACTION's tentative decision to reject or reduce its application for refunding. However, this meeting may not, without the consent of the recipient, be scheduled sooner than 14 days after ACTION has mailed the notice to the recipient. If without fault on the part of the recipient, the recipient's operating funds have been exhausted before it has been afforded an opportunity to meet with an ACTION official, the recipient shall be furnished sufficient financial assistance by ACTION to maintain its present level of program operations until it has had such opportunity.

(e) The official who shall conduct this meeting shall be an ACTION official who is authorized to make the grant of assistance in question, or his designee. However, in the case of any grant which may be made by a regional official only with the concurrence of a Headquarters official, and in which the application for refunding is proposed to be rejected or reduced upon the initiative of the Headquarters official, the meeting shall be conducted by such Headquarters official or his designee.

(f) An ACTION official who participated in the tentative decision to reject or reduce the application for new assistance shall wherever possible attend the meeting. The meeting shall be held in Washington, D.C., in the appropriate Regional Office, or in the city or county in which the recipient is located. Within the limits stated in the preceding sentence, the decision as to where the meeting shall be held will be made by ACTION. If the meeting is held in a location other than the city or county in which the recipient is located, ACTION will authorize the Board of Directors of the recipient to transfer sufficient funds from its current operating grant or contract to pay the travel and per diem expenses of a representative of the Board to attend the meeting.

(g) The recommendation of the official who conducts the meeting together with any written material submitted by the recipient shall be forwarded for review to an ACTION official who is authorized to make the grant of assistance in question. This official shall inform the recipient of his decision and the basis for the decision.

§ 1206.2–5 Right to counsel.

In all proceedings under this subpart, whether formal or informal, the recipient and ACTION shall have the right to be represented by counsel or other authorized representatives. If the recipient does not have an attorney acting in that capacity as a regular member of the staff of the organization or a retainer arrangement with an attorney, the Board of Directors of the recipient will be authorized to designate an attorney to represent their organization at the meeting described in § 1206.2–4(f) and to transfer sufficient funds from its current operating grant to pay the fees, travel and per diem expenses of such attorney. The fees for such attorney shall be the reasonable and customary fees for an attorney practicing in the locality of the attorney. However, such fees shall not exceed $100 per day without the express written approval of ACTION. Travel and per diem expenses may be paid to such attorney from grant funds only in accordance with the policies set forth in the Standard Government Travel Regulations.

Issued in Washington, D.C. on January 11, 1974.

MICHAEL P. BALZANO,
Director, ACTION.

[FR Doc.74–1309 Filed 1–15–74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[No. 07982]

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

Order Amending Frequencies

1. By this order, it is intended to clarify the rule section that authorizes and defines the class of emission for coast stations using radio-telephony. The standard technical specifications are applicable to all coast stations; however, in §81.132, authorized classes of emission, the reference to frequencies only includes those frequencies assignable to public coast stations and inadvertently omits any references to limited coast stations. This order will add the reference to the frequencies assignable to limited coast stations which will now clearly make the technical standards applicable to all coast stations.

2. Authority for this amendment appears in sections 4(i), 5(d) and 303(e) and (r) of the Communications Act of 1934, as amended, and in § 0.231(d) of the Commission's rules and regulations. Since the amendment is an editorial change to clarify the rule, the prior notice and effective date provisions of 5 USC 553, are not applicable.

3. In view of the foregoing, *it is ordered*, That the rule amendment set forth below is adopted effective January 23, 1974.

Adopted: January 11, 1974.

Released: January 14, 1974.

FEDERAL COMMUNICATIONS COMMISSION,
JOHN M. TORBET,
Executive Director.

NOTE:—Rules changes will be covered by T.S. IV(71)–4.

Part 81 of Chapter 1 of Title 47 Code of Federal Regulations is amended as follows:

Section 81.132, subparagraph (a)(2)(ii) is amended to read as follows:

§ 81.132 Authorized classes of emission.

(a) * * *

(2) Coast stations using radiotelephony:

* * * * *

(ii) All other frequencies * * * A3, A3A, A3H, or A3J as specified in § 81.304 and § 81.361.

* * * * *

[FR Doc.74–1305 Filed 1–15–74;8:45 am]

[FCC 74–40]

PART 97—AMATEUR RADIO SERVICE

Applications for Repeater Stations

In the matter of amendment of Part 97 regarding the showings required with applications for repeater stations.

1. The purpose of this order is to amend the rules for the Amateur Radio Service to change the requirement that certain technical data related to a repeater station be filed with the application for that station. The data now only need be entered in the station log. It will no longer be necessary to include the data with the repeater station application.

2. It is evident to us, from the experience gained in processing almost 500 applications for amateur repeater stations, amateurs have developed the knowledge and capability to properly determine the parameters of antenna height above average terrain and effective radiated power, in accordance with our rules. Therefore, data on these parameters are changed from application requirements in § 97.41(f), to logging requirements in § 97.111(f). This revised procedure will

benefit applicants, since they will no longer need to include data with their applications. It will also benefit repeater station licensees, since they must no longer submit proposed changes to the Commission, before making modifications to their stations which would change these parameters. It will benefit the Commission, since it will not be necessary for us to review and approve data. Therefore, these amendments offer mutual benefits to amateurs and to the Commission.

3. In § 97.108(a)(4), the word "automatically" is deleted from the requirement for provisions to limit the transmissions from a remotely controlled station in the event of a malfunction in the control link. The purpose of the requirement is to have a backup method of terminating transmission. It is immaterial whether the method is automatic or manual, and many systems have been licensed that use backup shutdown methods that are more manual than they are automatic.

4. The words "as installed", which were contained in the deleted § 97.41(f)(6), are not included in the new counterpart § 97.111(f)(7). We have learned from our processing experience, it is overly difficult for most amateurs to determine radiation patterns of an antenna as installed. We feel this requirement can be deleted without seriously compromising the overall results.[1]

5. The net effect of these amendments will be a reduction in the initial showings required for all repeater station applications, and the elimination of showings with applications for repeater stations not proposed for remote control or involving auxiliary link stations. Licensees will now be able to make modifications to their repeater stations, except for changes involving remote control or link aspects, without the need for prior Commission approval. Our processing is making headway licensing those applications already on file, and as a result of these amendments, we should have the backlog eliminated in a matter of weeks. Any station involving remote control or an auxiliary link will still be required to make the showings for applications and modifications required by the remaining paragraphs of § 97.41.

6. Authority for these amendments is contained in Sections 4(i) and 303 of the Communications Act of 1934, as amended. The prior notice and effective date provisions of the Administrative Procedure Act (5 U.S.C. 553) do not apply since the amendments are procedural in nature and relieve previously imposed restrictions and requirements, and since early adoption will simplify application filing requirements. Application processing and the issuance of licenses will be accelerated, thus allowing the Commission to eliminate its substantial backlog in this area.

7. *It is ordered,* That effective January 23, 1974, Part 97 of the rules and regulations are amended as set forth below.

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

Adopted: January 10, 1974.

Released: January 11, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[2]
[SEAL] VINCENT J. MULLINS,
Secretary.

Part 97 of the Commission's rules is amended as follows:

§ 97.41 [Amended]

1. Section 97.41(f) and footnotes 1 and 2 are deleted and paragraph (f) is designated [Reserved].

2. In § 97.108, paragraph 97.108(a)(4) is revised as follows:

§ 97.108 Operation of a remotely controlled station.

(a) * * *

(4) Provisions must be incorporated to limit transmission to a period of no more than 3 minutes in the event of a malfunction in the control link.

* * * * *

3. Section 97.111(c) is amended and par (f) & footnotes 1 and 2 are added as follows:

§ 97.111 Operation of a repeater station.

* * * * *

(c) A repeater station may be concurrently operated on more than one frequency band. Crossband operation of repeater stations is prohibited, i.e., both input (receiving) and output (transmitting) frequencies for a particular repeated transmission must be within the same frequency band. Operation on more than one output frequency on a single frequency band is prohibited except when specifically approved by the Commission. Repeater stations authorized to operate in conjunction with one or more auxiliary link stations may utilize an input frequency in a different frequency band provided the input frequency of the auxiliary link station(s) is in the same frequency band as the output frequency of the repeater station.

* * * * *

(f) When in operation, the log of a repeater station must also show the following information for each frequency band in use.

(1) Location of the station transmitting antenna, marked upon a topographic map having a scale of 1:250,000, and contour intervals.[1]

(2) The transmitting antenna height above average terrain.[2]

(3) The effective radiated power in the horizontal plane for the main lobe of the antenna pattern, calculated for maximum transmitter output power.

(4) The transmitter output power.

(5) The loss in the transmission line between the transmitter and the antenna, expresed in decibels.

(6) The relative gain in the horizontal plane of the transmitting antenna.

(7) The horizontal and vertical radiation patterns of the transmitting antenna, with reference to true north (for horizontal pattern only), expressed as relative field strength (voltage) or in decibels, drawn upon polar coordinate graph paper, and method of determining the patterns.

* * * * *

[FR Doc.74-1304 Filed 1-15-74;8:45 am]

[1] Also deleted is the requirement that contour gradations on topographic maps only be 50 feet.

[2] By the Commission: Commissioner Hooks absent.

[1] Indexes and ordering information for suitable maps are available from U.S. Geological Survey, Washington, D.C. 20242, or Federal Center, Denver, Colorado 80225.

[2] See Appendix 5.

Title 50—Wildlife and Fisheries

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

SUBCHAPTER B—TAKING POSSESSION, TRANSPORTATION, SALE, PURCHASE, BARTER, EXPORTATION, AND IMPORTATION OF WILDLIFE

REORGANIZATION AND RESTRUCTURING OF REGULATIONS; CORRECTION

FR Doc. 74-255 published on January 4, 1974 (39 FR 1157) bears the title of "Acting" Assistant Secretary for Fish and Wildlife and Parks following the signature of Curtis Bohlen.

The title should read "Deputy" Assistant Secretary for Fish and Wildlife and Parks.

Dated: January 10, 1974.

CURTIS BOHLEN,
Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc.74-1292 Filed 1-15-74;8:45 am]

PART 28—PUBLIC ACCESS, USE, AND RECREATION

Havasu National Wildlife Refuge

The following special regulation is issued and is effective on January 16, 1974.

§ 28.28 Special regulations; public access, use, and recreation; for individual wildlife refuge areas.

ARIZONA AND CALIFORNIA

HAVASU NATIONAL WILDLIFE REFUSE

Havasu National Wildlife Refuge, Needles, California, is open to public access, use, and recreation, subject to the provisions of Title 50, Code of Federal Regulations, all applicable Federal and State laws and regulations, and the following special conditions:

(1) Waterskiing is permitted only on the channelized segment of the Colorado River except for that portion of the river called "Topock Gorge", which is designated by buoys as being "Closed to Waterskiing". The north buoy is located between the I-40 highway bridge and the A.T. & S.F. Railroad bridge. The south buoy is located on an imaginary line between the southern entrance to Jops Landing on the Arizona shore line and the southern entrance to Clear Bay on the California shore line.

(2) The observer of a person in tow behind a boat shall continuously observe

the person or persons being towed and shall display a flag immediately after the towed person or persons falls into the water and during the time preparatory to skiing while the person or persons are still in the water. Such flag shall be a bright or brilliant orange or red color, measuring no less than twelve inches on each side, mounted on a handle, and displayed as to be visible in every direction.

(3) Camping is restricted to tent and boat camping along the Arizona shore line below the buoy designating the southern entrance to Topock Gorge. This buoy is located on an imaginary line between the southern entrance to Clear Bay on the California shore line and the southern entrance to Jops Landing on the Arizona shore line. Camping is also prohibited at Mesquite Bay.

Recreational vehicle and tent camping is permitted at Five Mile Landing and Catfish Paradise concessions for a nominal fee. All camping is limited to stays of no longer than 7 days.

(4) Boating is permitted in all waters of the refuge except where restricted by appropriate signs. Wakeless speed only is permitted east of the buoys on the Bill Williams River and within the harbors of Five Mile Landing and Catfish Paradise.

(5) All wheeled vehicles, including motorbikes, are permitted on developed roads and parking areas. Driving off roads or roads closed by sign or barrier is prohibited.

(6) Swimming, wading, scuba diving and skin diving are permitted except where restricted by signs.

(7) Fires may be built only in areas where camping is allowed.

(8) Litter facilities are provided only for recreational users who are swimming, boating, picnicking, fishing, hunting, hiking or camping.

(9) Additional attachments to mobile homes and travel trailers located at refuge concessions must be limited to cabanas, awnings, or similar types of shades that are easily removable, portable and not permanently fixed to the ground. They may be equipped with windbreaks of a similar portable nature that do not completely enclose the sides, but may not be utilized for regular living or sleeping space or to house household equipment other than lounge furniture.

(10) Concession residents are required to maintain their lots and trailers in a neat, orderly and hazard-free condition. Trailer slabs, porches or cabanas are not to be used for storage or permanent living space.

(11) Concession operators and tenants will maintain their facilities and residences in accordance with Title 25, Housing and Community Development; Chapter 5, Mobile Home Parks, Special Occupancy Trailer Parks and Campgrounds; California Administration Code; State of California.

(12) All trailers, attachments and other structures on the lots must be capable of being removed within 24 hours of notice. All tires must remain on the mobile home or travel trailers at all times.

The provisions of this special regulation supplement the regulations which govern public access, use, and recreation of wildlife refuge areas generally which are set forth in (50 CFR Part 28), and are effective through December 31, 1974.

PAUL E. STEEL,
Assistant Regional Supervisor, Operations, Division of Wildlife Refuges, Alburquerque, New Mexico.

JANUARY 9, 1974.

[FR Doc.74-1281 Filed 1-15-74;8:45 am]

PART 33—SPORT FISHING

Wichita Mountains Wildlife Refuge, Okla.

The following special regulation is issued and is effective on date of publication in the Federal Register.

§ 33.5 Special regulations; sport fishing; for individual wildlife refuge areas.

OKLAHOMA

WICHITA MOUNTAINS WILDLIFE REFUGE

Sport fishing on the Wichita Mountains Wildlife Refuge, Cache, Oklahoma is permitted from January 1, 1974, through December 31, 1974 inclusive, in all waters of that portion of the refuge open for recreational uses by the general public, except buoyed swimming areas and areas closed by appropriate signs. These open waters, comprising approximately 550 acres of lakes and 1 mile of intermittent stream are delineated on maps available at refuge headquarters, Cache, Oklahoma, 73527, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, Post Office Box 1306, Albuquerque, New Mexico, 87103. Sport fishing shall be in accordance with all applicable State laws and regulations subject to the following special conditions:

1. Fishing with closely attended poles and lines, including rods and reels is permitted. The taking of any fish by any other means is prohibited, except the taking of nongame fish from Elmer Thomas Lake by the use of gigs, spears, or other similar devices (but not including bows and arrows) containing not more than three (3) points, with no more than two (2) barbs on each point, is permitted.

2. Fishermen may use one-man inner tube type "fishing floaters" while fishing. Wading while fishing is permitted.

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

ROGER D. JOHNSON,
Refuge Manager, Wichita Mountains Wildlife Refuge, Cache, Oklahoma.

JANUARY 7, 1974.

[FR Doc.74-1282 Filed 1-15-74;8:45 am]

CHAPTER II—NATIONAL MARINE FISHERIES SERVICE, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION, DEPARTMENT OF COMMERCE

PART 240—REGULATED COMMERCIAL FISHERIES

Gear Restrictions

On November 20, 1973, notice of proposed rulemaking was published in the FEDERAL REGISTER (38 FR 31978) to, among other things, adopt a 5⅛ inch (130 m.m.) mesh size for the cod end.

Interested persons were given 23 days to submit written comments, suggestions, or objections regarding the proposed regulations for 1974.

Several comments were received regarding the implementation of a 5⅛ inch mesh size for the cod end only. Since the International Commission for the Northwest Atlantic Fisheries adopted the mesh size requirement in June of 1972, implementation of such mesh size will be required by fishermen under the jurisdiction of the United States when fishing for haddock, cod or yellowtail flounder.

The proposed regulations, in addition, revised existing catch quotas for cod, pollock, redfish, American plaice, and silver hake for 1974, to include squid as a regulated species and establish an annual catch quota for squid, and to prohibit demersal fishing from July 1 to December 31, 1974, by vessels over 145 feet in length in an area off the coast of Massachusetts. However, at this time, only those portions of the proposed regulations dealing with mesh size shall be adopted. These portions are adopted without chang¬ and are set forth below. The remainder of these proposed regulations will be addressed at a later date.

Effective Date. Sections 240.14 and 240.24, dealing with gear restrictions, shall be effective January 16, 1974.

Accordingly, §§ 240.14 and 240.24 are amended as follows:

§ 240.14 Gear restrictions.

* * * * *

(b) In Subareas 4 and 5, no person shall fish for haddock or cod with a trawl net or nets, parts of nets, other than the cod end, or netting of manila or of the trade named twines, under the chemical category of polypropylene having a mesh size of less than 4½ inches (114 m.m.) and having a cod end of meshes of less than 5⅛ inches (130 m.m.).

§ 240.24 Gear restrictions.

(a) In Subareas 4 and 5, no person shall fish for yellowtail flounder with a trawl net or nets, parts of nets, other than the cod end, or netting of manila or of the trade named twines, under the chemical category of polypropylene having a mesh size of less than 4½ inches (114 m.m.) and having a cod end of meshes of less than 5⅛ inches (130 m.m.)

* * * * *

Issued at Washington, D.C., and dated January 11, 1974.

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

[FR Doc.74—1275 Filed 1-15-74;8:45 am]

Proposed Rules

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

DEPARTMENT OF THE INTERIOR

Mining Enforcement and Safety Administration

[30 CFR Part 77]

MANDATORY SAFETY STANDARDS, SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES

Notice of Proposed Rule Making

Notice is hereby given that in accordance with the provisions of section 101(a) of the Federal Coal Mine Health and Safety Act of 1969 (Pub. L. 91–173), and pursuant to the authority vested in the Secretary of the Interior under section 101(a) of the Act, it is proposed that Part 77, Subchapter 0 of Chapter I, Title 30, Code of Federal Regulations be amended by adding paragraphs (h) and (i) to § 77.215 and by adding §§ 77.215–1 through 77.215–4, and by deleting present § 77.216 and inserting in lieu thereof §§ 77.216 through 77.216–3 as set forth below.

The proposed amendments to section 77.215 and new §§ 77.215–1 through 77.215–4 set forth requirements for the construction of refuse piles and extinguishment of fires; reporting pertinent information on refuse piles; certifying its stability; abandonment; and identification of the pile.

The new §§ 77.216 through 77.216–3 will require development and approval of plans in constructing structures which impound water or silt; inspection of impoundments; notification of potentially hazardous conditions; and identification of an impoundment.

Interested persons may submit written comments, suggestions or objections to the Administrator, Mining Enforcement and Safety Administration, Room 4513, Interior Building, 18th and C Streets, N.W., Washington, D.C. 20240, no later than March 1, 1974.

C. K. MALLORY,
Deputy Assistant Secretary of the Interior.

Dated: January 11, 1974.

Proposed amendments to 30 CFR Part 77 are as follows:

PART 77—MANDATORY SAFETY STANDARDS, SURFACE COAL MINES AND SURFACE WORK AREAS OF UNDERGROUND COAL MINES

1. § 77.215 will be amended by adding new paragraphs (h) and (i) thereto and new §§ 77.215–1 through 77.215–4 will be added as follows:

§ 77.215 Refuse piles; construction requirements.

* * * * *

(h) On and after the effective date of this paragraph, new refuse piles or refuse deposited on existing piles shall be compacted in layers of a maximum of 2 feet in height and shall have a slope no greater than 27°.

(i) Fires in refuse piles shall be extinguished by sealing or excavation of the burning material.

§ 77.215–1 Refuse piles; reporting requirements.

(a) Within 180 days following the effective date of this section, the operator of a coal mine on whose property a refuse pile is located shall make an accurate survey of such pile and the area extending 500′ around its perimeter, if such pile can present a danger to miners on mine property, and submit to the Coal Mine Health and Safety District Manager for the district in which the refuse pile is located a report showing as a minimum:

(1) The location of the refuse pile shown on the USGS topographic quadrangle map of the largest scale available;

(2) Such construction history as is available;

(3) At an adequate scale for the site and pile, cross sections of its length and width at the point of maximum depth showing the approximate original ground surface and present configuration with mean sea level elevations at significant points;

(4) Whether or not the refuse pile is burning and, if so, the measures being taken to extinguish the fire;

(5) Whether or not the refuse pile is in active use;

(6) Proximity to nearest stream and elevation of the toe above such stream if the stream could foreseeably have an adverse effect on the stability of the pile;

(7) Location of diversion drains and other facilities to ensure that water is not impounded;

(8) Any other information required by the Coal Mine Health and Safety District Manager for the district in which the refuse pile is located.

(b) After the initial report required by paragraph (a) of this section a report shall be submitted annually for refuse piles in active use and every three years for those which have been abandoned.

§ 77.215–2 Refuse piles; certification of stability.

Within 180 days following the effective date of this section, any refuse pile required to be reported under 77.215–1(a), shall be certified as being safe by a registered engineer with a knowledge of mine and processing plant refuse, soil mechanics, and hydrology; or, in lieu thereof, a report shall be submitted indicating what additional investigations, analyses, or improvement work is necessary before such a certification can be made, including what provisions have been made to carry out such work in addition to a definitive schedule for completion of such work.

The certification or report shall be submitted to the Coal Mine Health and Safety District Manager for the district in which the refuse pile is located and shall contain the statement that "the refuse pile cannot impound water and is constructed in such a manner as to preclude the probability of failure of such magnitude as to endanger the lives of coal miners." After the initial certification required by this section, certifications shall be submitted annually for all refuse piles in active use and every three years for those which have been abandoned. Certifications shall include copies of all information considered in making the analysis.

§ 77.215–3 Refuse piles; abandonment.

Prior to permanent abandonment of any refuse pile reported under the requirements of § 77.215–1(a), the operator shall submit to and obtain approval of the Coal Mine Health and Safety District Manager for the district in which the refuse pile is located, a plan for abandonment which shall contain provisions to preclude future impoundment of water and major slope instability.

§ 77.215–4 Refuse piles; identification.

Within 180 days following the effective date of this section, the operator of a coal mine on whose property a refuse pile reported under the requirements of § 77.215–1(a) is located shall place an identification marker, at least six feet high and of permanent construction, on, or immediately adjacent to, each refuse pile and he shall include the site name, the site owner, and the site number on each marker in accordance with the identification system established by the Coal Mine Health and Safety District Manager for the district in which the refuse pile is located.

2. Present § 77.216 will be deleted and a new § 77.216 will be inserted in lieu thereof and new §§ 77.216–1 through 77.216–3 will be added as follows:

§ 77.216 Water or silt impoundments; requirements for approval of plans.

(a) Plans for impounding water or silt shall be required under this section if an existing or proposed structure, which presents a hazard to coal miners on coal mine property, can:

(1) Impound water or silt to a height of five feet or more above the downstream toe of the embankment and can have a storage volume of 20 acre-feet or more; or

(2) Impound water or silt to a height of 20 feet or more above the downstream toe of the embankment; or,

(3) Present a hazard to coal miners regardless of storage volume.

(b) All new water or silt impoundments which meet the requirements of paragraph (a) of this section and are located on coal mine property shall be designed and constructed by a registered engineer in accordance with an approved plan. Within 180 days following the effective date of this section, the operator of any mine with any water or silt impoundments which meet the requirements of paragraph (a) of this section and which were in existence prior to the effective date of this section shall submit for approval a plan prepared by a registered engineer for the continued use or final abandonment of such structure.

(c) The registered engineer shall have a knowledge of mine and processing plant refuse, soil mechanics, and hydrology, and experience in earth dams design and construction. Plans shall be submitted to and approved by the Coal Mine Health and Safety District Manager for the district in which the structure is located and shall include a certification by the registered engineer responsible for design and construction of the impoundment that: "the structure is safe for the maximum volume of water or silt which can be impounded therein;" except that in the case of new structures the certification shall be made after the structure can impound water or silt to the degree specified in paragraph (a) of this section; or in lieu thereof, a report shall be submitted indicating what additional investigations, analyses, or improvement work is necessary before such a certification can be made, including what provisions have been made to carry out such work in addition to a definitive schedule for completion of such work. After the initial certification required by this section, certification shall be submitted annually thereafter as long as the structure can impound water or silt to the degree specified in paragraph (a) of this section.

§ 77.216–1 Water or silt impoundments; minimum plan requirements; changes or modifications; abandonment.

(a) The plan as specified in § 77.216, shall contain as a minimum the following information:

(1) The purpose for which the structure is or will be used;

(2) An accurate survey of the site showing the existing or proposed location of the structure and the watershed contributing to the impoundment illustrated on a USGS topographic quandrangle map of the largest scale available;

(3) The type of foundation on which the structure is or will be constructed;

(4) The type, size range, and physical and engineering properties of the materials used, or to be used, in constructing each zone or stage of the structure; the method of site preparation and construction of each zone; the approximate dates of construction as is available, and any record or knowledge of embankment failures.

(5) Detailed drawings of the structure, including plan, cross section, and profile views, showing all zones, foundation improvements, drainage provisions, spillways, diversion ditches, outlets, instrument locations, slope protection, and other elements needed for embankment design, in addition to the present, or proposed, initial and final freeboard, siltation level, water level and other information pertinent to the impoundment itself, including any identifiable natural or manmade features which could affect operation of the impoundment;

(6) The type and purpose of existing or proposed instrumentation, if any.

(7) The area, maximum depth, and maximum volume of the embankment and silt or water that can be impounded;

(8) The runoff attributable to a maximum probable flood;

(9) The runoff attributable to the storm for which the structure is designed;

(10) The spillway and diversion design features and capacities;

(11) Computed factor of safety range, methods used to determine the range, and all data or assumptions on which these computations were based;

(12) The proximity of the structure to the nearest stream;

(13) The locations of surface and underground coal mine workings including the depth and extent of such workings in the interval from the upstream extent of the impoundment to the first major stream downstream of the structure;

(14) Estimated depth of flood, in feet, as well as quantity and rate of flow at the first location where miners may be endangered in the event of a possible breach in the structure at the maximum possible storage level;

(15) A copy of the most recent topographic map available showing the flood plain downstream of the impoundment to the point where the drainage area meets a river having an average capacity of about 50% of the expected failure floodflow;

(16) Provisions for maintenance and repair of the structure;

(17) Provisions for abandonment;

(18) Such other information as may be required by the Coal Mine Health and Safety District Manager for the district in which the structure is located.

(b) Every six months following the submission of information specified in paragraph (a) of this section, the operator shall submit to the Coal Mine Health and Safety District Manager for the district in which the structure is located, a report defining any changes in the embankment geometry, instrumentation, average and maximum depths and elevations of the impounded silt and water, storage capacity of the structure, the volume of silt or water impounded, and any other aspect of the structure affecting its factor of safety which has occurred during such reporting period.

(c) Any changes or modifications to water or silt retaining structures other than those stipulated in the plan approved under Section 77.216 shall be approved by the Coal Mine Health and Safety District Manager for the district in which the structure is located prior to the initiation of such changes or modifications.

(d) Prior to permanent abandonment of any water or silt impoundment, the operator shall submit to and obtain approval of the Coal Mine Health and Safety District Manager, for the district in which the structure is located a plan for abandonment which shall contain provisions to preclude future impoundment of water or silt, or major slope instability.

(e) The information required in paragraphs (a), (b), (c), and (d) of this section shall be kept and certified by the principal official in charge of health and safety at the mine as designated by the operator in accordance with section 107(d) of the Federal Coal Mine Health and Safety Act of 1969.

§ 77.216–2 Water or silt impoundments; inspection requirements; correction of hazards; program requirements.

(a) All water and silt impoundments which meet the requirements of 77.216 (a) shall be examined at least once weekly for appearances of structural weakness, volume overload and other potentially hazardous conditions and all instruments shall be monitored at the approved time intervals by a qualified person designated by the operator. When rising water or silt approaches the safe design capacity of the structure, examinations shall be made by a qualified person designated by the operator at least once every eight hours, or more often as required by an authorized representative of the Secretary, and the Coal Mine Health and Safety District Manager for the district in which the structure is located shall be notified.

(b) When a potentially hazardous condition exists the operator shall immediately:

(1) Notify the Coal Mine Health and Safety District or Subdistrict Manager for the district or subdistrict in which the structure is located;

(2) Eliminate the potentially hazardous condition;

(3) Notify and prepare to evacuate, if necessary, all coal miners within the area which may be affected by the potentially hazardous conditions.

(c) Records of the inspections required by paragraph (a) of this section, including instrumentation monitoring, shall be kept and certified by the prin-

cipal official in charge of health and safety at the mine, as designated by the operator in accordance with Section 107(d) of the Federal Coal Mine Health and Safety Act of 1969. Copies of such records shall be available at the mine for inspection by an authorized representative of the Secretary.

(d) The operator of each coal mine with a water or silt impoundment meeting the requirements of 77.216(a) shall adopt a program for carrying out the requirements of paragraphs (a) and (b) of this section. The program shall be submitted for approval to the Coal Mine Health and Safety District Manager for the district in which the structure is located, within 180 days following the effective date of this section. The program shall include as a minimum:

(1) A schedule and procedures for inspection of the impoundment by a designated qualified person;

(2) A schedule and procedures for monitoring any required or approved instrumentation by a designated qualified person;

(3) Procedures for evaluating potentially hazardous conditions;

(4) Procedures for notifying the appropriate Coal Mine Health and Safety District or Subdistrict Manager;

(5) Procedures for eliminating the potentially hazardous conditions;

(6) Procedures for removing all miners from the area which may be affected by the potentially hazardous conditions; and

(7) Any additional information which may be required by the Coal Mine Health and Safety District Manager for the district in which the structure is located.

(e) Before making any changes or modifications in the program approved in accordance with paragraph (d) of this section, the operator shall obtain approval of such changes or modifications from the Coal Mine Health and Safety District Manager for the district in which the structure is located.

(f) The qualified person referred to in paragraphs (a), (d)(1), and (d)(2) of this section shall be trained to recognize specific signs of embankment instability, and other potentially hazardous conditions, by visual observation and, if applicable, instrumentation monitoring.

§ 77.216–3 Water or silt impoundments; identification.

Within 180 days following the effective date of this section, the operator of a coal mine on whose property a water or silt impoundment meeting the requirements of § 77.216(a) is located shall place an identification marker, at least six feet high and of permanent construction on or immediately adjacent to each impoundment and he shall include the site name, the site owner, and the site number, on each marker in accordance with the identification system established by the Coal Mine Health and Safety District Manager for the district in which the structure is located.

[FR Doc.74-1300 Filed 1-15-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 52]

FROZEN CONCENTRATED APPLE JUICE

Proposed U.S. Standards for Grades

A notice of proposed rulemaking to issue new United States Standards for Grades of Frozen Concentrated Apple Juice (7 CFR 52.6321-52.6332) was published in the FEDERAL REGISTER of August 20, 1973 (38 FR 22406). After consideration of all relevant matters pertaining to the proposal and in view of the changes which have been proposed and the changes made in response to those proposed, the U.S. Department of Agriculture desires consideration by interested parties of this second notice of proposed rulemaking to issue new United States Standards for Grades of Frozen Concentrated Apple Juice.

This new grade standard would be issued under authority of the Agricultural Marketing Act of 1946 (Sec. 205, 60 Stat. 1090 as amended, 7 U.S.C. 1624), which provides for the issuance of official U.S. grades to designate different levels of quality for the voluntary use of producers, buyers, and consumers. Official grading services are also provided under this Act upon request and upon payment of a fee to cover the cost of such service.

All persons who desire to submit written data, views, or arguments in connection with the proposal should file the same in duplicate not later than January 15, 1974 with the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250. All written submittals made pursuant to this notice will be available for public review at the office of the Hearing Clerk during regular business hours (7 CFR 1.27 (b)).

NOTE: Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act or with applicable State laws and regulations.

Statement of consideration leading to the second proposal. There is, at present, no United States Standards for Grades of Frozen Concentrated Apple Juice.

The American Frozen Foods Institute, representing a large portion of the frozen concentrated apple juice industry, requested that the Department establish U.S. Standards for Grades of Frozen Concentrated Apple Juice.

During 1972, a team established by the Department of Agriculture investigated problems associated with the marketing of apples. The report of the study group indicated that there is a potential for new product development, such as apple concentrate, and a need to improve the quality standards for apple juice.

In response to the industry request and in recognition of the report of the apple marketing team, the Department proposed to establish United States Standards for Grades of Frozen Concentrated Apple Juice, to facilitate the marketing of this product.

Eleven comments were received on the original notice of proposed rulemaking. Seven of these comments were testimonials concerning certain brands of frozen concentrated apple juice, support for the idea of issuing U.S. standards for grades and/or requests which fall outside the purview of the Department—such as mandatory vitamin fortification.

The four comments on the substance of the proposal pertained largely to three sections:

(1) Clarification of the product description concerning the use of residual apple material (peels and cores) in making juice.

(2) Requests to expand the Brix/Acid ratio requirements in U.S. Grade A and U.S. Grade B.

(3) Request to lower the Brix requirement for the various dilution factors.

Requests 2 and 3 were based on the need to broaden the standard so no geographical area would be penalized or excluded from producing by virtue of the fact that it grows varieties of apples which are high or low in sugar and/or acid.

The Department agrees that the standard should have sufficient scope to cover the entire industry and has made appropriate changes in the Brix and Brix/Acid ratio requirements to bring this about. In addition a few editorial changes were made for purposes of clarification.

The proposed standard is as follows:

PRODUCT DESCRIPTION AND GRADES

Sec.
52.6321 Product description.
52.6322 Brix requirement.
52.6323 Grades.

FILL OF CONTAINER

52.6324 Recommended fill of container.

FACTORS OF QUALITY

52.6325 Ascertaining the grade.
52.6326 Ascertaining the rating for the factors which are scored.
52.6327 Color and clarity.
52.6328 Defects.
52.6329 Flavor and aroma.

EXPLANATIONS

52.6330 Explanation of terms.

LOT COMPLIANCE

52.6331 Ascertaining the grade of a lot.

SCORE SHEET

52.6332 Score sheet.

AUTHORITY: Agricultural Marketing Act of 1946; sec. 205, 60 Stat. 1090 as amended, 7 U.S.C. 1624.

PRODUCT DESCRIPTION AND GRADES

§ 52.6321 Product description.

Frozen concentrated apple juice is prepared from the unfermented, unsweetened, unacidified liquid obtained from the first pressing of properly prepared, sound, clean, mature, fresh apples, excluding the liquid obtained from any additional residual apple material. The juice is clarified and concentrated to at least 22.9 degrees Brix. The apple juice concentrate so prepared; with or

without the addition of antioxidants and/or vitamins, is packed and frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.6322 Brix requirements.

Brix value of the finished concentrate shall be not less than the following for the respective dilution factor of frozen concentrated apple juice:

Dilution factor	Minimum Brix value of concentrate (Degrees)
1 plus 1	22.9
2 plus 1	33.0
3 plus 1	42.2
4 plus 1	50.8
5 plus 1	58.8
6 plus 1	66.3

§ 52.6323 Grades.

(a) "U.S. Grade A" or "U.S. Fancy" is the quality of frozen concentrated apple juice which, when reconstituted according to § 52.6325 (b), has the following attributes:

(1) Good color and clarity;

(2) Is practically free from defects;

(3) Very good flavor and aroma; and

(4) Scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U.S. Grade B" or "U.S. Choice" is the quality of frozen concentrated apple juice which, when reconstituted according to § 52.6325 (b), has at least the following attributes:

(1) Reasonably good color and clarity;

(2) Is reasonably free from defects;

(3) Good flavor and aroma; and

(4) Scores not less than 80 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen concentrated apple juice that fails to meet the requirements of U.S. Grade B.

FILL OF CONTAINER

§ 52.6324 Recommended fill of container.

Recommended fill of container is not incorporated in the grades of the finished product since the fill of the container, as such, is not a factor of quality for the purposes of these grades. It is recommended that the container be filled with frozen concentrated apple juice to not less than 90 percent of the capacity of the container.

FACTORS OF QUALITY

§ 52.6325 Ascertaining the grade.

(a) The grade of frozen concentrated apple is ascertained by considering, in conjunction with the requirements of the respective grade, the respective ratings for the factors which are scored. The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points which may be given such factors are:

Factors	Points
Color and clarity	20
Defects	20
Flavor and aroma	60
Total score	100

(b) The scores for the factors of color and clarity, defects, and flavor and aroma are determined immediately after reconstituting according to label directions or other appropriate directions.

§ 52.6326 Ascertaining the rating for the factors which are scored.

The essential variations, within each scoreable factor, are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example: "18 to 20 points" means 18, 19, or 20 points).

§ 52.6327 Color and clarity.

(a) *(A) classification.* Frozen concentrated apple juice which has a good color and clarity may be given a score of 18 to 20 points. "Good color and clarity" means that the color is bright and transparent and of a light golden apearance, but not darker than USDA Honey Color Standards "White" designation.

(b) *(B) classification.* Frozen concentrated apple juice which has a reasonably good color and clarity may be given a score of 16 or 17 points. "Reasonably good color and clarity" means the color is slightly dull or slightly turbid; may be light golden to light amber in appearance but not darker than USDA Honey Color Standards "Light Amber" designation. Frozen concentrated apple juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule).

(c) *(SStd.) classification.* Frozen concentrated apple juice that is dull, turbid or otherwise fails the requirements of U.S. Grade B may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.6328 Defects.

(a) *General.* The factor of defects refers to the degree of freedom from sediment or other residues, dark specks, or any other defects which affect the appearance or palatability of the product.

(b) *(A) classification.* Frozen concentrated apple juice which is practically free from defects may be given a score of 18 to 20 points. "Practically free from defects" means that the frozen concentrated apple juice after reconstitution may have a slight amount of sediment or residue of an amorphous nature; may have not more than a trace of dark specks or of sediment or residue of a non-amorphous nature, or of any other defects: *Provided,* That all defects present do not more than slightly affect the appearance or palatability of the product.

(c) *(B) classification.* Frozen concentrated apple juice which is reasonably free from defects may be given a score of 16 or 17 points. "Reasonably free from defects" means that the frozen concentrated apple juice after reconstitution may have a slight amount of sediment or residue of an amorphous or non-amorphous nature, of dark specks, or of any other defects: *Provided,* That all defects present do not materially affect the appearance or palatability of the product. Frozen concentrated apple juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule).

(d) *(SStd.) classification.* Frozen concentrated apple juice which fails to meet the requirements for U.S. Grade B may be given a score of 0 to 15 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.6329 Flavor and aroma.

(a) General. The factor of flavor and aroma refers to the degree of excellence and palatability of a distinct apple juice flavor and aroma typical of apple juice that has been properly processed.

(b) *(A) classification.* Frozen concentrated apple juice which has a very good flavor and aroma may be given a score of 54 to 60 points. "Very good flavor and aroma" means that the apple juice has a fine, distinct fruity flavor and bouquet, that is free from astringent flavors, flavors due to overripe apples, oxidation, caramelization, ground or musty flavors or any other undesirable flavors and aromas; and, in addition, shall meet the following requirement:

Brix-Acid Ratio—
Minimum—21:1
Maximum—53:1

(c) *(B) classification.* Frozen concentrated apple juice which has a good flavor and aroma may be given a score of 48 to 53 points. "Good flavor and aroma" means that the frozen concentrated apple juice has a normal flavor and bouquet, may be slightly astringent; or may be slightly affected by overripe apples, caramelization, or ground or musty flavors, but is free from objectionable flavors or objectionable aromas of any kind; and, in addition, meets the following requirement:

Brix-Acid Ratio—
Minimum—18:1
Maximum—60:1

Frozen concentrated apple juice that falls into this classification shall not be graded above U.S. Grade B, regardless of the total score for the product (this is a limiting rule).

(d) *(SStd.) classification.* Frozen concentrated apple juice that fails to meet the requirements of U.S. Grade B may be given a score of 0 to 47 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS

§ 52.6330 Explanation of terms.

(a) "Brix" means soluble solids of the concentrated apple juice as measured on the Refractometer, expressed as percent by weight sucrose (degrees Brix) with correction for temperature to the equivalent at 20° C (68° F.), but without correction for invert sugar or other substances. The Brix of frozen concentrated apple juice may be determined by any other method which gives equivalent results.

(b) "Acid" means grams of acid (calculated as malic acid) per 100 grams of concentrated juice determined by titration with a standard sodium hydroxide solution, using phenolphthalein as an indicator or any other satisfactory indicator and using an acid factor of .067.

(c) "Brix-Acid ratio" means the ratio of the Brix of the concentrated juice in degrees Brix to the grams of acid (calculated as malic acid) per 100 grams of concentrated juice.

(d) The USDA Honey Color Comparator, referenced in § 52.6327, and information concerning procurement and use is available from:

Chief, Processed Products Standardization and Inspection Branch
Fruit & Vegetable Division, AMS
U.S. Department of Agriculture
Washington, D.C. 20250

LOT COMPLIANCE

§ 52.6331 Ascertaining the grade of a lot.

The grade of a lot of frozen concentrated apple juice covered by these standards is determined by the procedures set forth in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products" (§§ 52.1 to 52.87).

SCORE SHEET

§ 52.6332 Score sheet.

Size and kind of container	
Container mark or identification	
Label	
Net contents (fluid ounces)	
Brix (degrees)	
Acid (malic grams/100 grams)	
Brix-Acid Ratio	

Factors			Score points
Color and clarity	20	(A)	18–20
		(B)	[1] 16–17
		(SStd)	[1] 0–15
Defects	20	(A)	18–20
		(B)	[1] 16–17
		(SStd)	[1] 0–15
Flavor and aroma	60	(A)	54–60
		(B)	[1] 48–53
		(SStd)	[1] 0–47
Total score	100		
Grade			

[1] Indicates limiting rule.

Dated: January 11, 1974.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74-1340 Filed 1-15-74;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

RURAL TELEPHONE PROGRAM

REA Specifications for Rural Telephone Facilities

Notice is hereby given, that, pursuant to the Rural Electrification Act, as amended (7 U.S.C. 901 et seq.), REA proposes to issue Bulletin 345–27 to announce a revision in REA Specification PE–31 for D–66/H–88 junction impedance compensators. On issuance of REA Bulletin 345–27, Appendix A to Part 1701 will be modified accordingly.

Persons interested in the revision of REA Specification PE–31 may submit written data, views or comments to the Director, Telephone Operations and Standards Division, Rural Electrification Administration, Room 1355, South Building, U.S. Department of Agriculture, Washington, D.C. 20250, on or before February 15, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the Office of the Director, Telephone Operations and Standards Division during regular business hours.

A copy of the revision of REA Specification PE–31 may be secured in person or by written request from the Director, Telephone Operations and Standards Division.

The text of proposed REA Bulletin 345–27 announcing the revision of the specification is as follows:

REA BULLETIN 345–27

SUBJECT: REA Specification for D–66/H–88 Junction Impedance Compensators

I. *Purpose:* To announce a revision in REA Specification PE–31 for D–66/H–88 Junction Impedance Compensators.

II. *General:* REA Specification PE–31 has recently been revised to include several desirable changes. The principal points of revision are as follows:

1. All loading coils used in compensator assemblies must be capable of meeting the dielectric strength requirements in REA Specification PE–26.

2. All capacitors used in compensator assemblies must be capable of meeting the dielectric strength requirements in REA Specification PE–30.

3. Elimination of polyvinyl chloride insulation on lead-out conductors.

4. Addition of requirements for single compensator assemblies designed for multiple mounting within ready-access enclosures and buried plant terminal housings.

5. Requirements for tie straps for mounting assemblies.

6. Addition of requirement for environmental testing as described in Appendix A to REA Specification PE–26.

The revised specification becomes effective immediately upon issuance of this bulletin. Manufacturers of junction impedance compensators now accepted in the REA telephone program shall have a period of six months to comply in all respects with the revised REA Specification PE–31. This does not preclude the adoption of the revised specification prior to the effective date.

III. *Availability of Specification:* Copies of the revised PE–31 are available upon request from the Telephone Operations and Standards Division, REA. Questions concerning the revised specification may be referred to the Chief, Transmission Branch, Telephone Operations and Standards Division, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250, telephone number 202–447–3917.

Dated: January 9, 1974.

C. R. BALLARD,
Assistant Administrator, Telephone.

[FR Doc.74-1286 Filed 1-15-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Parts 600, 610, and 640]

BIOLOGICAL PRODUCTS

Proposed Additional Standards for Platelet Concentrate (Human)

On April 9, 1971 a notice of proposed rule making, concerning Additional Standards for Platelet Concentrate (Human), was published in the FEDERAL REGISTER (36 FR 6835). Eighteen comments were received, the majority of which favored uniform standards for the product. Several comments suggested that in light of substantial research in progress on controversial aspects of its production, a final order should be delayed. The major areas of concern were permissible preparation and storage temperatures, the amount of residual plasma, the dating period, and the exclusion of citrate phosphate dextrose as an anticoagulant.

Since publication of that proposal, investigation into the manufacture of platelets has resolved many of the questions raised by the comments. On July 25, 1973 a group of scientists met with the Bureau of Biologics, Food and Drug Administration, to review these aspects of production so that standards could be published. A memorandum summarizing the results of that meeting has been placed in the public file in the office of the Hearing Clerk.

Because of the length of time since publication of the first proposal, and the additional information gained during that time on the preparation of platelet concentrates, the Commissioner has concluded that the regulations should be published again as a proposal so that the final order will reflect the best current knowledge of all persons in the field.

Platelets are small cellular fragments which are important in controlling bleeding (hemostasis). Normally platelets circulate in the blood stream as discrete particles. When an injury occurs to the blood vessel, platelets clump together and form a mass (hemostatic plug) which seals the defect at the site of the injury to help prevent the escape of blood. Platelets are also helpful in the formation of a strong fibrin clot. Normal blood contains 150,000 to 300,000 platelets per cubic millimeter. If a person has an insufficient number of platelets, or platelets which are not functioning properly, an injury to the blood vessel cre-

ates an urgent and critical need for the clinical administration of platelets or platelet concentrate into the blood stream.

Since platelets maintain their therapeutic viability for only a brief period of time, there is differing medical opinion with respect to appropriate storage temperatures. Platelets stored at 20–24° C. exhibit a longer post-transfusion survival time than platelets stored between 1–6° C. which, on the other hand, appear to be more potent during the initial stages of producing hemostasis. Both of these qualities are desirable. Thus, the Commissioner proposes that a licensed manufacturer may store the product at either temperature and utilize processing, labeling and distributing procedures consistent with each. It is because of the critical nature of production processes, such as storage temperature, that additional standards are proposed to maintain a safe, pure, and potent licensed product.

The Commissioner has concluded that no licenses for the interstate shipment of Platelet Concentrate (Human) will be granted until additional standards of safety, purity, and potency for the licensed product are established. Although platelets are being regularly processed for local use, any interstate shipment of the product prior to approval of a license application is a violation of section 351 (a) of the Public Health Service Act.

Therefore, pursuant to provisions of the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; (42 U.S.C. 262)) and the Administrative Procedure Act (secs. 4, 10, 60 Stat. 238 and 243 as amended; (5 U.S.C. 553, 702, 703, 704)), and under authority delegated to him (21 CFR 2.120) the Commissioner proposes to amend Parts 600, 610, and 640 of Subchapter F of Chapter I of Title 21, Code of Federal Regulations (formerly Part 273 recodified in the FEDERAL REGISTER of November 20, 1973 (38 FR 32048)) as follows:

PART 600—BIOLOGICAL PRODUCTS: GENERAL

§ 600.13 [Amended]

1. In § 600.13 (formerly § 273.503) by adding immediately after the words "Cryoprecipitated Antihemophilic Factor (Human)," the words: "Platelet Concentrate (Human)."

2. In § 600.15 (formerly § 273.505) by adding alphabetically an additional temperature listing as follows:

§ 600.15 Temperatures during shipment.

Product	*Temperature*
Platelet Concentrate (Human).	20–24° C. if suspended in 30–50 milliliters of plasma, or 1–10° C. if suspended in 20–30 milliliters of plasma.

PART 610—GENERAL BIOLOGICAL PRODUCTS STANDARDS

§ 610.12 [Amended]

3. In § 610.12 (formerly § 273.730) by adding in paragraph (g) (4) immediately after the words, "Cryoprecipitated Antihemophilic Factor (Human)," the words, "Platelet Concentrate (Human)."

4. In § 610.53 (formerly § 273.870) by adding alphabetically to the list of dating periods a new listing for Platelet Concentrate (Human) as follows:

§ 610.53 Dating periods for specific products.

Platelet Concentrate (Human).	72 hrs. from time of collection of source blood, provided labeling recommends storage at 20–24° C. or within a 2° range of 1–6° C. § 610.51 of this chapter does not apply.

PART 640—ADDITIONAL STANDARDS FOR HUMAN BLOOD AND BLOOD PRODUCTS

5. By adding a new Subpart C to read as follows:

Subpart C—Platelet Concentrate (Human)

Sec.

640.20 Proper name and definition.
640.21 Source.
640.22 Suitability of donors.
640.23 Collection of source material.
640.24 Testing the blood.
640.25 Processing.
640.26 General requirements.
640.27 Labeling.
640.28 Plateletpheresis.

§ 640.20 Proper name and definition.

The proper name of this product shall be Platelet Concentrate (Human). The product is defined as the platelets prepared from a single unit of whole blood or plasma, suspended in a specified volume of the original plasma.

§ 640.21 Source.

Platelet Concentrate (Human) shall be separated from plasma obtained by plasmapheresis or from whole blood.

§ 640.22 Suitability of donors.

(a) Donors of whole blood shall meet the criteria for suitability prescribed in § 640.3.

(b) Plasmapheresis donors shall meet the criteria for suitability prescribed in § 640.63, excluding the phrase, "other than malaria," in paragraph (c) (9). Informed consent shall be required as prescribed in § 640.61.

§ 640.23 Collection of source material.

(a) Whole blood used as the source of Platelet Concentrate (Human) shall be collected as prescribed in § 640.4 except that paragraphs (d) (2), (h), and (i) shall not apply.

(b) If plasmapheresis is used, the procedure for collection shall be as prescribed in §§ 640.62, 640.64 (except paragraph (c) (3)), and 640.65.

(c) The phlebotomy shall be performed by a single uninterrupted venipuncture with minimal damage to, and minimal manipulation of, the donor's tissue.

§ 640.24 Testing the blood.

(a) Blood from which plasma is separated for the preparation of Platelet Concentrate (Human) shall be tested as prescribed in § 610.40 of this chapter and § 640.5(a), (b), and (c).

(b) The tests shall be performed on a sample of blood collected at the time of collecting the source blood, and such sample container shall be labeled with the donor's number before filling.

§ 640.25 Processing.

(a) Separation of plasma and platelets and resuspension of the platelets shall be in a closed system by a method which precludes contamination.

(b) The whole blood or plasma from which Platelet Concentrate (Human) is derived shall be maintained at a temperature of 20–24° C. until the platelet concentrate is separated. The platelet concentrate shall be separated within four hours after the collection of the unit of whole blood or plasma.

(c) The time and speed of centrifugation must be calculated and designed to produce an unclumped, nonhemolyzed product that yields a count of 8×10^{10} platelets per unit in at least 75 percent of the units tested.

(d) The volume of original plasma used for resuspension of the platelets shall be determined by the storage temperature so that it will maintain a pH of 6.3 or greater during the storage period. One of the storage temperatures and corresponding volume of resuspension plasma given in subparagraphs (1) and (2) shall be used:

(1) 20–24° C. resuspended in 30–50 milliliters of plasma.

(2) A 2° range between 1–6° C. resuspended in 20–30 milliliters of plasma.

(e) Final containers used for Platelet Concentrate (Human) shall be colorless and transparent to permit visual inspection of the contents; any closure shall maintain a hermetic seal and prevent contamination of the contents. The container material shall not interact with the contents, under the customary conditions of storage and use, in such a manner as to have an adverse effect upon the safety, purity, potency, or efficacy of the product. At the time of filling, the final container shall be marked or identified by number so as to relate it to the donor.

§ 640.26 General requirements.

(a) *Storage.* Immediately after processing, Platelet Concentrate (Human) shall be placed in storage at the temperature range suitable to the volume of resuspension plasma. If stored at 20–24° C., a continuous gentle agitation of the platelet concentrate shall be maintained throughout the storage period.

(b) *Quality control testing.* Each month the following quality control tests shall be performed on each of four units, at least 72 hours old, prepared from different donors:

(1) Platelet count.

(2) pH determination.

(3) Measurement of actual plasma volume.

(4) Check on sterile technique, by the method described in § 640.2(b); in lieu of a 10-milliliter sample of blood, the test sample shall be 10 milliliters of platelet concentrate.

(c) *Manufacturing responsibility.* All manufacturing of Platelet Concentrate (Human) shall be performed under the

supervision and control of the same licensed establishment except that the platelet count may be performed by a clinical laboratory licensed under section 353 of the Public Health Service Act, provided such arrangements are approved by the Director, Bureau of Biologics, Food and Drug Administration. Such testing shall not be considered as divided manufacturing, as described in § 610.63 of this chapter, provided the following conditions are met:

(1) The results of such test are maintained by the establishment licensed for Platelet Concentrate (Human) so that they may be reviewed by an authorized Food and Drug Administration inspector.

(2) The licensed Platelet Concentrate (Human) manufacturer has obtained a written agreement that the testing laboratory will permit authorized Food and Drug Administration inspectors to inspect their testing procedures and facilities during any reasonable business hours.

(3) The testing laboratory will participate in any proficiency testing programs undertaken by the Bureau of Biologics, Food and Drug Administration.

§ 640.27 Labeling.

In addition to the applicable requirements of § 610.62 of this chapter, and in lieu of the requirements of §§ 610.60 and 610.61 of this chapter, the container label shall bear the following information:

(a) The proper name of the product.

(b) A statement indicating the volume of source plasma present.

(c) A statement indicating the kind and volume of anticoagulant solution present in the source plasma.

(d) Blood group designations of the source blood.

(e) Donor number.

(f) Expiration date and hour.

(g) Serologic test for syphilis used and the results.

(h) Test for hepatitis B antigen used and the results.

(i) Recommended storage temperature, and if stored at 20–24° C., instructions to maintain a continuous gentle agitation during storage.

(j) Instructions to use within two hours of entering the container.

(k) Instructions to use a filter in the administration equipment.

(l) A statement to see instruction circular for directions for use.

(m) The statement, "Caution: Federal law prohibits dispensing without prescription".

(n) Name, address, and license number of the manufacturer.

§ 640.28 Plateletpheresis.

In order to achieve histocompatibility with a recipient, it may be desirable to obtain platelet concentrates by performing plateletpheresis on selected specific donors. Such plateletpheresis procedure shall be approved by the Director, Bureau of Biologics, Food and Drug Administration. The final product obtained by plateletpheresis shall comply with the standards prescribed in §§ 640.24, 640.25, 640.26, and 640.27.

The Commissioner proposes that the effective date of these regulations shall be February 15, 1974.

Interested persons may, on or before March 18, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during regular business hours, Monday through Friday.

Dated: January 10, 1974.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.74–1293 Filed 1–15–74;8:45 am]

[21 CFR Part 1020]

CABINET X-RAY SYSTEMS

Proposed Revisions of Performance Standards to Baggage Inspection Systems

In the FEDERAL REGISTER of October 10, 1973 (38 FR 28011), the Commissioner of Food and Drugs published a proposed performance standard for cabinet x-ray systems under Part 278—Regulations for the administration and enforcement of the Radiation Control for Health and Safety Act of 1968, now Subchapter J—Radiological Health, pursuant to recodification in the FEDERAL REGISTER of October 15, 1973 (38 FR 28623). Interested persons were given until December 10, 1973, to submit written comments regarding this proposal. The Commissioner stated in the proposal that this performance standard would be applicable to all cabinet x-ray systems manufactured on or after a date one year following date of FEDERAL REGISTER publication of the final order.

On August 8, 1973, the Commissioner of Food and Drugs published in the FEDERAL REGISTER (38 FR 21442) a notice containing radiation safety recommendations (guidelines) for x-ray devices used for the inspection of carry-on baggage. When effective, the cabinet x-ray performance standard, as applied to the manufacture of x-ray baggage inspection systems, will supersede the guidelines. For x-ray baggage inspection systems manufactured prior to the effective date of the standard, the guidelines would continue to serve as minimal radiation safety criteria.

On or before November 12, 1973, the manufacturers of x-ray baggage inspection systems were notified, by telegram, that failure to meet the guidelines would be the basis for possible defect actions pursuant to 21 CFR Chapter I, Subchapter J, Parts 1003 and 1004 of the regulations. Equipment not meeting the guidelines would be considered defective relative to safety of use by reason of the emission of electronic product radiation, since such defect could create a significant risk of injury. This publication is, in part, a public notice to inform all interested parties of this decision and possible Food and Drug Administration action. Furthermore, an earlier effective date, 15 days after date of publication of the final order in the FEDERAL REGISTER, for the cabinet x-ray standard as applied to baggage inspection systems, is proposed herein by amending paragraph (a) of § 278.214 (now § 1020.40) as previously published in the FEDERAL REGISTER of October 10, 1973 (38 FR 28011). Although one year has been proposed as the period of time before the cabinet x-ray standard becomes effective pursuant to section 358(c) of the act, the earlier effective date for x-ray baggage inspection systems used in public transportation facilities is necessary to assure protection of the public health.

It also is proposed to amend the standard as it applies to x-ray baggage inspection systems to require that such devices have a means to insure operator presence at the controls during an x-ray examination. For example, some products have an exposure switch which requires continuous pressure to operate. This is consistent with the present guidelines for x-ray bagage inspection systems, and is intended to prevent accidental or uncontrolled use of the equipment.

Therefore, pursuant to the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177–1179; 42 U.S.C. 263f) and under authority delegated to him (21 CFR 2.120), the Commissioner proposes to amend § 1020.40 by revising proposed paragraph (a) and by adding a new paragraph (c)(10) to read as follows:

§ 1020.40 Cabinet x-ray systems.

(a) *Applicability.* The provisions of this section are applicable to cabinet x-ray systems manufactured or assembled on or after (one year after date of publication of final order in the FEDERAL REGISTER), except that the provisions as applied to x-ray systems designed primarily for the inspection of carry-on baggage shall become effective (15 days after date of publication of final order in the FEDERAL REGISTER). The provisions of this section are not applicable to systems which are designed exclusively for microscopic examination of material (e.g., x-ray diffraction, spectroscopic, and electron microscope equipment) or to systems for intentional exposure of humans to x-rays.

* * * * *

(c) * * *

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

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

(ii) For exposure times of less than one-half second, the means provided may allow completion of the exposure in progress but shall enable the operator to prevent additional exposures.

* * * * *

Interested persons may, on or before February 15, 1974, file with the Hearing Clerk, Food and Drug Administration, Room 6–86, 5600 Fishers Lane, Rockville, MD 20852, written comments (preferably in quintuplicate) regarding this proposal. Comments may be accompanied by a memorandum or brief in support thereof. Received comments may be seen in the above office during working hours, Monday through Friday.

Dated: January 11, 1974.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.74–1460 Filed 1–15–74;8:45 am]

Social Security Administration

[20 CFR Part 405]

[Reg. 5]

FEDERAL HEALTH INSURANCE FOR AGED AND DISABLED

Provider Costs and Services by Hospital-Based Physicians; Periodic Interim Payments

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the regulation set forth in tentative form below is proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed regulation reflects current policies of the Social Security Administration which authorize fiscal intermediaries to make periodic interim payments (PIP) to eligible providers for hospital and skilled nursing facility inpatient services and for home health agency services to medicare beneficiaries in lieu of reimbursement under the regular methods of interim payment on individual provider billings. The proposed regulation reflects recently issued interim policy, for use pending publication of final regulations, that, effective September 1, 1973, (1) lifts a moratorium imposed on January 29, 1973, on approvals of hospital requests for reimbursement under the PIP method, (2) extends the availability of the PIP method to qualified skilled nursing facilities for inpatient services and to qualified home health agencies for both Part A and Part B services, (3) permits a provider to convert to the PIP method only after it has repaid any outstanding current financing payment in full, unless it agrees to the intermediary's recovery of the current financing amount outstanding on the effective date of the conversion by offset against the provider's periodic interim payments at a rate that will effectuate full recovery by May 29, 1974, (4) requires that payment to a provider under the PIP method be made for no less than a 2-week period of services, not more often than biweekly, and 2 weeks after the period to which it pertains, (5) requires all providers to complete billings in detail (rather than in an abbreviated form, as previously provided for) under the PIP method as under regular interim payment procedures, and (6) provides for the termination of PIP reimbursement to a provider under appropriate circumstances. The proposed amendment will be effective upon publication of final regulations in the FEDERAL REGISTER. Provisions (4) and (5) above, which would affect hospitals being reimbursed under the PIP method before September 1, 1973, would be phased in after the date of publication of final regulations. Implementing instructions would provide that payment periods of less than 2 weeks be extended to 2 weeks on publication of the regulation in final form, and that the interval between the date of payment and the period to which it applies be increased to 2 weeks in steps by adding 1 week to the interval for payment periods ending in the calendar quarter beginning January 1, 1974, and a second week for payment periods ending thereafter. Hospital conversions from the abbreviated billing procedures they currently use under the PIP method to detailed billing will be effected as soon as administratively feasible following publication of final regulations in the FEDERAL REGISTER.

Prior to the final adoption of the proposed amendment 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 February 15, 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.

(Secs. 1102, 1815, and 1871, 49 Stat. 647, as amended, 79 Stat. 297, and 79 Stat. 331; (42 U.S.C. 1302, 1395g, and 1395hh))

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

Dated: November 20, 1973.

JAMES B. CALDWELL,
Commissioner of Social Security.

Approved: January 7, 1974.

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

Regulations No. 5 of the Social Security Administration, as amended (20 CFR Part 405), are further amended as set forth below:

Section 405.454 is amended by adding a new paragraph (j) to read as follows:

§ 405.454 Payments to providers.

* * * * *

(j) *Periodic interim payment method of reimbursement.* In addition to the regular methods of interim payment on individual provider billings for covered services, the periodic interim payment (PIP) method is available for hospital and skilled nursing facility inpatient services and for both Part A and Part B home health agency services.

(1) Any participating provider that establishes to the satisfaction of the intermediary that it meets the following requirements may elect to be reimbursed under the PIP method, beginning with the first month after its request that the intermediary finds administratively feasible:

(i) The provider's estimated total Medicare reimbursement for inpatient services is at least $25,000 a year computed under the PIP formula or, in the case of a home health agency, either (A) its estimated total Medicare reimbursement for Part A and Part B services is at least $25,000 a year computed under the PIP formula or (B) its estimated Medicare reimbursement computed under the PIP formula is at least 50 percent of estimated total allowable costs,

(ii) The provider has filed at least one acceptable completed Medicare cost report (except in the case of a provider requesting reimbursement under the PIP method upon first entering the program),

(iii) The provider has the continuing capability of maintaining in its records the cost, charge, and statistical data needed to accurately complete a Medicare cost report on a timely basis, and

(iv) The provider has repaid or agrees to repay any outstanding current financing payment in full before the effective date of its requested conversion from a regular interim payment method to the PIP method, unless the provider agrees to the intermediary's recovery of the current financing amount outstanding on the effective date of the conversion by offset against the provider's periodic interim payments at a rate that will effectuate full recovery by May 29, 1974.

(2) The intermediary's approval of a provider's request for reimbursement under the PIP method will be conditioned upon the intermediary's best judgment as to whether payment can be made to the provider under the PIP method without undue risk of its resulting in an overpayment because of greatly varying or substantially declining Medicare utilization, inadequate billing practices, or other circumstances. The intermediary may terminate PIP reimbursement to a provider at any time it determines that the provider no longer meets the qualifying requirements or that the provider's experience under the PIP method shows that proper payment cannot be made under this method.

(3) Payment will be made biweekly under the PIP method unless the provider requests a longer fixed interval (not to exceed 1 month) between payments. The payment amount will be computed by the intermediary to approximate, on the average, the cost of covered inpatient or home health services rendered by the provider during the period for which the payment is to be made, and each pay-

ment will be made 2 weeks after the end of such period of services. Upon request, the intermediary will, if feasible, compute the provider's payments to recognize significant seasonal variation in Medicare utilization of services on a quarterly basis starting with the beginning of the provider's reporting year.

(4) A provider's periodic interim payment amount may be appropriately adjusted at any time if the provider presents or the intermediary otherwise obtains evidence relating to the provider's costs or Medicare utilization that warrants such adjustment. In addition, the intermediary will recompute the payment immediately upon completion of the desk review of a provider's cost report and also at regular intervals not less often than quarterly. The intermediary may make a retroactive lump sum interm payment to a provider, based upon an increase in its periodic interim payment amount, in order to bring past interim payments for the provider's current cost reporting period into line with the adjusted payment amount. The objective of intermediary monitoring of provider costs and utilization is to assure payments approximating, as closely as closely as possible, the reimbursement to be determined at settlement for the cost reporting period. A significant factor in evaluating the amount of the payment in terms of the realization of the projected Medicare utilization of services is the timely submittal to the intermediary of completed admission and billing forms. All providers must complete billings in detail under this method as under regular interim payment procedures.

[FR Doc.74-1193 Filed 1-15-74;8:45 am]

[20 CFR Part 416]

[Reg. 16]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Underpayments and Overpayments

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 the approval of the Secretary of Health, Education, and Welfare. The proposed amendments add several sections to proposed new Subpart E of new Part 416 (20 CFR) relating to underpayments and overpayments under the new supplemental security income program (title XVI of the Social Security Act, as amended by section 301 of the Social Security Amendments of 1972 (Pub. L. 92-603), enacted October 30, 1972). The new program is effective January 1, 1974.

Under the proposed regulations provisions are made for the waiver of recovery of overpayments if the overpaid person was without fault in causing the overpayment. If such is the case, waiver would be appropriate if repayment would be against equity and good conscience or would defeat the purpose of the program, or (because of the small amount involved) impede efficient or effective administration of the program. With the exception of the latter provision, these rules generally parallel the policy and procedure of the social security program authorized by title II of the Social Security Act.

The proposed rules regarding underpayments are more restrictive than those of the title II social security program because the supplemental security income program is based on need. Should an underpayment occur, payment of such after discovery may not be in an amount larger than the correct amount of benefits that should have been paid during the 12 months before the month of discovery minus any sums that were actually paid. Should an individual die before receiving payment, the unpaid sum would be paid to his surviving spouse, provided she was also eligible for benefits and was living with him at the time of death. If there is no surviving eligible spouse, no one can receive the underpayment.

The rules set forth in the proposed regulations will be applied by the Social Security Administration in order to administer the Supplemental Security Income program during the period from January 1, 1974, when the new program becomes effective, until final regulations are adopted.

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 February 15, 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.

(Secs. 1102, 1631(b), 49 Stat. 647, as amended, 86 Stat. 1476 (42 U.S.C. 1302, 1383))

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

Dated: December 28, 1973.

ARTHUR E. HESS,
Acting Commissioner of Social Security.

Approved: January 9, 1974.

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

It is proposed to amend 20 CFR Part 416 by adding new §§ 416.533–416.572 to proposed Subpart E to read as follows:

Subpart E—Payments, Underpayments, Overpayments

Sec.

416.533 Transfer or assignment of benefits.
416.535 Underpayments and overpayments—general.
416.536 Underpayments—defined.
416.537 Overpayments—defined.
416.538 Amount of underpayment or overpayment.
416.542 Underpayments—to whom payable.
416.543 Underpayments—used to reduce overpayments.
416.550 Waiver of adjustment or recovery of overpayment—when applicable.
416.551 Waiver of adjustment or recovery of overpayment—effect of.
416.552 Waiver of adjustment or recovery of overpayment—without fault.
416.553 Waiver of adjustment or recovery of overpayment—defeat the purpose of title XVI.
416.554 Waiver of adjustment or recovery of overpayment—against equity and good conscience.
416.555 Waiver of adjustment or recovery of overpayment—impede administration.
416.560 Recovery—refund.
416.570 Adjustment—general rule.
416.572 Adjustment—installment basis.

Subpart E—Payments, Underpayments, Overpayments

§ 416.533 Transfer or assignment of benefits.

The Administration shall not certify payment of supplemental security income benefits to a transferee or assignee of a person eligible for such benefits under the Act. The Administration shall not certify payment of supplemental security income benefits to any person claiming such payment by virtue of an execution, levy, attachment, garnishment, or other legal process or by virtue of any bankruptcy or insolvency proceeding against or affecting the person eligible for benefits under the Act.

§ 416.535 Underpayments and overpayments—general.

Pursuant to section 1631(b) of the Act, an underpayment adjustment as set forth in §§ 416.542–416.543 is made when a recipient received less than the correct amount of supplemental security income benefits; and an overpayment adjustment as set forth in §§ 416.570–416.572 is made when a recipient received more than the correct amount of supplemental security income benefits.

§ 416.536 Underpayments—defined.

An underpayment can occur only with respect to a period for which a recipient filed application (where required) for benefits and met all conditions of eligibility therefor. An underpayment includes:

(a) Nonpayment, where payment for a quarter (or month, where applicable) was due but was not made, and

(b) Payment of less than the amount due for any quarter (or month, where applicable).

§ 416.537 Overpayments—defined.

(a) *Overpayments.* As used in this subpart, the term "overpayment" means a payment where no amount is payable under Title XVI of the Act, or a payment in excess of the amount due under Title XVI of the Act.

(b) *Actions which are not overpayments*—(1) *Presumptive disability.* Any payment made for any month, but not exceeding payment for 3 months, based on presumptive disability, is not an over-

payment if such payment was (or such payments were) made between the date application was filed under title XVI of the Act and the date it was determined by the Administration that the claimant was not eligible for benefit payments because he was not disabled. For purposes of this section, an advance payment of benefits pursuant to § 416.520 is counted in determining whether payments exceed 3 months' benefits. Also, for purposes of this section, payment is held to have been made when it is certified by the Administration to the Treasury Department for payment.

(2) *Penalty.* The imposition of a penalty pursuant to § 416.1320 is not an adjustment of an overpayment and is imposed only against any amount due the penalized recipient, or, after death, any amount due which otherwise would be paid to a surviving eligible spouse.

§ 416.538 Amount of underpayment or overpayment.

(a) *General.* The amount of an underpayment or overpayment is the difference between the amount paid to a recipient and the amount of payments to which such recipient actually was eligible. Such amount, for example, equals the difference between the amount paid for a period and the full rate for such period after application of the provisions set forth in sections 1611–1615 and 1631(a) of the Act; however, any underpayment amount apparently due the surviving eligible spouse of a deceased recipient is further reduced by the amount of any outstanding penalty imposed against the benefits payable to such deceased recipient under section 1631(e) of the Act.

(b) *Limitations on underpayments.* Notwithstanding any other provision of this Part, an underpayment will not exceed an amount equal to the difference between the amount of the last 12 months benefits that should have been payable to the underpaid individual and the amount of benefits that were actually paid for such period.

§ 416.542 Underpayments—to whom payable.

(a) *Underpaid recipient alive—underpayment payable.* If an underpaid recipient is alive, the amount of any underpayment due him will be paid to him in a separate payment or by increasing the amount of his monthly payment.

(b) *Underpaid recipient dead—underpayment payable.* If a recipient dies before the amount due him has been paid to him, or before he endorses the check representing the correct payment, the amount of the underpayment may be paid only to his surviving spouse and then only if such spouse was eligible for supplemental security income benefits and was living with the underpaid recipient when he died or was not separated from him for 6 months at the time of death. No underpayment may be paid to the estate of any underpaid recipient, the estate of the surviving spouse, or to any survivor other than the living-with eligible spouse.

§ 416.543 Underpayments—used to reduce overpayments.

When a recipient is eligible for payments, any underpayment to him is used to reduce any overpayment to him for a different period. Similarly, when an underpaid recipient dies, priority consideration is given to applying the underpayment due the surviving living-with eligible spouse against any overpayment to such surviving spouse.

Example. A husband and wife who were living together were eligible for payments under title XVI. The wife dies at a time when she was underpaid $25 and the husband was overpaid $75. The $25 underpayment due the surviving husband is applied to reduce his own overpayment to $50.

§ 416.550 Waiver of adjustment or recovery—when applicable.

Waiver of adjustment or recovery of an overpayment of supplemental security income benefits is applicable (see section 1631(b) of the Act) when:

(a) The overpaid individual was without fault in causing the overpayment, and

(b) Adjustment or recovery of such overpayment would either:

(1) Defeat the purpose of title XVI, or

(2) Be against equity or good conscience, or

(3) Impede efficient or effective administration of title XVI due to the small amount involved.

§ 416.551 Waiver of adjustment or recovery—effect of.

Waiver of adjustment or recovery of an overpayment from the overpaid person himself (or, after his death, from his estate) frees him and all others from the obligation to repay the amount of the overpayment covered by the waiver. Waiver of adjustment or recovery of an overpayment from anyone other than the overpaid person himself (or his estate) does not cancel the overpayment; instead, the overpayment remains to be recovered from others in some other manner.

Example: The recipient was overpaid $390. It was found that the overpaid recipient was eligible for waiver of adjustment or recovery of $260 of that amount, and such action was taken. Only $130 of the overpayment remained to be recovered by adjustment, refund, or the like.

§ 416.552 Waiver of adjustment or recovery—without fault.

"Without fault" relates only to the situation of the individual seeking relief from adjustment or recovery of an overpayment. The overpaid individual (and any other individual from whom the Administration seeks to recover the overpayment) is not relieved of liability and is not "without fault" solely because the Administration may have been at fault in making the overpayment. In determining whether an individual is without fault, the "fault" of the overpaid person and the "fault" of the individual seeking relief under the waiver provision are considered. Whether an individual is "without fault" depends on all the pertinent circumstances surrounding the overpayment in the particular case. The Administration considers the individual's understanding of the reporting requirements, the agreement to report events affecting payments, knowledge of the occurrence of events that should have been reported, efforts to comply with the reporting requirements, opportunities to comply with the reporting requirements, understanding of the obligation to return checks which were not due, and ability to comply with the reporting requirements (e.g., age, comprehension, memory, physical and mental condition). Although the finding depends on all of the circumstances in the particular case, an individual will be found to have been at fault in causing the overpayment when an incorrect payment resulted from one of the following:

(a) Failure to furnish information which the individual knew or should have known was material;

(b) An incorrect statement made by the individual which he knew or should have known was incorrect (this includes the individual's furnishing his opinion or conclusion when he was asked for facts), or

(c) Acceptance of a payment which the individual knew or could have been expected to know was incorrect.

§ 416.553 Waiver of adjustment or recovery—defeat the purpose of title XVI.

Waiver of adjustment or recovery is proper when the person on whose behalf waiver is being considered is without fault, as defined in § 416.552, and adjustment or recovery would defeat the purpose of title XVI. For purposes of this subpart, adjustment or recovery of an overpayment would defeat the purpose of title XVI when such adjustment or recovery would deprive the person of income and resources needed for his own ordinary and necessary living expenses.

§ 416.554 Waiver of adjustment or recovery—against equity or good conscience.

Waiver of adjustment or recovery of an overpayment is proper when the person on whose behalf waiver is being considered is without fault, as defined in § 416.552, and adjustment or recovery would be against equity or good conscience. Adjustment or recovery is considered to be inequitable and contrary to good conscience when such person, because of a notice to such person that such payment would be made or by reason of the incorrect payment, relinquished a valuable right or changed his position for the worse. In reaching such a determination, the individual's financial circumstances are not considered.

§ 416.555 Waiver of adjustment or recovery—impede administration.

Waiver of adjustment or recovery is proper when the overpaid person on whose behalf waiver is being consid-

ered is without fault, as defined in § 416.552, and adjustment or recovery would impede efficient or effective administration of title XVI due to the small amount involved. The amount of overpayment determined to meet such criteria is measured by the current average administrative cost of handling such overpayment case through such adjustment and/or recovery processes. In determining whether the criterion is met, the overpaid person's financial circumstances are not considered.

§ 416.560 Recovery—refund.

An overpayment may be refunded by the overpaid recipient or by anyone on his behalf. Refund should be made in every case in which the overpayment is identifiable as part, or all, of the amount of the recipient's nonexcluded resources.

§ 416.570 Adjustment—general.

Where a recipient has been overpaid, the overpayment has not been refunded, and waiver of adjustment or recovery is not applicable, the overpayment is adjusted against any payment due the overpaid recipient and/or his eligible spouse (or recovery from the estate of either or both when either or both die before adjustment is completed) before any further payment is made, unless the conditions set forth in § 416.572 are met. No overpayment made under title II or title XVIII of the Act shall be adjusted against supplemental security income benefit, and no overpayment of supplemental security income benefits shall be adjusted against benefits payable under title II or title XVII of the Act.

§ 416.572 Adjustment — installment basis.

Recovery of the overpayment may be accomplished by withholding each month a part of the benefit payable to the individual.

[FR Doc.74-1192 Filed 1-15-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[46 CFR Part 146]

[CGD 73-249]

DANGEROUS CARGO REGULATIONS

Proposed Miscellaneous Amendments

The Coast Guard is considering amending the dangerous cargo regulations to:

1. Provide for additional stowage locations for compressed gases N.O.S. which are nonflammable.

2. Amend the entry for "Napalm B" in § 146.29-100 for Class II G ammunition and treat these items as a flammable liquid.

3. Delete the entry "Cartridge 20 mm HPT, LPT, BL&T, TP, BL&P from the table in § 146.29-100 for the Class II B and insert the identical entry into Class I.

Written comments: Interested persons are invited to participate in this proposed rule making by submitting written data, views, or arguments to the Commandant (G-CMC/82), U.S. Coast Guard Headquarters, Washington, D.C. 20590. (Telephone 202-426-1477). Each person submitting comments should include his name and address, identify the notice (CGD 73-249), and give reasons for any recommendations. Comments received will be available for examination by interested persons in Room 8234, Department of Transportation, Nassif Building, Washington, D.C. 20590. Copies will be furnished upon payment of fees prescribed in 49 CFR 7.81.

Public Hearing: The Coast Guard will hold a hearing on February 21, 1974, at 0930 a.m. in Conference Room 8332, Department of Transportation, Nassif Building, Washington, D.C. Interested persons are invited to attend the hearing and present oral or written statements on this proposal. It is requested that anyone desiring to attend the hearing notify the Executive Secretary at least ten days in advance of the time needed for his presentation. Written summaries or copies of oral presentations are encouraged.

Closing Date for Comments: All communications received before March 4, 1974 will be evaluated before final action is taken on this proposal. The proposed regulations may be changed in the light of comments received.

The additional stowage locations for compressed gases N.O.S. are proposed to allow nonflammable compressed gases N.O.S. to have the same stowage requirements as all other nonflammable compressed gases.

Amendment of the Napalm B entry in the military explosive regulations is a result of problems encountered with this item. Classfying Napalm B as a military explosive can hide the true hazard of flammability, therefore § 146.-29 is being amended to require that Napalm B must be shipped as flammable liquid N.O.S.

The change of the 20 mm cartridge entry from Class II B to Class I reflects a policy change.

In consideration of the foregoing, it is proposed to amend Part 146 of Title 46 of the Code of Federal Regulations as follows:

1. By adding in 146.24-100 "Table G—Classification: Compressed gases" for the article "Compressed gases N.O.S." in column 4 the words " 'Stowage for nonflammable compressed gases only: 'Tween decks', 'Under deck away from heat' " directly after the words "On deck under cover".

2. By revising the entry in § 146.29-100 for Class II G in column 2 to read "Napalm B in containers identified as DOD BLU-27/B, BLU-29/B and BLU-32/B Anti-Pam bombs overpacked in outside shipping containers must be shipped as 'Flammable liquid N.O.S.' "

3. By striking out in 146.29-100 for Class II B ammunition in column 2 the words "Cartridge 20 mm HPT, LPT, BL&T, TP, BL&P" and by inserting in column 2 under Class I ammunition the entry "Cartridge 20 mm HPT, LPT, BL&T, BL&P".

(R.S. 4472, as amended, R.S. 4417a, as amended; sec. 1, 19 Stat. 252, 49 Stat. 1189, sec. 6(b)(1), 80 Stat. 937; (46 U.S.C. 176, 49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b))

Dated: January 11, 1974.

D. H. CLIFTON,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.74-1280 Filed 1-15-74;8:45 am]

[46 CFR Part 160]

[CGD 73-130P]

LIFESAVING EQUIPMENT

Supplemental Notice of Proposed Rulemaking

In the August 28, 1973, issue of the FEDERAL REGISTER (38 FR 22980), the Coast Guard published a notice of proposed rulemaking (CGD 73-130P) which would add an alternative test that is consistent with the specification for a body strap assembly on buoyant vests for the instrument of closure.

This document supplements that notice by notifying the public that as a result of comments received during the comment period for the notice, the following changes are made to the proposal:

1. The words "similar assemblies" will be replaced with the words "other instruments of closure" in the heading of paragraph (g) and paragraph (g)(2) of § 160.047-3 for clarity.

2. An additional test will be added to paragraph (g)(3)(ii) to cover low temperature weathering. The test is intended to expose the items to a temperature of 0±5° F for 24 hours.

The same changes are proposed for §§ 160.052-3(e) and 160.060-3(e).

Interested persons are invited to comment on this supplemental proposal in addition to the notice published August 28, 1973 (38 FR 22980).

Comments received before February 16, 1974 will be considered before final action is taken on this proposal. Copies of all written comments received will be available for examination by interested persons in room 8234, Department of Transportation, Nassif Building, U.S. Coast Guard, Washington, D.C., both before and after February 16, 1974. The proposal may be changed in light of the comments received.

(Sec. 17, 54 Stat. 166, as amended (46 U.S.C. 526p), sec. 5, 85 Stat. 216 (46 U.S.C. 1454), sec. 6(b)(1), 80 Stat. 937 (49 U.S.C. 1655(b)(1)); 49 CFR 1.46(b), (0)(1))

Dated: January 10, 1974.

W. F. REA, III,
Rear Admiral, U.S. Coast Guard, Chief, Office of Merchant Marine Safety.

[FR Doc.74-1279 Filed 1-15-74;8:45 am]

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-SW-87]

TRANSITION AREA

Proposed Alteration

The Federal Aviation Administration is considering amending Part 71 of the

Federal Aviation Regulations to alter the Albuquerque, N. Mex., 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 February 15, 1974 will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Administration officials may be made by contacting the Chief, Airspace and Procedures Branch. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, Fort Worth, Texas. An informal docket will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division.

It is proposed to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth.

In § 71.181 (39 FR 440), the Albuquerque, N. Mex., transition area is amended to read:

ALBUQUERQUE, N. MEX.

That airspace extending from 700 feet above the surface within a 14-mile radius of Albuquerque International Airport (latitude 35°02'42" N., longitude 106°36'02" W.) and within a 10.5-mile radius of Alameda Airport (latitude 35°11'30" N., longitude 106°40'00" W.).

The proposed change to the Albuquerque, N. Mex., transition area will provide controlled airspace to accommodate proposed instrument approaches for Alameda Airport. As the two 11,000-foot MSL floor extensions to the Albuquerque, N. Mex., transition area are no longer required, they are being deleted.

Associated nonrule action is also being proposed to change usage of the Alameda Airport from visual flight rules (VFR) operations only to also include instrument flight rules (IFR) operations.

(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, Texas, on January 8, 1974.

ALBERT H. THURBURN,
Acting Director,
Southwest Region.

[FR Doc.74-1260 Filed 1-15-74;8:45 am]

[14 CFR Part 73]

[Airspace Docket No. 73-SW-68]

DESIGNATION OF TEMPORARY RESTRICTED AREA

Withdrawal of Notice of Proposed Rule Making

Notice 73-SW-68 was published in the FEDERAL REGISTER (38 FR 31016) on November 9, 1973. The Notice stated that the Federal Aviation Administration (FAA) was considering an amendment to Part 73 of the Federal Aviation Regulations which would designate a temporary joint use restricted area in the southeastern portion of the state of N. Mex., to accommodate the proposed military exercise, "Gallant Crew 74". The USAF has cancelled the joint exercise "Gallant Crew 74" due to the energy crisis, therefore the proposed designation is withdrawn.

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

Issued in Washington, D.C., on January 9, 1974.

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

[FR Doc.74-1257 Filed 1-15-74; 8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[29 CFR Part 1926]

[S-74-1]

TEMPORARY FLOORING—SKELETON STEEL CONSTRUCTION IN TIERED BUILDINGS

Notice of Proposed Rulemaking

Section 1926.750(b)(2) of Title 29, Code of Federal Regulations, requires that where erection is being done by means of a crane operating on the ground, a tight and substantial floor must be maintained within two stories or 25 feet, whichever is less, below and directly under that portion of each tier of beams on which bolting, riveting, welding, or painting is being done.

The Advisory Committee on Construction Safety and Health has recommended to the Assistant Secretary of Labor for Occupational Safety and Health that the standard be revised to require that a substantial floor be maintained within two stories or 30 feet, whichever is less. The recommendation would allow for new methods of steel erection which have resulted in the use of a greater depth of floor framing members. The recommendation of the Advisory Committee is accepted, and it is proposed to revise paragraph (b)(2) of 29 CFR 1926.750 to read as set forth below.

Interested persons are invited to submit written data, views, and arguments concerning the proposed revision before February 15, 1974, to the Executive Secretary, Occupational Safety and Health Administration, Room 509, 400 First Street NW., Washington, D.C. 20210. In addition, any interested person may file with the Executive Secretary written objections to the proposal and request a hearing thereon, in accordance with the following conditions:

(1) The objections must include the name and address of the objector;

(2) The objections must be postmarked before February 15, 1974;

(3) The objections must state the grounds therefor;

(4) Each objection must be separately stated and numbered; and

(5) The objections must be accompanied by a summary of the evidence proposed to be adduced at the requested hearing.

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 107 of the Contract Work Hours and Safety Standards Act 83 Stat. 96; (40 U.S.C. 333), and Secretary of Labor's Order No. 12-71 (36 FR 8754), it is proposed to revise paragraph (b)(2) of 29 CFR 1926.750 to read as follows:

§ 1926.750 Flooring requirements.

* * * * *

(b) *Temporary flooring—skeletion steel construction in tiered buildings.* * * *

(2) Where erection is being done by means of a crane operating on the ground, a tight and substantial floor shall be maintained within two stories or 30 feet, whichever is less, below and directly under that portion of each tier of beams on which bolting, riveting, welding, or painting is being done.

* * * * *

(Sec. 6, 84 Stat. 1593 (29 U.S.C. 655); Sec. 107, 83 Stat. 96 (40 U.S.C. 333); Secretary of Labor's Order No. 12-71, 36 FR 8754)

Signed at Washington, D.C. this 11th day of January, 1974.

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc.74-1310 Filed 1-15-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 1300]

[Ex Parte No. 304]

RAIL CARRIERS

Intermediate Application of Rates

At a general session of the Interstate Commerce Commission, held at its office in Washington, D.C., on the 5th day of December 1973.

It appearing, that for reasons disclosed by the record in Fourth Section Application No. 42169, dated March 15, 1971, it would be in the public interest to institute a rulemaking proceeding for the purpose of amending rule 27 of Tariff Circular No. 20 (49 CFR 1300.27), hereinafter referred to as rule 27, which would enable carriers to publish intermediate rules for the application of rates, which are dependent in their application upon the movement of a stated volume of tonnage (trainload, unit-train, and multiple-car movements) during specified periods of time, at intermediate points so as to avoid violations of section 4 of the Interstate Commerce Act;

And it further appearing, that concordant therewith, it is hereby proposed that a modified intermediate origin and a modified intermediate destination rule retaining the present virtues of the traditional rules adapted to the new concept of movements based on aggregations of tonnage over time period(s), including annual volume movements and those mentioned above, and designed to overcome the practical operational and interpretive problems facing the carriers, as set forth in the appendices below, be adopted as an amendment to rule 27;

It is ordered, That a proceeding be, and it is hereby instituted under authority of part I of the Interstate Commerce Act (49 U.S.C. 1), more specifically section 6 thereof, and pursuant to 5 U.S.C. 553 and 559 (the Administrative Procedure Act) with a view to adopting the proposed amendment to rule 27 as set forth in the appendices to this notice, and for the purpose of taking such other and further action as the facts and circumstances may justify and require.

It is further ordered, That all rail carriers subject to section 4 of the Interstate Commerce Act be, and they are hereby, made respondents in this proceeding.

It is further ordered, That no oral hearing be scheduled for the receiving of testimony in this proceeding unless a need therefor should later appear, but that respondents or any other interested parties may participate in this proceeding by submitting for consideration written statements of facts, views, and arguments on the subject mentioned above, or any other subjects pertaining to this proceeding.

It is further ordered, That any person intending to participate in this proceeding by submitting initial statements or reply statements shall notify the Commission by filing with the Secretary, Interstate Commerce Commission, Washington, D.C., 20423, on or before February 20, 1974, the original and one copy of a statement of his intention to participate; that the Commission shall then prepare and make available to all such persons a list containing the names and addresses of all parties to this proceeding, upon whom copies of all statements must be filed; and that at the time of this service list the Commission will fix the time within which initial statements and reply statements must be filed.

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

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

APPENDIX A—ORIGIN INTERMEDIATE RULE

Applicable only in connection with rates which are dependent in their application upon the movement of a stated volume of tonnage during a specified period of time, or of train-load, unit-train or multiple-car lots. Reference in this rule to a rate as "not named in this tariff" pertains to the considered type of rate of those to which this rule applies, and reference to a point "as not named in this tariff" means one from which the considered type of rate is not otherwise published to apply.

Subject to the provision of Notes 1 through 3 below, from any point of origin from which a commodity rate on a given article or group of articles to a given destination and via a given route is not named in this tariff, which point is intermediate to a point from which a commodity rate on said article or group of articles is published in this tariff, via a route through the intermediate point over which such commodity rate applies to the same destination, apply from such intermediate point to such destination and via such route the commodity rate in this tariff on said article or group of articles from the next point beyond from which a commodity rate is published herein on that article or group of articles to the same destination via the same route.

NOTE 1—Where there are two or more rates (dependent in their application upon the movement of a stated volume of tonnage during a specified period of time, or on movement of train-load, unit-train or multiple-car lots), with the same or different requirements, published in this tariff from more distant point(s), located on a route(s) that passes through an intermediate point(s) that is not named in this tariff, apply from such intermediate point(s) that rate which results in the lowest total charge the conditions attached to which rate are met at such intermediate point(s) except for the origin point identification(s) published in connection with such rate. When by reason of branch or diverging lines there are two or more "next beyond" points, apply the rate from the next point beyond in this tariff which on that article or group of articles to the same destination(s) via the same route results in the lowest charge. In no case may tonnage be included from a greater number of origin points than that permitted by such rate used.

NOTE 2—This rule may not be used to include tonnage from an intermediate point(s) with tonnage from the origin point(s) named or otherwise specifically identified in items or other provisions referring hereto (whether directly, or indirectly through another item or provision).

NOTE 3—If there is in any tariff a commodity rate on the same article or group of articles dependent in its application upon the movement of a stated volume during a specified period of time, or of train-load, unit-train or multiple-car lots from the intermediate origin point(s) applicable over the same route(s) which produces a charge different than that resulting under the above rule, as modified by the preceding notes, apply the lower of such charges. If the class rate(s) on the same article or group of articles via the same route from the intermediate point produces a lower charge than would result from applying the commodity rate under this rule, such commodity rate will not apply.

APPENDIX B—DESTINATION INTERMEDIATE RULE

Applicable only in connection with rates which are dependent in their application upon the movement of a stated volume of tonnage during a specified period of time, or of train-load, unit-train or multiple-car lots. Reference in this rule to a rate as "not named in this tariff" pertains to the considered type of rate of those to which this rule applies, and reference to a point "as not named in this tariff" means one to which the considered type of rate is not otherwise published to apply.

Subject to the provisions of Notes 1 through 3 below, to any point of destination to which a commodity rate on a given article or group of articles from a given point of origin and via a given route is not named in this tariff, which point is intermediate to a point to which a commodity rate on said article or group of articles is published in this tariff, via a route through the intermediate point over which such commodity rate applies from the same origin, apply to such intermediate point from such point of origin and via such route the commodity rate in this tariff on said article or group of articles to the next point beyond to which a commodity rate is published herein on that article or group of articles from the same origin via the same route.

NOTE 1—Where there are two or more rates (dependent in their application upon the movement of a stated volume of tonnage during a specified period of time, or on movement of train-load, unit-train or multiple-car lots), with the same or different requirements, published in this tariff to more distant point(s), located on a route(s) that passes through an intermediate point(s) that is not named in this tariff, apply to such intermediate point(s) that rate which results in the lowest total charge the conditions attached to which rate are met at such intermediate point(s) except for the destination point identification(s) published in connection with such rate. When by reason of branch or diverging lines there are two or more 'next beyond' points, apply the rate to the next point beyond in this tariff which on that article or group of articles from the same origin(s) via the same route results in the lowest charge. In no case may tonnage be included to a greater number of destination points than that permitted by such rate used.

NOTE 2—This rule may not be used to include tonnage to an intermediate point(s) with tonnage to the destination point(s) named or otherwise specifically identified in items or other provisions referring hereto (whether directly, or indirectly through another item or provision).

NOTE 3—If there is in any tariff a commodity rate on the same article or group of articles dependent in its application upon the movement of a stated volume during a specified period of time, or of train-load, unit-train or multiple-car lots to the intermediate destination point(s) applicable over the same route(s) which produces a charge different than that resulting under the above rule, as modified by the preceding notes, apply the lower of such charges. If the class rate(s) on the same article or group of articles via the same route to the intermediate point produces a lower charge than would result from applying the commodity rate under this rule, such commodity rate will not apply.

[FR Doc.74-1332 Filed 1-15-74;8:45 am]

Notices

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

DEPARTMENT OF THE TREASURY

Office of the Secretary

[APP-2-04-O:A:T JH]

MANDELIC ACID FROM JAPAN

Discontinuance of Antidumping Investigation

JANUARY 11, 1974.

On October 5, 1973, there was published in the FEDERAL REGISTER a "Notice of Tentative Discontinuance of Antidumping Investigation" (38 FR 27629) concerning mandelic acid from Japan.

The statement of reasons for the tentative action was published in the abovementioned notice, and interested persons were afforded an opportunity to make written submissions and to present oral views in connection with the tentative discontinuance.

After consideration of all views and arguments, and for the reasons stated in the "Notice of Tentative Discontinuance of Antidumping Investigation," I hereby discontinue the antidumping investigation of mandelic acid from Japan.

This "Discontinuance of Antidumping Investigation" is published pursuant to § 153.15(d) of the Customs Regulations (19 CFR 153.15(d)).

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.74-1373 Filed 1-15-74;8:45 am]

MANDELIC ACID FROM THE UNITED KINGDOM

Discontinuance of Antidumping Investigation

On October 3, 1973, there was published in the FEDERAL REGISTER a "Notice of Tentative Discontinuance of Antidumping Investigation" (38 FR 27416) concerning mandelic acid from the United Kingdom.

The statement of reasons for the tentative action was published in the abovementioned notice, and interested persons were afforded an opportunity to make written submissions and to present oral views in connection with the tentative discontinuance.

After consideration of all views and arguments, and for the reasons stated in the "Notice of Tentative Discontinuance of Antidumping Investigation," I hereby discontinue the antidumping investigation of mandelic acid from the United Kingdom.

This "Discontinuance of Antidumping Investigation" is published pursuant to § 153.15(d) of the Customs Regulations (19 CFR 153.15(d)).

[SEAL] EDWARD L. MORGAN,
Assistant Secretary of the Treasury.

[FR Doc.74-1374 Filed 1-15-74;8:45 am]

DEPARTMENT OF DEFENSE

Office of the Secretary

NATIONAL COMMITTEE FOR EMPLOYER SUPPORT OF THE GUARD AND RESERVE

Notice of Open Meeting

Pursuant to the provisions of section 10, Pub. L. 92-463, effective January 5, 1973, notice is hereby given that a regional meeting of the National Committee for Employer Support of the Guard and Reserve Advisory Council will be held on January 29, 1974, at the Sheraton Harbor Island Hotel, San Diego, California.

The purpose of the meeting is to develop greater activity by members of the National Advisory Council in the solicitation of employer support of the Guard and Reserve.

The transcript of the meeting will be available to anyone desiring information about the meeting.

Additional information concerning these meetings may be obtained by contacting the Assistant to the National Chairman, National Committee for Employer Support of the Guard and Reserve, Room 3A29, 400 Army Navy Drive, Arlington, Virginia 22202.

MAURICE W. ROCHE,
Director, Correspondence and Directives OASD(C).

JANUARY 11, 1974.

[FR Doc.74-1319 Filed 1-15-74;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

BILLINGS DISTRICT ADVISORY BOARD

Notice of Meeting

JANUARY 8, 1974.

The Billings District Advisory Board will meet on January 25, 1974, commencing at 10:00 a.m. in the Billings District Office, 810 East Main Street, Billings, Montana.

The agenda will include base property transfers, grazing applications, protests from adverse Advisory Board actions, motorcycle race course on public lands, land exchanges, monitoring of prairie dog towns and Land Use Planning.

The meeting will be open to the public. Requests for additional information should be submitted to the District Manager, P.O. Box 2020, Billings, Montana 59103.

The Advisory Board Chairman is Bill Wegner, Bull Mountain Route, Worden, Montana 59088. Those wishing to make an oral statement should inform the Advisory Board Chairman prior to the meeting of the Board, and any written statements should also be submitted to the Chairman.

C. REX CLEARY,
District Manager.

[FR Doc.74-1273 Filed 1-15-74;8:45 am]

Fish and Wildlife Service

TAMARAC NATIONAL WILDLIFE REFUGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Pub. L. 88-577:78 Stat. 890-896 (16 U.S.C. 1131-1136)), that a public hearing will be held beginning at 7:30 p.m. on February 20, 1974, at the Becker County Courthouse, Detroit Lakes, Minnesota, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including a portion of the Tamarac Refuge within the National Wilderness Preservation System. The wilderness study included the entire acreage within Tamarac National Wildlife Refuge, which is located in Becker County, Minnesota.

A study summary containing a map and information on the Tamarac Wilderness Proposal may be obtained from the Refuge Manager, Tamarac National Wildlife refuge, Rural Route, Rochert, Minnesota 56578 or the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111. Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by March 22, 1974.

LYNN A. GREENWALT,
Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 19, 1973.

[FR Doc.74-1267 Filed 1-15-74;8:45 am]

National Park Service

DINOSAUR NATIONAL MONUMENT, UTAH, COLORADO

Notice of Public Hearings Regarding Wilderness Proposal

Notice is hereby given in accordance with the provisions of the Act of September 3, 1964 (78 Stat. 890, 892 (16 U.S.C. 1131, 1132)), and in accordance with Departmental procedures as identified in 43 CFR 19.5 that public hearings will be held March 14 and 16, 1974, for the purpose of receiving comments and suggestions as to the appropriateness of a proposal for the establishment of wilderness within Dinosaur National Monument, Utah and Colorado. The March 14 hearing will be held beginning at 1:00 p.m. in the Moffat County Court House, 221 West Victory Way, Craig, Colorado, and on March 16, beginning at 1:00 p.m. in the Vernal Junior High School, 721 West First South, Vernal, Utah.

The wilderness proposal for Dinosaur National Monument includes about 45,100 acres. All lands proposed for wilderness are presently within the exterior boundaries of the monument. Dinosaur National Monument is located in the northeast corner of Utah and the northwest corner of Colorado.

A packet containing a preliminary wilderness study report, and providing additional information about the proposal, may be obtained from the Superintendent, Dinosaur National Monument, P.O. Box 210, Dinosaur, Colorado 81610, or from the Regional Director, Midwest Region, National Park Service, 1709 Jackson Street, Omaha, Nebraska 68102.

A description of the preliminary boundaries and a map of the areas proposed for establishment as wilderness are available for review in the above offices and in Room 1210 of the Interior Building at 18th and C Streets NW., Washington, D.C.

Interested individuals, representatives of organizations, and public officials are invited to express their views in person at the aforementioned public hearings, provided they notify the Hearing Officer in care of the Superintendent, Dinosaur National Monument, P.O. Box 210, Dinosaur, Colorado 81610, by February 6, 1974, of their desire to appear. Those not wishing to appear in person may submit written statements on the wilderness proposal to the Hearing Officer, at that address, for inclusion in the official record which will be held open for written statements until April 15, 1974.

Time limitations may make it necessary to limit the length of oral presentations and to restrict to one person the presentation made in behalf of an organization. An oral statement may, however, be supplemented 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 transcribed hearing record. However, all materials so presented at the hearings shall be subject to determinations that they are appropriate for inclusion in the transcribed hearing record. To the extent that time is available after presentation of oral statements by those who have given the required advance notice, the Hearing Officer will give others present an opportunity to be heard.

After an explanation of the proposal by a representative of the National Park Service, the Hearing Officer, insofar as possible, will adhere to the following order in calling for the presentation of oral statements:

(1) Governor of the State or his representative.

(2) Members of Congress.

(3) Members of the State Legislature.

(4) Official representative of the counties in which the proposed wilderness is located.

(5) Officials of other Federal agencies or public bodies.

(6) Organizations in alphabetical order.

(7) Individuals in alphabetical order.

(8) Others not giving advance notice, to the extent there is remaining time.

Dated: January 10, 1974.

RICHARD C. CURRY,
Associate Director,
National Park Service.

[FR Doc.74-1357 Filed 1-15-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

AMERICAN FORK CANYON-PROVO PEAK PLANNING UNIT

Notice of Availability of Draft 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 draft environmental statement for American Fork Canyon-Provo Peak Planning Unit, Uinta National Forest, Utah. The Forest Service report number is USDA-FS-DES (Adm)

The environmental statement identifies and evaluates the probable effects of the Land Use Plan for the American Fork Canyon-Provo Peak Planning Unit on the Uinta National Forest in Utah. The purpose of the plan is to allocate National Forest lands within the unit to specific resource uses and activities; establish management objectives; document management direction, decisions, and necessary coordination between resource uses and activities; and provide for the protection, use, and development of the various resources within the planning unit. The plan provides for minimization of adverse effects and maximization of desirable effects. Minor adverse effects from some development activities will be temporary stream sedimentation. Recreation use activities will cause short periods of air pollution. Recreation opportunities will receive minor modification with opportunities for solitude remaining about the same and opportunities for developed type recreation increasing. The mix of uses provided for includes moderate levels of consumptive resource uses. Significant areas will remain undeveloped with options for future management remaining open.

This draft environmental statement was transmitted to CEQ on January 8, 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
Uinta National Forest
88 West First South
Provo, Uath 84601

District Forest Ranger
Pleasant Grove Ranger District
390 North 100 East
Pleasant Grove, Utah 84062

A limited number of single copies are available upon request to Forest Supervisor Bruce B. Hronek, Uinta National Forest, P.O. Box 1428, Provo, Utah 84601.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public, and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor, Uinta National Forest, P.O. Box 1428, Provo, Utah 84601. Comments must be received by March 22, 1974, in order to be considered in the preparation of the final environmental statement.

Dated: January 8, 1974.

OLIVER CLIFF,
Acting Regional Forester.

[FR Doc.74-1303 Filed 1-15-74;8:45 am]

SPEARFISH DISTRICT GRAZING ADVISORY BOARD

Notice of Meeting

The Spearfish District Grazing Advisory Board will meet at 1:30 p.m. February 9, 1974, at Spearfish City Hall, 722 Main, Spearfish, South Dakota. The purpose of this meeting is to provide National Forest range users the means for a collective expression of their views and recommendations concerning the management and administration of Black Hills National Forest grazing land. In-

cluded will be discussion of the Willow Springs-Crow Peak division fence.

The meeting will be open to the public. Persons who wish to attend should notify E. H. Reinecke, Beulah, Wyoming, 643-2214. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation: Public members may speak up at any time.

DAVID S. JOHNS,
Forest Supervisor.

JANUARY 9, 1974.

[FR Doc.74-1302 Filed 1-15-74;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

LITTON BIONETICS, INC. AND WISTAR INSTITUTE

Notice of Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00120-33-46500. APPLICANT: Litton Bionetics, Inc., Frederick Cancer Research Center, P.O. Box B. Frederick, Maryland 21701. ARTICLE: Ultramicrotome, Model LKB 8800A. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The foreign article is intended to be used to study several different oncogenic viruses in tissue culture and in animals. The materials to be investigated are those dealing with the transformation of normal cells by cancer viruses and the production of these viruses by the host cell. The main objective is the localization, identification, and formation of virus in the various systems under study. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: September 11, 1973. ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: December 7, 1973.

DOCKET NUMBER: 74-00117-33-46500. APPLICANT: The Wistar Institute, 36th and Spruce Streets, Philadelphia, Pa. 19104. ARTICLE: Ultramicrotome, Model LKB 8800A. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The foreign article is intended to be used to investigate a variety of different mammalian cells, in particular, rabbit early embryos and virus infected tissue culture cells. It is hoped to find the time sequence of virus infection or appearance in different experimental systems as well as certain cell organelles which appear upon virus infection and during mitosis. The objectives are (1) to elucidate the stages of virus infection from a morphological point of view, and (2) to establish a working hypothesis about a cell organelle for which no function is known but which appears in all cancer cells, virus infected cells and in dividing cells (the annulate lamellae). APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: September 11, 1973. ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: December 7, 1973.

COMMENTS: No comments have been received with respect to any of the foregoing applications. DECISION: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, is being manufactured in the United States. REASONS: Each of the foreign articles provides a range of cutting speeds from 0.1 to 20 millimeters per second. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials, and geometry of the block. In connection with a prior application (Docket Number 69-00665-33-46500), which relates to the duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned."

The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior application (Docket Number 70-00077-33-46500) which also relates to an article that is identical to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that the "production of ultrathin serial sections of specimens that have a great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments. For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-1288 Filed 1-15-74;8:45 am]

NATIONAL BUREAU OF STANDARDS

Notice of Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 74-00102-98-80200. APPLICANT: National Bureau of Standards, A149 Bldg. 220, Washington, D.C. 20234. ARTICLE: Automatic AC Resistance Bridge. MANUFACTURER: Automatic Systems Laboratories, Ltd., United Kingdom. INTENDED USE OF ARTICLE: The foreign article will be used to automatically measure the resistance of between 10 to 20 platinum resistance thermometers monitoring the temperature of a standard mercury manometer. The manometer will be used to establish pressure standards in the atmospheric pressure range, which are used in a wide variety of scientific and technical projects, to establish precise vapor pressure temperature scales, and to investigate the equation of state of gases.

COMMENTS: No comments have been received with respect to this application.

DECISION: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States.

REASONS: The foreign article provides the capability to automatically measure the resistance of a number of platinum electrodes with a ratio error less than $\pm 2 \times 10^{-6}$ ohms. The capability described above is pertinent to the ap-

plicant's research studies involving the development of a mercury manometer pressure standard requiring accurate temperature monitoring. The Department of Health, Education, and Welfare (HEW) advised in its memorandum dated December 6, 1973 that it knows of no domestic instrument of equivalent scientific value to the foreign article for the applicant's intended purposes.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-1290 Filed 1-15-74;8:45 am]

PRESIDENT'S EXPORT COUNCIL

Notice of Meeting

The first meeting of the President's Export Council (PEC) will be held from 9:30 a.m. to 12:30 p.m. on Wednesday, January 23, 1974, in Conference Room 305, Old Executive Office Building, 17th and Pennsylvania Avenue NW., Washington, D.C.

The PEC was established by Executive Order 11753 of December 20, 1973 (38 FR 34983) to advise the President, the Council for International Economic Policy (CIEP), and the President's Interagency Committee for Export Expansion (PICEE), through the Secretary of Commerce, on export trade.

The purpose of this initial meeting will be to discuss the objectives and structure of the PEC as well as ways and means for U.S. firms to increase the percentage of their total sales attributable to exports. The Secretary of Commerce will deliver the meeting's opening remarks.

The public will be permitted to attend the meeting and a limited number of seats will be available on a first-come, first-served basis. Persons who wish to attend as observers should contact Mr. Robert L. Pritchard, Acting Executive Secretary of the President's Export Council, U.S. Department of Commerce, Bureau of International Commerce, Washington, D.C. 20230 (telephone 202-967-4146) by 12:00 p.m. Friday, January 18, 1974. Requests to attend should include inquirer's full name, date and place of birth, and company or organizational affiliation. Oral statements or participation by the public in the meeting will not be permitted but interested persons may file written statements with the Council before or after the meeting.

Dated: January 10, 1974.

M. VAN GESSEL,
Deputy Assistant Secretary
for International Commerce.

[FR Doc.74-1297 Filed 1-15-74;8:45 am]

UNIVERSITY OF CALIFORNIA, ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Electron Microscopes

The following is a consolidated decision on applications for duty-free entry of electron microscopes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00101-33-46040. APPLICANT: University of California, Lawrence Berkeley Laboratory, East End of Hearst Avenue, Berkeley, California 94720. ARTICLE: Electron Microscope, Model, JEM 100B. MANUFACTURER: JOEL, Ltd., Japan. INTENDED USE OF ARTICLE: The foreign article is intended to be used in research on (1) the loss of resolution and the loss of image quality due to processes of radiation damage that occurs in the electron beam on biological specimens; (2) high resolution microscopy of single atoms and (3) routine biological electron microscopy of thin sectioned material, negatively stained materials, etc. (Examples are histological and morphological studies including diverse topics such as, acid secretion in the stomach, neural tissue in culture, retinal tissue exposed to radiation, investigation of serum lipoprotein structure, and the characterization of lipoprotein morphology in abnormal and pathological circumstances.) APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: August 29, 1973. ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: December 6, 1973.

DOCKET NUMBER: 74-00104-33-46040. APPLICANT: University of Illinois/Urbana-Champaign, Purchasing Division, 223 Admin. Bldg., Urbana, Illinois 61801. ARTICLE: Electron Microscope, Model JEM 100C. MANUFACTURER: JEOL, Ltd., Japan. INTENDED USE OF ARTICLE: The foreign article will be used in a variety of advanced research studies including:

(1) Phase transformation studies involving mainly the precipitation of phases from interstitial alloys (e.g., hydride formation in structural materials);

(2) Studies of precipitation and work hardening in Vanadium-carbon systems, in which it is hoped to correlate microstructure with mechanical properties;

(3) A study of surface film formed during stress corrosion cracking;

(4) Studies of mechanical properties of intermetallic compounds and ceramic materials, in which the main interest will be in characterizing dislocation microstructures;

(5) Studies of ceramic materials including work on wear process in cemented carbides, the microstructure of glass and also the microstructure of the hydration products of calcium silicates, constituents of Portland Cement;

(6) A study on the effect of high intensity sound on the morphology of the organ of Corti in the inner ear; and

(7) Examination of the double-stranded segmented genome of an RNA virus (wound tumor virus) involving study of the heteroduplex morphology of renatured RNA from different isolates of the virus with a view to mapping areas of complementarity between viral genomes in the hope of locating the tumor inducing segment of the viral genome. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: August 30, 1973. ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: December 6, 1973.

DOCKET NUMBER: 74-00108-33-46040. APPLICANT: Mount Sinai School of Medicine of the City University of New York, Fifth Avenue and 100th Street, New York, New York 10029. ARTICLE: Electron Microscope, Model EM 300S. MANUFACTURER: Philips Electronic Instruments NVD, The Netherlands. INTENDED USE OF ARTICLE: The foreign article will be used in two principal areas. The first is the study of diseases of the lung caused by mineral particles which induce injury in the lung by causing inflammation and destruction of pulmonary function through a currently unknown mechanism. This involves localization and identification of individual particles and the determination of their effects on the cells, on the cell membranes and the cellular organelles such as lysosomes and mitochondria; the comparison of the biological effect induced by various types of asbestos and various other types of silicates and the determination of the differences in the type of cell and tissue reaction; and the determination of the effect of the cell upon the inorganic particle. The second is the study of diseases of the kidney, particularly those which damage the kidneys especially the glomeruli and lead to eventual loss of function. This involves determination of the size, the configuration and substructure, if any, of the individual granules of the various types of protein deposits which play a major role in renal damage; and the correlation of the type of deposit with pathologic changes observed in the kidney. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: September 5, 1973. ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: December 6, 1973.

DOCKET NUMBER: 74-00111-33-46040. APPLICANT: The Johns Hopkins University, School of Hygiene and Public Health, Department of Population Dynamics, 615 N. Wolfe Street, Baltimore, Maryland 21205. ARTICLE: Electron Microscope, Model HU-11F. MANUFACTURER: Hitachi, Ltd., Japan. INTENDED USE OF ARTICLE: The for-

eign article will be used to test the thesis that changes in the organization and packing of DNA during spermiogenesis result from specific chemical changes by revealing the extent to which differences in the chemical content of spermatid and mature sperm nuclei are reflected in differences in the fine structure of nuclear elements. The study will involve: (1) correlated cytochemical and electron microscopic analyses of the basic protein composition and fine structure of differentiating spermatid nuclei, (2) autoradiography, at the level of the light and electron microscopes, and (3) analyses of the fine structure of mature sperm nuclei by application of the Langmuir trough and freeze etch methods. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: September 4, 1973. ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: December 6, 1973.

DOCKET NUMBER: 74-00121-33-46040. APPLICANT: University of Cincinnati, College of Medicine, Eden and Bethesda Avenues, Cincinnati, Ohio 45219. ARTICLE: Electron Microscope, Model EM 300 and 1¾ HP Single Pump water chiller with step-up transformer. MANUFACTURER: Philips Electronic Instruments NVD, The Netherlands. INTENDED USE OF ARTICLE: The foreign article is to be used in ultrastructural research on biological material. Specific ultrastructural studies planned involve (1) immune cells in connective tissue diseases, (2) chrondrocytes obtained from rheumatoid arthritis cartilage, (3) the glomerular basement membrane of rats with various immunological diseases, (4) renal blood vessels in systemic sclerosis, (5) liver cells in patients with hepatitis, (6) the effect of antimitotic drugs on bone marrow-cells, and (7) bacterial cell walls.

The article will also be used to teach students, house staff, and young physicians light and electron microscopic interpretation of tissues obtained from biopsy, smears and other tissues obtained from patients. Postdoctoral students performing collaborative procedures will also be taught the use of the electron microscope in medical science research. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: September 19, 1973. ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: December 7, 1973.

DOCKET NUMBER: 74-00122-33-46040. APPLICANT: University of Cincinnati, College of Medicine, Eden and Bethesda Avenues, Cincinnati, Ohio 45219. ARTICLE: Electron Microscope, Model JEM 100B, ASID high resolution scanning device, and 1B1003 used high resolution universal goniometer. INTENDED USE OF ARTICLE: The foreign article is intended to be used to examine biological materials, such as, cultured mammalian cells, bacteria viruses, and purified macromolecules (namely proteins and DNA) to define the role of microorganisms in disease-processes at the cellular and subcellular levels. The article is intended to be used very little in training. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: September 19, 1973. ADVICE SUBMITTED BY DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE ON: December 7, 1973.

COMMENTS: No comments have been received in regard to any of the foregoing applications. DECISION: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles, for the purposes for which the articles are intended to be used, is being manufactured in the United States. REASONS: Each foreign article has a specified resolving capability equal to or better than 3.5 Angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope which is manufactured by the Forgflo Corporation (Forgflo). The Model EMU-4c has a specified resolving capability of five Angstroms. (Resolving capability bears an inverse relationship to its numerical rating in Angstrom units, i.e., the lower the rating, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare in the respectively cited memoranda, that the additional resolving capability of the foreign articles is pertinent to the purposes for which each of the foreign articles to which the foregoing applications relate is intended to be used. We, therefore, find that the Forgflo Model EMU-4C is not of equivalent scientific value to any of the articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc74-1287 Filed 1-15-74;8:45 am]

UNIVERSITY OF FLORIDA, ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, January 31, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

DOCKET NUMBER: 74-00119-33-46500. APPLICANT: University of Florida, Gainesville, Fla. 32601. ARTICLE: Ultramicrotome, Model LKB 8800A-NM. MANUFACTURER: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The article is intended to be used for serial ultrathin sectioning of flat embedded tissue culture cells. Studies will also be done involving sectioning of the same cell in two planes. In addition, the article will be used in training graduate students in all phases of electron microscopy, including specimen and microscopy in the course entitled Botany 654: Techniques in Biological Electron Microscopy. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: September 11, 1973.

DOCKET NUMBER 74-00243-01-46040. APPLICANT: University of California, P.O. Box 1500, Berkeley, California 94701. ARTICLE: Electron Microscope, Model EM 201. MANUFACTURER: Philips Electronic Instruments NVD, The Netherlands. INTENDED USE OF ARTICLE: The article is intended to be used for research on the structure of DNA and chromosomes to map the positions, number of copies per unit length, and spacing between adjacent copies, of a certain base sequence; and to study qualitatively as well as quantitatively the presence of certain structural features of DNA's from various sources, such as circularity, superhelicity, and topological interlocking. The article will also be used to train graduate students in the principle and operation of an electron microscope and various techniques used in the study of the fine structure of DNA. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: December 10, 1973.

DOCKET NUMBER: 74-00244-33-46040. APPLICANT: Veterans Administration Hospital, Holland Avenue, Albany, N.Y. 12208. ARTICLE: Electron Microscope, Model EM 301. MANUFACTURER: Philips Electronic Instruments NVD, The Netherlands. INTENDED USE OF ARTICLE: The article is intended to be used in the following investigations which require high resolution microscopy:

(1) Changes in distribution of endogenous peroxidases following trauma and chemical injury of biological tissues.

(2) Fine Structure and cytochemistry of fertilization in coenocytic algae.

(3) Alterations in the vessel wall following chronic hemodynamic injury.

(4) Changes in the permeability of venous endothelium exposed to vibrational injury using ferritin, colloidal iron

and thorium as tracers and the capability of the tissues to interact with such staining reagents such as ruthenium red and silver methanimine.

(5) Atherosclerosis research involving:

(a) High quality ultrastructural definition of cellular composition and components to allow for identification of both obscure cell types and of stages in their differentiation and/or dedifferentiation in both the lesion areas and *in vitro* experiments.

(b) Autoradiography, both qualitative and quantitative,

(c) Immune electron microscopy.

The article will also be used for educational purposes by a school of electron microscopy designed to train personnel at a variety of levels; i.e. post-doctoral, resident pathologists, medical students, Ph.D. candidates, college students and those already with a BS degree some of which intend to proceed to a master's degree. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: December 11, 1973.

DOCKET NUMBER: 74-00245-33-46040. APPLICANT: California Institute of Technology, 1201 E. California Blvd., Pasadena, California 91109. ARTICLE: Electron Microscope, Model EM 201. MANUFACTURER: Philips Electronic Instruments, NVD, The Netherlands. INTENDED USE OF ARTICLE: The article is intended to be used in a series of investigations on cellular membranes wherein the membranes of normal cells and virally transformed or neoplastic cells will be compared utilizing both techniques that are already available and some presently under development. Research on the organization of genetic material in various organisms will also be performed in which the basic experiments are to make a detailed investigation of the interrelationships of various cell types, the structure of their axon and dendrites, the arrangement, distribution and appearance of their synapses, both inhibitory and excitatory. Investigations of the mode of formation of intercellular contacts between hepatoma cells and studies on the structure of genetic materials will also be performed. The article will also be used in the following courses:

Bi 133—Biophysics of macromolecules laboratory—designed to provide intensive training in the techniques for the characterization of biological macromolecules.

Bi 136—Optical methods in biology laboratory—dealing with the practice of operation of various types of light and electron miscroscopes.

APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: December 14, 1973

DOCKET NUMBER: 74-00246-56-17500. APPLICANT: Massachusetts Institute of Technology, 77 Massachusetts Avenue, Cambridge, MA 02139. ARTICLE: Two (2) Recording Current Meters, Model 4. MANUFACTURER: Ivar Aanderaa, Norway. INTENDED USE OF ARTICLE: The article will be enclosed in a cyclosonde and lowered into the sea in studies of the dynamics of the ocean. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: December 14, 1973.

DOCKET NUMBER: 74-00247-47-07700. APPLICANT: National Aeronautics and Space Administration, Ames Research Center, Photographic Technology Br., 203-6, Moffett Field, California 94035. ARTICLE: Aerial Camera. MANUFACTURER: Linhof Prazisions Kamera Werke Gmbh, West Germany. INTENDED USE OF ARTICLE: The article is intended to be used from a variety of aircraft at different altitudes to record data to meet the following objectives:

(a) Determine numbers of whales, seals, sea lions, etc.

(b) Determine daily movements in relation to time, sex, season and food availability.

c. Determine newborn (alive or dead) and maternal relationships.

d. Determine massive population structure changes as related to diurnal and seasonal influences. (migration)

e. Provide, compare and share the above information with State and Federal agencies concerned with the management of marine mammals.

Application received by Commissioner of Customs: December 14, 1973.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.74-1289 Filed 1-15-74;8:45 am]

National Oceanic and Atmospheric Administration

GROUNDFISH FISHERIES

Yellowtail Flounder Quota

Notice is hereby given pursuant to § 240.21(b)(2) and (3), Title 50, Code of Federal Regulations, that the annual quota for yellowtail flounder in Subarea 5, adopted by the International Commission for the Northwest Atlantic Fish-

Therefore, the 1974 quarterly quota for Therefore, the 1974 quarterly quota for yellowtail flounder taken east and west of 69°00′ W. longitude in Subarea 5 will remain the same as that published in the FEDERAL REGISTER on August 20, 1973 (38 FR 22399) and is as follows:

Quarter	Catch quota	Expected accumulative catch
EAST OF 69° W. LONGITUDE		
Jan. 1 to March 31	2,950	2,950
Apr. 1 to June 30	3,850	6,800
July 1 to Sept. 30	4,900	11,700
Oct. 1 to Dec. 31	3,300	15,000
WEST OF 69° W. LONGITUDE		
Jan. 1 to March 31	2,750	2,750
Apr. 1 to June 30	1,500	4,250
July 1 to Sept. 30	2,000	6,250
Oct. 1 to Dec. 31	2,750	9,000

The Director may adjust the quarterly increments in either area by publication of a notice in the FEDERAL REGISTER.

Issued at Washington, D.C., January 11, 1974.

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

[FR Doc.74-1276 Filed 1-15-74;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 GSA Patent Licensing Regulations.

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. Requests for licensing information should be directed to the address cited with each copy of the patent application.

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. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, NATIONAL INSTITUTES OF HEALTH, CHIEF, PATENT BRANCH, WESTWOOD BUILDING, BETHESDA, MARYLAND 20014.

Patent application 357,272: Measurement of Carbon Dioxide. Filed 4 May 1973, PC $3.00/MF $1.45.

U.S. DEPARTMENT OF THE INTERIOR, BRANCH OF PATENTS, 18TH AND C STREETS, NW., WASHINGTON, DC 20240.

Patent application 401,004: Smelting of Nickel Oxide Ores to Produce Ferronickel. Filed 28 September 1973, PC $3.00/MF $1.45.

Patent application 402,560: Constrained Layer Damper and Noise Suppressor for a Rock Drill Steel. Filed 1 October 1973, PC $3.00/MF $1.45.

Patent 3,632,479: Treatment of Coal to Prevent Agglomeration. Filed 25 August 1969, patented 4 January 1972, Not available NTIS.

Patent 3,634,070: Process for Recovery of Copper and Other Metals from Source Materials. Filed 29 July 1969, patented 11 January 1972, Not available NTIS.

Patent 3,653,875: Recovery of Metals and Phosphate from Waste Phosphate Sludge. Filed 2 March 1971, patented 4 April 1972, Not available NTIS.

Patent 3,669,954: Process for Producing Semipermeable Membranes. Filed 4 May 1970, patented 13 June 1972, Not available NTIS.

Patent 3,663,719: System for Cooking Fish. Filed 3 December 1969, patented 16 May 1972, Not available NTIS.

DEPARTMENT OF THE NAVY, ASSISTANT CHIEF FOR PATENTS, OFFICE OF NAVAL RESEARCH, CODE 302, ARLINGTON, VIRGINIA 22217.

Patent 3,680,104: Phase Reversal Pulse Modulator and Pulse Compression Filter for a Coherent Radar. Filed 22 July 1970, patented 25 July 1972, Not available NTIS.

Patent 3,680,136: Current Sheet Antenna. Filed 20 October 1971, patented 25 July 1972, Not available NTIS.

Patent 3,680,137: Circular Symmetric Bootlace Lens System. Filed 3 December 1970, patented 25 July 1972, Not available NTIS.

Patent 3,680,196: Process for Bonding Chip Devices to Hybrid Circuitry. Filed 8 May 1970, patented 1 August 1972, Not available NTIS.

Patent 3,689,848: Voltage-to-Current Converter. Filed 4 May 1970, patented 5 September 1972, Not available NTIS.

Patent 3,690,463: Floating Suction Head. Filed 13 July 1971, patented 12 September 1972, Not available NTIS.

Patent 3,690,915: Method of Forming Gallium Phosphide Coatings. Filed 16 December 1969, patented 12 September 1972, Not available NTIS.

Patent 3,691,515: Variable Reluctance Magnetic Field Transducer. Filed 29 September 1960, patented 12 September 1972, Not available NTIS.

Patent 3,693,038: Traveling Wave Tube (TWT) Oscillation Prevention Device. Filed 3 May 1971, patented 19 September 1972, Not available NTIS.

Patent 3,693,072: Ferromagnetic Resonance Magnetometer. Filed 25 August 1967, patented 19 September 1972, Not available NTIS.

Patent 3,694,029: Aircraft Seat Restraint Tensioning Mechanism. Filed 22 September 1971, patented 26 September 1972, Not available NTIS.

Patent 3,695,058: Flexible Link Rotatable Drive Coupling. Filed 26 May 1971, patented 3 October 1972, Not available NTIS.

Patent 3,696,066: Plasticized Compositions. Filed 8 January 1971, patented 3 October 1972, Not available NTIS.

Patent 3,696,325: Complaint Suspension Cable. Filed 14 May 1970, patented 3 October 1972, Not available NTIS.

Patent 3,696,495: Threaded Ring Turning Device. Filed 5 April 1971, patented 10 October 1972, Not available NTIS.

Patent 3,696,599: Cable Fairing System. Filed 16 July 1971, patented 10 October 1972, Not available NTIS.

Patent 3,696,621: Method of Soil Stabilization. Filed 10 August 1970, patented 10 October 1972, Not available NTIS.

Patent 3,696,846: Tool for U-Bending of Plated Wire. Filed 15 June 1971, patented 10 October 1972, Not available NTIS.

Patent 3,696,894: Acceleration Sensitive Shock Absorber Valve. Filed 2 July 1971, patented 10 October 1972, Not available NTIS.

Patent 3,697,154: Optical Viewing System. Filed 12 May 1971, patented 10 October 1972, Not available NTIS.

Patent 3,697,422: Intumescent Fillers for Paints. Filed 23 November 1970, patented 10 October 1972, Not available NTIS.

Patent 3,697,425: Bearings Comprising Polyolefins and an Imine Modified Carbon Black Compound. Filed 14 January 1971, patented 10 October 1972, Not available NTIS.

Patent 3,697,434: Chemiluminescent Spray Formulation. Filed 5 October 1965, patented 10 October 1972, Not available NTIS.

Patent 3,697,476: Polyolefins Containing an Imine Modified Carbon Black Compound. Filed 14 January 1971, patented 10 October 1972, Not available NTIS.

Patent 3,697,831: Series Electrical, Parallel Thermal Gunn Devices. Filed 28 December 1970, patented 10 October 1972, Not available NTIS.

Patent 3,697,856: Voltage Regulating Circuit. Filed 14 December 1970, patented 10 October 1972, Not available NTIS.

Patent 3,697,886: Solid State Radio Frequency Voltage Controlled Oscillator, Power Amplifier and Direct Current Power Supply. Filed 8 November 1971, patented 10 October 1972, Not available NTIS.

Patent 3,697,890: Wide Deviation Voltage Controlled Crystal Oscillator with Temperature Compensation. Filed 9 June 1969, patented 10 October 1972, Not available NTIS.

Patent 3,697,969: Magnetic Tape with Plural Clocks. Filed 29 November 1971, patented 10 October 1972, Not available NTIS.

Patent 3,698,098: Method for Drying Articles Having a Low Heat Tolerance. Filed 29 March 1971, patented 17 October 1972, Not available NTIS.

Patent 3,698,420: Drain Valve Having Auxiliary Seal. Filed 5 December 1968, patented 17 October 1972, Not available NTIS.

Patent 3,698,591: Pressure Chamber Closure. Filed 4 January 1971, patented 17 October 1972, Not available NTIS.

Patent 3,698,960: Solid Battery Electrolyte and Method of Preparation Thereof. Filed 21 June 1971, patented 17 October 1972, Not available NTIS.

Patent 3,699,423: D.C. to A.C. Converter with Unique Feedback Demodulation. Filed 29 December 1971, patented 17 October 1972, Not available NTIS.

Patent 3,699,763: 24-hour Digital Clock. Filed 6 July 1971, patented 24 October 1972, Not available NTIS.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION, ASSISTANT GENERAL COUNSEL FOR PATENT MATTERS, NASA—CODE GP–2, WASHINGTON, DC 20546

Patent application 263,230: Amplitude Steered Antenna Array. Filed 15 June 1972, PC $3.00/MF $1.45.

Patent application 340,862: Electro-Mechanical Sine/Cosine Generator. Filed 13 March 1973, PC $3.00/MF $1.45.

Patent application 370,999: Transmitting and Reflecting Diffuser. Filed 18 June 1973, PC $3.00/MF $1.45.

Patent application 393,526: Condensate Removal Device for Heat Exchange. Filed 31 August 1973, PC $3.25/MF $1.45.

Patent application 393,527: Remote Platform Power Conserving System. Filed 31 August 1973, PC $3.00/MF $1.45.

Patent application 394,206: Radiation Hardening of MOS Devices by Boron. Filed 4 September 1973, PC $3.00/MF $1.45.

Patent application 395,493: Totally Confined Explosive Welding. Filed 10 September 1973, PC $3.00/MF $1.45.

Patent application 395,868: Dish Antenna Having Switchable Beam Width. Filed 10 September 1973, PC $3.25/MF $1.45.

Patent application 397,477: Alphanumeric Character Generator for Oscilloscopes. Filed 14 September 1973, PC $3.25/MF $1.45.

Patent application 398,901: Hole Cutter. Filed 19 September 1973, PC $3.00/MF $1.45.

Patent application 402,867: Meteoroid Impact Position Locator Aid for Manned Space Vehicles. Filed 2 October 1973, PC $3.00/MF $1.45.

Patent application 403,695: All Sky Pointing Attitude Control System. Filed 4 October 1973, PC $3.75/MF $1.45.

Patent application 402,868: Vacuum Leak Detector. Filed 2 October 1973, PC $3.00/MF $1.45.

Patent 3,748,722: Production of Hollow Components for Rolling Element Bearings by

Patent 3,375,885: Burrowing Apparatus. Patented 2 April 1968, Not available NTIS.

Diffusion Welding. Patented 31 July 1973, Not available NTIS.

Patent 3,749,332: Space Vehicle with Artifi-

Patented 31 July 1973. Not available NTIS.

Patented 31 July 1973, Not availalbe NTIS.

Patent 3,752,665: Synthesis of Superconducting Compounds by Explosive Compaction of Powders. Patented 14 August 1973, Not available NTIS.

Patent 3,753,148: Infrared Tunable Laser. Patented 14 August 1973, Not available NTIS.

Patent 3,754,236: Digital to Analog Conversion Apparatus. Patented 21 August 1973, Not available NTIS.

Patent 3,754,263: Lightning Tracking System. Patented 21 August 1973, Not available NTIS.

Patent 3,755,265: Highly Fluorinated Polyurethanes. Patented 28 August 1973, Not available NTIS.

Patent 3,755,686: Powerplexer. Patented 28 August 1973, Not available NTIS.

Patent 3,757,183: Redundant Speed Control for Brushless Hall Effect Motor. Patented 4 September 1973, Not available NTIS.

Patent 3,757,476: Expandable Space Frames. Patented 11 September 1973, Not available NTIS.

Patent 3,757,568: Compression Test Assembly. Patented 11 September 1973, Not available NTIS.

Patent 3,757,659: Exposure Interlock for Oscilloscope Cameras. Patented 11 September 1973, Not available NTIS.

Patent 3,758,718: Transparent Switchboard. Patented 11 September 1973, Not available NTIS.

Patent 3,758,741: Enhanced Diffusion Welding. Patented 11 September 1973, Not available NTIS.

Patent 3,758,781: Radiation and Particle Detector and Amplifier. Patented 11 September 1973, Not available NTIS.

Patent 3,759,152: Automatic Lightning Detection and Photographic System. Patented 18 September 1972, Not available NTIS.

Patent 3,759,588: High Speed Hybrid Bearing Comprising a Fluid Bearing and a Rolling Bearing Convected in Series. Patented 18 September 1973, Not available NTIS.

Patent 3,759,672: Star Tracking Reticles. Patented 18 September 1973, Not available NTIS.

Patent 3,760,289: Coaxial Inverted Geometry Transistor Having Buried Emitter. Patented 18 September 1973. Not available NTIS.

Patent 3,760,257: Electromagnetic Wave Energy Converter. Patented 18 September 1973, Not available NTIS.

Patent 3,760,394: Event Sequence Detector. Patented 18 September 1973, Not available NTIS.

Patent 3,762,884: Nickel Aluminide Coated Low Alloy Stainless Steel. Patented 2 October 1973, Not available NTIS.

Patent 3,762,918: Cobalt-Base Alloy. Patented 2 October 1973, Not available NTIS.

Patent 3,763,204: Polymerizable Disilanols Having in-Chain Perfluoroalkyl Groups. Patented 2 October 1973, Not available NTIS.

Patent 3,763,691: Meteoroid Detector. Patented 9 October 1973, Not available NTIS.

Patent 3,763,928: Electrostatically Controlled Heat Shutter. Patented 9 October 1973, Not available NTIS.

Patent 3,764,209: Hand-Held Photomicroscope. Patented 9 October 1973, Not available NTIS.

U.S. DEPARTMENT OF TRANSPORTATION, PATENT COUNSEL, 400 7TH STREET, SW., WASHINGTON, DC 20590.

Patent application 396,769: Statistical Sound Level Analyzer. Filed 13 September 1973, PC $3.00/MF $1.45.

[FR Doc.74-1231 Filed 1-15-74;8:45 am]

Office of the Secretary

ADVISORY COMMITTEE ON EAST-WEST TRADE

Notice of Establishment

In accordance with the provisions of the Federal Advisory Committee Act (Pub. L. 92-463) and OMB/Justice Department guidelines on the Act, and after consultation with the Office of Management and Budget, it has been determined that the establishment of the Advisory Committee on East-West Trade is in the public interest in connection with duties imposed on the Department by law.

The Committee will advise the Department, through the Deputy Assistant Secretary for East-West Trade, on ways to facilitate and coordinate the expansion of two-way trade with countries having centrally-planned economies, so as to enhance the balance of trade and payments situation. The Committee will function solely as an advisory body, and in compliance with the requirements of Pub. L. 92-463. It will function under the Department's Domestic and International Business Administration.

The Committee will consist of up to 20 members, representatives of business, industry, and the academic community, appointed by the Secretary of Commerce.

The Committee's charter will be filed under Pub. L. 92-463, thirty days from the date of this notice.

Dated: January 11, 1974.

GUY W. CHAMBERLIN, Jr.,
Acting Assistant Secretary for Administration.

[FR Doc.74-1299 Filed 1-15-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

ADVISORY COUNCIL ON FINANCIAL AID TO STUDENTS

Notice of Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), that the first meeting of the Advisory Council on Financial Aid to Students will be held on January 24 and 25, at 9:30 a.m.-5:00 p.m. in Room 3008, Federal Office Building No. 6, 400 Maryland Avenue, SW., Washington, D.C.

The Advisory Council on Financial Aid to Students is established under Pub. L. 92-318, section 137(b), June 23, 1972. The Council is established to advise the U.S. Commissioner of Education on matters of general policy arising in his administration of programs relating to financial assistance to students and on evaluation of the effectiveness of these programs.

The organizational meeting of the Committee shall be closed to the public. The proposed agenda includes:

JANUARY 24

1. Formal Institution of Council.
2. Welcome, Introduction of Council and Opening Remarks: John R. Ottina, U.S. Commissioner of Education.
3. Historical Review of Federal Student Assistance Program: Peter P. Muirhead, Deputy Commissioner for Postsecondary Education.
4. Report on Activities of the Task Force on Management of Student Assistance Programs; Review of current Administration policies and major issues in student assistance at the Federal level: Dr. John D. Phillips, Chairman; Dr. Richard L. McVity, Executive Secretary.

JANUARY 25

1. Discussion of Supporting Roles and Responsibilities of the Council and leadership of the Office of Student Assistance/Bureau of Postsecondary Education.
2. Review of Divisional Activities:
   a. Division of Basic Grants
   b. Division of Student Support and Special Programs
   c. Division of Insured Loans
3. General discussion and closing remarks: Peter P. Muirhead and staff.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of Dr. Richard L. McVity, OE Council Delegate, located in Room 4064, Regional Office Building No. 3, 7th and D Streets SW., Washington, D.C.

Signed at Washington, D.C., on January 10, 1974.

RICHARD L. MCVITY,
OE Council Delegate.

[FR Doc.74-1277 Filed 1-15-74;8:45 am]

Office of the Secretary

SOCIAL AND REHABILITATION SERVICE

Statement of Organization, Functions, and Delegations of Authority

Part 5 of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health, Education, and Welfare, Social and Rehabilitation Service (34 FR 1279, January 25, 1969, as amended), is hereby further amended to reflect reorganization of the Staff Offices of Social and Rehabilitation Service. For such purposes, Section 5-B is amended as follows:

Delete the "Immediate Office of the Administrator" and all that follows under that heading. Delete "Office of Priority Programs" and all that follows under that heading. Delete "Office of Public Affairs" and all that follows under that heading. Delete "Associate Administrator for Planning, Research, and Training" and all that follows under that heading (including "Office of Legislation", "Office of Program Planning and Evaluation", "Office of Manpower Development and Training", and "Office of the Assistant Administrator, Research and Demonstrations" in their entirety). Delete "Associate Administrator for Management" and all that follows under that heading (to and including "Division of Data Processing"). Delete "Office of Field Operations" and all that follows under that heading (to and including "Division of Administrative Management"). Substitute therefor the following.

(The recently published "Associate Administrator for Information Systems" and all that follows under that heading, is to be retained, immediately before the heading, "Social and Rehabilitation Service Program Bureaus".)

Associate Administrator for Policy Control and Coordination. Initiates formulation of policy and resolution of major policy issues SRS-wide. Obtains, synthesizes and finalizes policy inputs from headquarters and field components. Coordinates, and clears with Office of the Secretary, major policy issuances and interpretations of policy. Insures adequacy, timeliness, coordination and clearance on all written communications. Through the SRS Office of Public Affairs, oversees public affairs activities of SRS. Through the SRS Office of Legislation oversees legislation and Congressional relations for SRS. Carries out Freedom of Information Act responsibilities for SRS. Provides overall direction and coordination of the Office of Public Affairs, Office of Legal and Technical Analysis, Office of Legislation, and Executive Secretariat.

Office of Public Affairs. Plans, directs, and coordinates the public affairs program of the Social and Rehabilitation Service. Advises on public information considerations and needs involved in program and policy recommendations and decisions. Provides guidance and leadership to all components of SRS in matters involving public affairs. Provides central news, television, radio, film and publication services for all SRS components. In coordination with regional offices, assists the States in conducting their information programs. Serves as the SRS contact point on public affairs with the Office of the Secretary, other agencies of the Department, and other Federal departments and agencies. Develops, coordinates and implements a public affairs operational planning system, responsive to the SRS and Department-wide management system; manages the SRS Speakers' Bureau; maintains liaison with national organizations involved in SRS related programs; plans and carries out special projects in the area of public affairs. The Office of Public Affairs consists of the following two Divisions:

Division of Public Information. Provides information on a daily basis to the news gathering and reporting media, regarding SRS activities. Prepares news releases and other news materials issued by the Administrator, SRS, and other key officials of the agency. Coordinates and arranges news conferences, briefings, and news program interviews of the Administrator and other key SRS officials on radio, television and with the print media. Plans, coordinates and supervises production of audio-visual materials including films, videotapes and recordings. Provides liaison between SRS/OPA and the bureaus, the Regional Offices and State agencies administering SRS-related programs. Assists in development of public affairs plans to support SRS objectives and, as necessary, Bureau objectives. Provides Bureau

Commissioners and other key officials with public affairs guidance, counsel, and technical assistance.

Division of Editorial Services. Provides the Office of Public Affairs, SRS, with primary editorial support. This includes the planning and production of writing, graphic design, editing, and distribution of all SRS single-issuance public information documents. Coordinates material with the Division of Public Information; coordinates the OPA responsibilities under the agency printing management and publications storage and cataloging activities; plans, produces and distributes the SRS-wide monthly external periodical representative of overall agency activities. Clears all material through appropriate channels indicated by the Assistant Administrator for Public Affairs, SRS. Plans, produces and distributes a monthly SRS internal newsletter in accordance with established policies and regulations.

Office of Policy Control. Coordinates the preparation of, and, if necessary, initiates major substantive policy issuances, interpretation of existing policies for the bureaus and the Administrator and the development of program regulations and guidelines. In addition, reviews for the bureaus substantive correspondence and policy papers to insure conformance with SRS policy. Keeps the Administrator advised of the progress of development of policy and regulations. Provides policy guidance to SRS as issues arise through Congressional inquiries, new legislation, or problems concerning programs administered by SRS. Assists the Administrator and his staff in the formulation of policy SRS-wide. Serves as the SRS contact point with the Executive Secretary and the Assistant Secretaries of HEW in the area of SRS regulations and guidelines. At the direction of the Administrator or bureau Commissioners, coordinates regulation and policy development that interfaces with other agencies of the Federal government. Develops, maintains and coordinates the system for compliance enforcement between headquarters and Regional Offices.

Executive Secretariat. Provides liaison with the OS Executive Secretariat and counterparts in other HEW agencies and other Federal departments on all matters except SRS Regulations and guidelines. Advises field and headquarters components on proper coordination, internal and external communication, and correspondence control. Reviews, analyzes, or initiates memoranda and other communications directed to the Office of the Administrator. Insures adequacy of coordination and clearance of written communications, clarity and conciseness of presentation, timeliness, necessary follow-through, and other elements of completed staff work. Prepares responses to public inquiries about SRS program matters. Participates in staff meetings in the Administrator's office, records decisions and action requests, and communicates and follows up with bureaus involved. Working with the Associate Administrator for Management, suggests improved systems of coordination, communication, and follow-through within SRS, with particular emphasis on management of mail and correspondence. Determines criteria for setting priorities on incoming correspondence, affixing due dates, and specifying referral and clearance points. Expedites the decision, action, and review processes and assures consistent coordination between the Administrator's staff and operational elements. Monitors policy development and execution on issues of interest to the Administrator. Operates as a centralized facility for the Administrator and staff by bringing information together in one place and highlighting pertinent planning and progress.

Office of Legislation. Directs and coordinates legislative affairs activities for the Social and Rehabilitation Service. This involves development of new legislation, testimony, and cost activities and includes preparation of congressional and other reports on all bills. Keeps the Administrator informed regarding legislation. Coordinates all Congressional relations for the Administrator and field and headquarters components. Furnishes technical assistance to Congressional committees, committee staffs, individual members of Congress and public and private organizations in relation to proposals and bills. Develops basic SRS legislative policy and is the contact point on legislation and Congressional relations with the Office of the Secretary, other agencies of the Department, and other Federal departments and agencies.

Associate Administrator for Planning, Research, and Evaluation. Provides leadership, coordination, and policy direction for program analysis, long-range program planning and evaluation, research and demonstration, and operational planning of the Social and Rehabilitation Service. Serves as the principal advisor to the Administrator in these areas. Directs and coordinates the activities of the Office of Program Analysis and Evaluation, the Office of Research and Demonstrations, and the Office of Operational Planning and Control, and the Cuban Refugee Program.

Office of Program Analysis and Evaluation. This Office has primary responsibility for advising the Administrator and Associate Administrator for Planning, Research, and Evaluation in matters concerning the analysis and evaluation of SRS programs and their alternatives, and R&D priorities. Provides leadership, technical assistance, guidance, and coordination to program units and Regional Commissioners in matters pertaining to program analysis and evaluation. Serves as a contact point for the Office of the Administrator with the Office of the Assistant Secretary for Planning and Evaluation. Based on the analytic program, the Office provides substantive input in the development of the SRS multiyear program and financial plan, insuring its adequacy as a basis for deriving operating and legislative planning. In this regard, the Office initiates and directs studies and analyses of program objectives and accomplishments, compares benefits and costs of alternative programs, and explores future needs in relation to planning programs. To support these activities, the Office provides leadership and direction in: (a) The development of an analytical and evaluation plan to address major program and policy issues; (b) the development of study methodologies, measures of program performance, and data to support their implementation; (c) the design and implementation of agencywide long-range planning systems and procedures for insuring the optimal participation of SRS organizational units in the development and update of the SRS long-range plan and its linkage to operational plans and budgets; and (d) the development of R&D priorities and objectives necessary to initiate an R&D operational plan and formulate R&D budgets.

Office of Research and Demonstrations. This Office has primary responsibility for establishing policy regarding R&D management and planning; for managing the R&D planning process, and developing R&D plans within priorities, and for evaluating the implementation of the plans. In this capacity, this Office provides for the development of policies, regulations, and procedures covering R&D operations throughout headquarters and field components. The Office is also responsible for coordinating SRS participation in international research activities. Based upon the results of the R&D program, a major responsibility is to ensure appropriate input to the program policy and planning process and to the development of improved service delivery at the State level. It also provides leadership and coordination in developing an R&D plan and in evaluating the R&D program and individual projects for consistency with R&D priorities and the highest quality research approaches. The Office advises the Associate Administrator for Planning, Research, and Evaluation on all matters concerning the R&D program.

Division of Studies on Rehabilitation and Employability. In cooperation with Bureau staffs, develops a program of domestic and international research and demonstrations to solve problems of physical, mental, and cultural disabilities with a general purpose of employment. Carries out evaluation of research activities to ensure consistency with R&D priorities and with the standards of high quality research. Responsible for the establishment and monitorship of special centers for research and training in areas of concern to SRS, including the Regional Research Institutes in Rehabilitation and in Employability. Participates in the development of policies, regulations, and procedures covering these operations throughout SRS. Develops methods for the evaluation of research findings. Maintains relationships with international and domestic public and private agencies in relevant research areas, and promotes interchange of research scientists and experts between the United States and foreign countries in response to indicated domestic needs. Stimulates research together

with Bureau personnel and encourages coordinated research, training, and client services to meet relevant program needs.

Division of Studies on Social Services and Life Support. In cooperation with Bureau staff, develops a program of research and demonstrations to solve problems of social, cultural, and economic deprivation, including child welfare, Medicare, as well as health services to the poor, including Medicaid. Carries out evaluation of research activities to ensure consistency with R&D priorities and with the standards of high quality research. Responsible for the establishment and monitorship of Social Welfare Regional Research Institutes and related centers and institutes. Participates in the development of policies, regulations, and procedures covering these operations throughout SRS. Maintains relationships with international and domestic public and private agencies in relevant research areas, and promotes interchange of research scientists and experts between the United States and foreign countries in response to indicated domestic needs. Stimulates research, together with Bureau personnel, to meet relevant program needs.

Division of Research Utilization. Develops a program of research utilization and interpretation of research results under all existing authorities (rehabilitation, child welfare, cooperative research, demonstration grants, international, etc.) to solve problems of physical, mental, social, cultural, and economic deprivation, working closely with Bureau personnel. Participates in the development of policies and procedures covering these operations throughout SRS. Together with Bureau personnel, stimulates research in the areas of research utilization. Maintains an inventory of final project reports in all appropriate areas. Responsible for dissemination of final reports and report interpretation. Coordinates with Bureaus to assure incorporation of significant findings into policy and practice.

Office of Operational Planning and Control. This Office provides leadership and direction to all elements of the Central and Regional Offices in: (1) Translating designated program priorities into specific attainable goals; (2) developing operational objectives and plans which will advance goal attainment, and ensuring that the operational goals are based on a thorough assessment of program capabilities and are thus realistic and feasible; (3) assuring that necessary resources are deployed to achieve objective plans, and (4) evaluating the accomplishment of operational objectives. It also serves as the central focus for reporting operational objective developments, progress, and problems; and makes recommendations to the Associate Administrator for Planning, Research, and Evaluation for strengthening the capability for carrying out these responsibilities.

Cuban Refugee Program. Administers the Cuban Refugee Program including: Financial assistance, resettlement services, emergency health services, assistance to public schools in impacted areas, loans to refugee students and protective care of minors. These programs are carried out through the Federal Cuban Emergency Center, voluntary resettlement agencies, and other Federal, State, and local agencies.

Associate Administrator for Management. Coordinates the planning and directs operations of all administrative, budgeting, financial management activities and the quality control aspects of the public assistance programs of the Social and Rehabilitation Service.

Office of Equal Opportunity. Develops and administers the SRS Equal Opportunity Program securing necessary changes to practice and procedures to insure equal treatment for all employees. Serves as the advocate of minority concerns in all aspects of SRS operations and management, reviewing SRS policies, programs and objectives for Equal Opportunity adequacy and recommending necessary changes. Serves as the principal advisor to the Associate Administrator for Management on Equal Opportunity policies, programs, and activities within SRS. Coordinates the efforts and activities of all equal-opportunity-related groups and individuals within SRS.

Office of Administration. Provides staff coordination, direction, leadership, and advice on the administrative management functions of SRS. Coordinates the planning and operation of the administrative activities of SRS. Provides centralized support services in personnel management, manpower utilization and organization.

Division of Manpower and Organization. Serves as the consultative arm of SRS in the application of management practice and theory, and provides leadership and guidance in the use of the agency's manpower. Conducts major reviews and evaluations of the organization, functions, manpower utilization, and procedures of all SRS components, developing recommendations for improvements and assisting in the implementation of changes resulting from those recommendations. Responsible for directing the agency's manpower utilization program. Provides analysis of staffing requests from SRS components and makes recommendations on the allocation and reallocation of available resources. Issues and maintains official manpower ceilings and monitors average grade.

Responsible for the clearance, approval and publication of the official SRS organization and functional statements. Assists the agency's components in the development of those statements and maintains the official organization files for SRS. Advises in the development of the agency's delegations of authority for administrative and program responsibilities, provides for their clearance and promulgation, and maintains an official compilation of these authorities.

Division of Personnel. Provides leadership, direction and control in developing and carrying out the personnel management and administration program for SRS. Participates in planning to meet current and future staffing requirements. Conducts technical personnel programs, including: position classification; recruitment and staffing; employee development and training; employee-management relations; labor relations; and upward mobility in coordination with management needs and EEO goals. Evaluates and improves the effectiveness of SRS personnel management and administration.

Responsible for the development of regulations, providing policy interpretations and advice and assistance on State and local training, State Merit System and use of paraprofessionals. Maintains the National Task Data Bank and provides assistance as required.

Office of Financial Management. Provides overall financial management for the Social and Rehabilitation Service and its programs. Provides centralized general services support to all SRS components. Functions of the Office include staff leadership, guidance, and direction on: Budget development and execution; development of budget policies and procedures; accounting and auditing policies and procedures; grant administration; and general services. Serves as the contact point for the Social and Rehabilitation Service with the Office of the Secretary and the General Services Administration on financial and general services matters.

Division of Budget. Responsible for the preparation, justification and execution of the total Social and Rehabilitation Service budget and for the coordination of all SRS budget activities.

Division of Finance. Responsible for the development, implementation, and administration of the Social and Rehabilitation Service accounting system. Establishes fiscal and accounting policies and procedures; reviews the adequacy and effectiveness of plans, policies, and accounting operations for the provision of financial data to SRS management, HEW, OMB, and Treasury. Conducts a continuing evaluation of the financial system, implementing improvements to assure that the systems meet SRS, HEW and regulatory requirements.

Division of General Services. Provides consultative assistance and advice on all general services activities for the Social and Rehabilitation Service including: Contract development and administration; technical procurement management; personal and real property management; paperwork management; committee management; printing management and reproduction services; communications services; safety management; and all related activities. Provides administrative support services and develops policy in these areas for SRS.

Division of State Grants Administration. Maintains financial control over grants to the States for the Public Assistance and Work Incentive Programs; develops the Secretary's estimate of quarterly expenditures for Public Assistance as required by the Social Secu-

rity Act in coordination with the applicable program elements; prepares and issues grant award notices to the States. Administers the cost allocation policy under OMB Circular A–87 and develops cost control factors in coordination with program elements. Reviews proposed and existing legislation and federal regulation providing comment on financial implications of proposals and develops implementing instructions to exercise financial controls necessary for effective administration. Participates with the program elements in the development of guidelines for financial planning for the Public Assistance and Work Incentives Programs to ensure that they provide an adequate basis for financial control and accountability. Reviews approved State Plans to ensure that they provide an adequate basis for financial control and accountability. Performs a financial review of approved Program and Financial Plans and other financial planning documents for conformance with law, regulation, approved State Plans, cost allocation policy and cost control factors to monitor regional performance in approval of such plans. Maintains liaison with the General Accounting Office and the HEW Audit Agency; provides a central point in SRS for coordination of action on GAO audit reports and for coordination of financial action on HEW audit reports; identifies evidence of inappropriate claims or payments under Public Assistance grants and initiates action to correct reported deficiencies and to investigate the applicability of the specific findings to all expenditures under such grants. Provides training, technical assistance, and guidance to the Regional Staff concerning the maintenance of financial control over Public Assistance and Work Incentive grants; coordinates with Regions on individual State problems.

Division of Project Grants Administration. Develops and publishes SRS project grants administration policies and procedures including the implementation of HEW grants policy. Coordinates with other SRS elements on policy that affects both formula and project grants.

Provides grants administration services for all project grants awarded by the SRS Central Office, which include: Receiving applications; operating the project referral system; reviewing financial and expenditure reports; participating in review of applications; obtaining required clearances; preparing grant awards and correspondence; maintains records for fund control; maintaining grant files; providing information required for management and budgetary purposes; providing consultation to grantees, program elements, and regions; and resolving problems related to payment systems.

Provides training, technical assistance and guidance to regional project grants management staff; reviews and coordinates regional grants management operations for all decentralized project grant programs.

Develops audit policies and standards for SRS and provides for the resolution of audit exceptions. Maintains a centralized project grants information system for all SRS project grants. Develops SRS forms and procedures to be utilized by SRS in coordination with the program elements. Establishes and maintains necessary obligation and expenditure control systems in coordination with program elements.

Office of Special Initiatives. Responsible for implementation of major management initiatives on a project management basis. The current one is quality control management, described below.

Quality Control Management. "Directs the planning and implementation of federal initiatives for improving the quality control system and reducing errors in the Federal-State assistance programs. Responsible for the development and preparation of policies, standards and guidelines to accomplish program goals and objectives. Maintains a Federal monitoring system to permit timely identification of progress, or problem areas impeding progress, and to indicate necessary corrective management action to solve problems. Provides program management guidance to the Regional Offices and coordinates with the Regions on individual State problems. Responsible for the provision of training, consultations and technical assistance to the Regional Offices. Provides SRS and HEW management and other interested agencies periodic program appraisals and other quality control information as required. Maintains liaison with other SRS activities and other Federal agencies concerned with assistance programs.

Office of Field Operations. Serves as the immediate, principal staff arm of the Administrator in the direction and management of Social and Rehabilitation Service's Regional Offices. Assist the Administrator and Regional Commissioners in the identification and resolution of conflicts, problems and issues involving field-administered programs, and initiates, recommends or implements action on them. Provides Regional Offices with advice and support on matters requiring Central Office coordination. Responsible for the defense mobilization functions assigned to Social and Rehabilitation Service.

Division of Regional Implementation. Provides technical assistance to Regional Offices in developing, strengthening, and evaluating program activities and Regional work planning systems. Assists Regional Offices in resolving day to day program and operational problems, including program interrelationships, improvement of program implementation and intergovernmental operations, Federal-State-local relationships, and DHEW/SRS program objectives, initiating, recommending, or implementing corrective actions as appropriate. Maintains SRS Headquarters Meeting Calendar, coordinating meeting schedules for all Central Office units, and coordinates SRS-wide attendance at non-SRS meetings. Assures that Regional Offices are kept fully informed by monitoring Central Office to Regional Office communication networks.

Division of Administrative Management. Exercises responsibility and direction on all technical management matters relating to Regional organization, functions, authorities, position structure, budget, financial reporting, administrative policies and procedures, and other general management activities of or pertaining to SRS Regional Offices. Resolves or assists Regional Commissioners in resolving day to day technical administrative problems. Insures reflection of Regional points of view on proposed policies, plans, programs, procedures and instructions which will affect administrative activities of Regional Offices, and also assures input by headquarters offices on major Regional administrative matters. Participates in establishing and applying methods for distributing manpower to Regional Offices. Provides technical assistance to Regional Commissioners on all personnel matters, and in developing staffing plans, and reviewing and analyzing plans submitted. Assists in preparing standardized position descriptions for the various elements of Regional Offices. Develops reporting systems relating to administrative management, and analyzes data retrieved, compiling reports as needed.

Dated: January 9, 1974.

CASPAR W. WEINBERGER,
Secretary.

[FR Doc.74–1291 Filed 1–15–74;8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD–143; FDAA–409–OR]

OKLAHOMA

Amendment to Notice of Major Disaster

Notice of Major Disaster for the State of Oklahoma, dated December 10, 1973, and published December 17, 1973 (38 FR 34683), and amended December 21, 1973, and published January 4, 1974 (39 FR 1083), is hereby further amended to include the following counties among those counties determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of December 10, 1973:

The counties of:
Hughes
Sequoyah

Dated: January 10, 1974.

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

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

[FR Doc.74–1341 Filed 1–15–74;8:45 am]

AMERICAN REVOLUTION BICENTENNIAL COMMISSION

BICENTENNIAL INFORMATION NETWORK

Pursuant to the provisions of Pub. L. 89–491, as amended, I hereby certify that

the American Revolution Bicentennial Commission (ARBC) has approved and adopted the following regulations in connection with the Bicentennial Information Network (BINET).

BICENTENNIAL INFORMATION NETWORK (BINET)

In carrying out the provisions of Pub. L. 89–491, as amended, the American Revolution Bicentennial Commission has established and inaugurated on July 3, 1973, the Bicentennial Information Network (BINET) for the purpose of providing information concerning Bicentennial projects and events of international, national, regional, and state and local significance. This information is gathered and disseminated in order to assist in development of a balanced nationwide program for the Bicentennial and to serve as a primary coordinative tool for both planners and participants. BINET, a computerized system for gathering, organizing, and dispersing data on Bicentennial projects and events, was developed by the ARBC Staff with assistance of the National Bureau of Standards and the General Services Administration. Computer services are supplied from the Computer Sciences Corporation under a GSA contract.

BINET information can be obtained by one of three ways:

(a) Direct access to the data base through computer terminals where feasible; (b) BINET publications; and (c) Special Requests.

DIRECT ON-LINE ACCESS

Direct on-line access to BINET can be made available to interested organizations and individuals. For information on methods and costs of such access, contact the American Revolution Bicentennial Commission, 736 Jackson Place, NW., Washington, D.C. 20276, telephone (202) 254–8020.

BINET PUBLICATIONS

A BINET Publications Program is already underway to provide information through printed media to the general public. The first in a series of such publications is scheduled for early 1974 and is expected to be produced quarterly during 1974. This publication is the Official Master Reference of Bicentennial Activities. Public announcement will be made of such publications and their costs. Public announcement of any additional publications will be made.

SPECIAL REQUESTS

Additional information will be available in the form of computer printouts based on Special Requests. Such individual requests can be filled, to the extent ARBC Staff and other resources permit, where the normal BINET publications are not appropriate or adequate to meet particular requirements.

A minimum user's charge of $15.00 per Special Request is established. In any case where a Special Request is estimated to require more than one-half hour of staff time, or more than $2.00 of computer cost the ARBC will provide to the requestor an estimate of cost of filling the Special Request on the basis of computer time, staff time, and any other costs. ARBC will process Special Requests only after the requestor agrees to reimburse ARBC for the actual costs it will incur in filling the request, computed on the basis of the unit costs used in preparing the estimate of cost.

Dated: January 8, 1974.

HUGH A. HALL,
Acting Director, American Revolution Bicentennial Commission.

[FR Doc.74–1272 Filed 1–15–74;8:45 am]

ATOMIC ENERGY COMMISSION

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS' SUBCOMMITTEE ON REGULATORY GUIDES

Notice of Meeting

JANUARY 14, 1974.

In accordance with the purposes of sections 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232 b.), the Advisory Committee on Reactor Safeguards' Subcommittee on Regulatory Guides will hold a meeting on February 6, 1974, in Room 1026, 1717 H Street NW., Washington, D.C. The purpose of this meeting will be to discuss Regulatory Staff drafts of the following proposed Regulatory Guides in Division 1 of the Regulatory Guide series.

1. Proposed Regulatory Guide 1.XX, "Termination of Operating Licenses for Nuclear Reactors," Draft 1.

2. Proposed Regulatory Guide 1.XX, "Assumptions Used for Evaluating the Habitability of a Control Room During A Postulated Hazardous Chemical Release," Draft 1.

3. Proposed Revision 1 to Regulatory Guide 1.21, "Measuring and Reporting of Radioactivity in Effluents and Wastes from Nuclear Power Plants," Draft 1.

4. Proposed Regulatory Guide 1.XX, "Assumptions Used for Evaluating a Control Rod Ejection Accident for Pressurized Water Reactors," Draft 1.

5. Proposed Regulatory Guide 1.XX, "Design Basis Tornado for Nuclear Power Plants," Draft 1.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Wednesday, February 6, 1974, 1:30 p.m. until the conclusion of business

Discussion with representatives of the AEC Regulatory Staff regarding the proposed Regulatory Guides which are agenda items.

In connection with the above agenda items, the Subcommittee may hold Executive Sessions, not open to the public, at approximately 1:00 p.m. and at the end of the day to exchange opinions and formulate recommendations to the ACRS.

I have determined, in accordance with Subsection 10(d) of Pub. L. 92–463, that the above-noted Executive Sessions 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). It is essential to close such portions of the meeting to protect the free interchange of internal views and to avoid undue interference with Subcommittee operation.

Practical considerations may dictate alterations in the above agenda or schedule.

The Chairman of the Subcommittee is empowered to conduct the meeting in a manner that in his judgment will facilitate the orderly conduct of business.

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 January 30, 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 subject matter of the proposed Regulatory Guides which are agenda items and related documents which are on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545.

(b) Those persons submitting a written statement 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 3:00 p.m. on February 6, 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 February 5, 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) A copy of the transcript of the open portions of the meeting will be avail-

able for inspection during the following workday at the Atomic Energy Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. 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, on or after April 8, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee Management Officer.

[FR Doc.74-1486 Filed 1-15-74;10:24 am]

[Docket Nos. 50-440A & 50-441A]

CLEVELAND ELECTRIC ILLUMINATING CO. ET AL.

Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, a letter of advice from the Attorney General of the United States, dated December 17, 1973, a copy of which is attached as Appendix A.

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "rules of practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by February 15, 1974, either (1) by delivery to the AEC Public Document Room at 1717 H Street, NW. Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, Attn: Chief, Public Proceedings Branch.

For the Atomic Energy Commission.

ABRAHAM BRAITMAN,
Chief, Office of Antitrust & Indemnity, Directorate of Licensing.

APPENDIX A

DECEMBER 17, 1973.

Re: Duquesne Light Co.; Ohio Edison Co.; Pennsylvania Power Co.; The Cleveland Electric Illuminating Co. and The Toledo Edison Co.—Perry Nuclear Power Plant, Units 1 & 2; AEC Docket Nos. 50-440A & 50-441A.

You have requested our advice pursuant to the provisions of section 105 of the Atomic Energy Act, as amended, in regard to the above-cited application.

I. *The Applicants.* Perry Nuclear Power Plant, Units 1 & 2, which will be located near Lake Erie in Lake County, Ohio, 35 miles northeast of the City of Cleveland, will consist of two units with outputs of 1205 mw and 1265 mw. The units will be jointly owned by the following investor-owned utilities in, as yet, undetermined shares: Duquesne Light Company, Ohio Edison Company, Pennsylvania Power Company (a subsidiary of Ohio Edison Company), The Cleveland Electric Illuminating Company, and The Toledo Edison Company. The total estimated cost of the units at completion will be $1,302 million. Unit 1 is scheduled to go into operation between 1978 and 1980; Unit 2, between 1979 and 1981. The units will be constructed and operated on behalf of the Applicants by The Cleveland Electric Illuminating Company.

Duquesne Light Company (Duquesne) is an investor-owned integrated electric utility which serves an 800 square mile area in the northwestern part of Pennsylvania which has a population of approximately 1,615,000 individuals. At present, Duquesne supplies the full bulk power requirements of one municipal electric utility. In 1972 Duquesne's total electric operating revenues were in excess of $215,079,000; the company has a net generating capacity of 2,461 mw.

Ohio Edison Company (Ohio Edison) is a fully integrated investor-owned utility serving an area of approximately 7,400 square miles with a population of approximately 2,321,000 people in central and northeastern Ohio. Ohio Edison's net generating capacity is 3,494 mw. Ohio Edison supplies the full bulk power requirements of 19 municipal electric utilities and the partial bulk power requirements of two municipals. In 1972 Ohio Edison and its subsidiaries had electric operating revenues in excess of $340,435,000.

Pennsylvania Power Company (PPC), a subsidiary of Ohio Edison Company, provides electrical service throughout an area of approximately 1,500 square miles in western Pennsylvania which has a population of 324,000 people. PPC supplies the full bulk power requirements five city systems. In 1972, PPC had operating revenues of $45,522,000 and a net generating capacity in excess of 579 mw.

The Cleveland Electric Illuminating Company (CEI) is a fully integrated investor-owned utility which serves an area in and surrounding the City of Cleveland of approximately 1,700 square miles which has a population of approximately 2,100,000 people. CEI does not provide full or partial requirements wholesale electric service to any municipal or cooperative electric utility. In 1972, CEI had electric operating revenues in excess of $287,775,000 and a net generating capacity of 3,930 mw.

The Toledo Edison Company (Toledo) is a fully integrated investor-owned electric utility serving an area of 2,500 square miles, including the City of Toledo and territories to the west, south and east thereof, with a population of approximately 719,000 people. Toledo supplies the full bulk power requirements of 14 municipal electric utilities and the partial bulk power requirements of one such system at wholesale. In 1972, Toledo had electric operating revenues of $115,767,000 and a net generating capacity of 1,046 mw.

II. *The CAPCO Pool.* The Applicants are all members of a five-company power pool, known as CAPCO, which was organized in 1967. CAPCO provides the framework within which the members coordinate their operations, interchange power and share reserves. Generation and associated transmission facilities for the CAPCO members are planned on the basis of the requirements of the pool as a single system. The Perry Nuclear Power Plant, Units 1 & 2, as well as the Davis-Besse and Beaver Valley facilities, are nuclear generating units planned and constructed by the members of CAPCO to meet these requirements. The CAPCO members serve approximately 2 million customers within a 14,000 square mile area in northern Ohio and western Pennsylvania.

III. *Competitive Considerations.* The Applicants herein have made two previous applications to the Commission on which the Department was requested to render antitrust advice: Davis-Besse Nuclear Power Station (Docket No. 50-356A) and Beaver Valley Power Station, Unit No. 2 (Docket No. 50-412A). Since there had been no formal request for participation in either facility, and since the Applicants appeared to be responding voluntarily and adequately to certain allegations of anticompetitive conduct, the Department did not recommend that an antitrust hearing be held upon either application. The competitive situation outlined in the Department's advice letter dated April 20, 1973, on the Beaver Valley facility appears to be unchanged with respect to all but one of the Applicants, CEI. Therefore, we will not at this time reiterate the conclusions concerning the activities of the other Applicants which we set forth in our prior correspondence.

Although CEI does not serve any municipal or cooperative wholesale customers, its facilities are located adjacent to and surrounding the municipal systems of the City of Cleveland and the City of Painesville. CEI controls all of the transmission facilities surrounding these two cities. CEI is engaged in intense competition with the City of Cleveland at the retail distribution level, and to a lesser extent, with Painesville. It is CEI's objective to "reduce and ultimately eliminate" the systems of both of these municipal competitors.[1]

In our Beaver Valley advice letter, the Department indicated that Painesville, presently an isolated system, has been seeking an interconnection with CEI for several years. Painesville alleged that this interconnection was required if the City was to remain competitive with CEI. Early in April of this year, CEI informed the Department that it expected an interconnection agreement with Painesville to be concluded "within a few months." Eight months later no agreement has been concluded; CEI and Painesville have now been negotiating for three years without reaching such an agreement. On April 11, 1973, Painesville wrote to CEI requesting participation in the Perry facility "on a shared capacity basis." In August of this year, CEI informed the Department that it would permit unconditioned participation in Perry by Painesville. However, this offer was apparently not effectively communicated to Painesville for, in the following month, the City wrote to the Commission requesting participation and stating "unless they [CEI] are compelled to sell us power from the Perry Nuclear Plant they will, within a very few years, effectively monopolize the distribution of electric energy in this entire area." Painesville has informed the Department that unless it can secure either access or interconnection and coordination, it will be unable to remain a viable competitor. It does not appear that CEI has at any time flatly refused either to interconnect with Painesville or to allow them access to the Perry units.

CEI and Cleveland have a long history of litigation and mutual antagonism. Both have made allegations to the Department that the other has engaged in anticompetitive conduct violative of the antitrust laws. They are presently engaged in litigation concerning Cleveland's payment for past services rendered by CEI. For many years, Cleveland was a completely isolated electric system. Recently, upon Cleveland's petition, the Federal Power Commission ordered CEI to establish both temporary and permanent interconnections with the City's system. Cleveland's system serves approximately 20 percent of the retail distribution load existing inside the city limits; the remaining 80 percent is

[1] October 9, 1970 Memorandum from R. H. Bridges, CEI Public Information Department, to Lee C. Howley, CEI Vice President and General Counsel; Exhibit 24, City of Cleveland v. Cleveland Electric Illuminating Company (FPC Docket Nos. E-7631, E-7633 & E-7713).

served by CEI. The City's system had a peak load of 104 mw in 1971 and has a projected peak of 280 mw by 1980. It presently has a nominal summer generating capability of 193.6 mw, but the system has experienced serious reliability problems in the past.

Cleveland alleges that without coordination, including wheeling, reserve sharing, and joint planning of and participation in large-scale generating units, it cannot continue to compete with CEI. Cleveland further alleges that CEI's membership in the CAPCO Pool has provided CEI with the benefits of coordination, reserve sharing, and wheeling, as well as the ability to take advantage of the economies of scale associated with large-scale generating units. Cleveland also alleges that the CAPCO Pool members have been able to monopolize the presently available sites for the location of large-scale nuclear generating facilities.

On April 4, 1973, Cleveland wrote to CEI and requested participation in the CAPCO Pool. On April 13, 1973, Cleveland again wrote to CEI and specifically requested access to the Perry units, either through unit power purchased or ownership participation by the City or, on the City's behalf, by American Municipal-Power Ohio, Inc. (AMP–O).[2] On April 17, CEI responded to the City's request, noting that both CAPCO contractual arrangements and Perry ownership raised the same questions; CEI suggested that the City arrange a meeting with CEI's General Counsel to discuss these questions. While a continuing interchange apparently took place between the City and CEI in the following months concerning litigation and other matters, the Department is unaware of any further communication concerning CAPCO membership or participation in Perry until August of this year.

On August 3, 1973, Cleveland wrote to CEI conveying a detailed proposal for membership in CAPCO and for participation in all proposed CAPCO nuclear units. This proposal provides that the City would receive 55 mw from Davis-Besse (projected to come on line in 1975), 26.6 mw from Beaver Valley (on line in 1978), 30.1 mw from Perry Unit No. 1 (on line in 1979), and 30.0 mw from Perry Unit No. 2 (on line in 1980).[3] These gradual increments of power comprise a total participation in CAPCO units of 141.8 mw and are scheduled to correspond to the City's projected load growth. We are informed by the City that this power would be used exclusively to provide for load growth and not to replace existing generating facilities.

The August 3 letter requested a meeting on August 20. On August 13, CEI replied in a noncommittal fashion and indicated that, no later than September 1, it would be prepared to schedule a meeting in the future. On September 10, Cleveland again wrote to CEI reiterating its desire for CAPCO membership. On September 26, CEI replied that it was prepared to meet with the City's representatives. On October 25 this meeting was finally held but did not result in even a commitment in principle by CEI with respect to any element of the City's proposal.

On December 12, CEI finally made a counterprosal to the City. CEI has said that it will agree to negotiate wtih Cleveland concerning the City's participation in CEI's share of the Davis-Besse, Beaver Valley No. 2 and Perry nuclear generating units, as well as concerning the attendant wheeling and reserves. This offer to negotiate is subject to several conditions, one of the more significant of which is that, prior to the commencement of negotiations, Cleveland must withdraw all requests for antitrust hearing on the applications relating to all of the above units. Also on December 12, CEI informed Cleveland that membership in the CAPCO Pool was out of the question.[4] In addition, CEI allegedly informed the City that the company would not wheel any power for the City except from the three nuclear installations.

AMP–O has supplied to the Department information suggesting further anticompetitive conduct by CEI. On November 27, 1972, AMP–O wrote to CEI inquiring whether the company would allow AMP–O to participate in large scale bulk power generation, and whether the company would provide wheeling for power from various sources to AMP–O's member systems. CEI replied that it would be willing to meet with AMP–O's representatives to discuss these matters. Early in 1973, AMP–O made application to Power Authority of the State of New York (PASNY) to secure an allocation of 30 mw of hydroelectric power which was to be made available to a public agency. AMP–O allegedly satisfied all of PASNY's requirements concerning the financial feasibility of the transaction and its authority to enter into the contract. The one remaining requirement which AMP–O would have to meet before being in a position to secure the PASNY power was proof of its ability to deliver the power from PASNY to the point of ultimate consumption. AMP–O made preliminary arrangements to sell the PASNY power to the City of Cleveland and made the following proposal for wheeling of the 30 mw: PASNY's wheeling agent, Niagara Mohawk, would wheel the power to the New York-Pennsylvania state line, from which point it would be wheeled by Pennsylvania Electric Company (Penelec) to the Pennsylvania-Ohio state line; at this point, it would be delivered to CEI, which could wheel the power to the City of Cleveland. On May 1, 1973, counsel for AMP–O wrote to both Penelec and CEI outlining its intent to secure the PASNY allocation and asking whether they would be prepared to wheel this power. Penelec's general counsel allegedly made an immediate commitment in principle to wheel the PASNY power. No such commitment was forthcoming from CEI, the only remaining company whose cooperation was necessary in order to transmit the power from PASNY to its proposed recipient. Counsel for AMP–O and CEI engaged in extended negotiations which culminated in CEI's letter of August 30, 1973, refusing to wheel the power. The letter gave the following explanation of CEI's refusal:

As you may know, The Illuminating Company competes with the Cleveland Municipal Electric Light Plant on a customer-to-customer and street-to-street basis in a sizeable portion of the City. This competitive situation is clearly unique. Economic studies indicate that an arrangement to transmit the PASNY power would provide the Municipal system electric energy at a cost which would be injurious to The Illuminating Company's competitive position.

The issues raised by Painesville's and Cleveland's requests for coordination (through both interconnected operation and membership in the CAPCO Pool) and for participation in large-scale nuclear generation planned by CAPCO do, as observed by CEI, raise the same issue. These requests must be considered under the antitrust principle requiring those who control an essential resource to grant access to it, on equal and nondiscriminatory terms, to all others engaged in the given business. See, e.g., United States v. Terminal R.R. Ass'n, 224 U.S. 383 (1912); Associated Press v. United States, 326 U.S. 1 (1945); Gamco, Inc. v. Providence Fruit & Produce Bldg., 194 F.2d 484 (1st Cir. 1952), cert. denied 344 U.S. 817 (1952). As we have indicated in past advice letters, this principle applies to bulk power supply arrangements. United States v. Otter Tail Power Co., 331 F. Supp. 54 (D. Minn. 1971), aff'd 410 U.S. 366 (1973). While it does not appear that CEI has completely rejected any of the requests made by Painesville or Cleveland (with the exception of Cleveland's request for participation in the CAPCO Pool) the Department is not convinced that CEI is fully prepared to commit itself to grant access to either coordination or large-scale nuclear generation in a manner which would be free of anticompetitive effect. At least with respect to the City of Cleveland's request, CEI has been unwilling to make a commitment in principle which we feel would be sufficient to permit Cleveland to participate in such a way as to maintain its present competitive posture.

CEI's refusal to wheel power for AMP–O raises a somewhat different problem which should be considered in the perspective of CEI's monopoly control of those transmission facilities surrounding the City of Cleveland. Antitrust principles have evolved which place distinct limits upon a supplier's exercise of monopoly power at one level of distribution to adversely affect competition at another level. The District Court in United States v. Otter Tail Power Co., supra, clearly held that a utility could not use the power derived from a lawful monopoly at the bulk power supply level (in that case a monopoly of substransmission facilities) to impair competition at the retail level.

IV. *Conclusion.* Based upon our review, the Department of Justice can only conclude that a failure by CEI to grant the requests by Painesville and Cleveland would create a situation inconsistent with the antitrust laws. CEI's refusal to wheel power for AMP–O appears to be another indication of this inconsistency. Construction and operation of the Perry units appear likely to enable CEI to maintain this anticompetitive situation. Accordingly, the Department of Justice concludes that the Commission should hold an antitrust hearing on this application.

[FR Doc.74–1185 Filed 1–15–74;8:45 am]

[2] AMP–O is a nonprofit Ohio corporation which was established in 1971 to coordinate the generation, transmission and distribution of electric energy within Ohio by municipally-owned electric utilities. It now represents 44 such utilities, including the City of Cleveland.

[3] As previously noted, at the time of the Department's advice on the applications for both Davis-Besse and Beaver Valley, no formal requests for participation had been made. Subsequently, Cleveland made such requests and filed petitions to intervene in the proceedings before this Commission concerning both of these applications.

[4] Duquesne wrote to the City on December 10, 1973, informing them that Duquesne would not agree to participation by the City in either CAPCO or the three nuclear installations.

CIVIL AERONAUTICS BOARD

[Docket No. 26273]

CROSS CANADA FLIGHTS LTD.

Notice of Prehearing Conference and Hearing Regarding Foreign Air Carrier Permit; Casual, Occasional, or Infrequent Service

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 12, 1974, at 10:00 a.m. (local time),

in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge Harry H. Schneider.

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 February 5, 1974.

Dated at Washington, D.C., January 10, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74-1320 Filed 1-15-74;8:45 am]

[Docket No. 25280; Order 74-1-57]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Regarding Specific Commodity Rates

Issued under delegated authority January 8, 1974.

Agreements have 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.

As set forth in the attachment hereto,[1] the agreements cancel various specific commodity rates and name additional specific commodity rates, reflecting reductions from the applicable general cargo rates; and were adopted pursuant to unprotested notices to the carriers and promulgated in IATA letters dated October 16, 1973 and December 18, 1973, respectively.

Pursuant to authority duly delegated by the Board in the Board's regulations, 14 CFR 385.14, it is not found that the subject agreements are 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:

Agreements C.A.B. 24005, R-3 and 24134, be and hereby are 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.74-1321 Filed 1-15-74;8:45 am]

[1] Filed as part of the original document.

[Docket Nos. 26265, 22859; Order 73-12-116]

UNITED AIR LINES, INC.

Order of Suspension and Investigation; Correction

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 28th day of December 1973.

Ordering paragraph 6 should be amended to read as follows:

6. Copies of this order shall be filed with the tariff and served upon United Air Lines, Inc., and Shulman Air Freight, Inc., as well as upon the Council for Safe Transportation of Hazardous Articles, which is hereby made a party to Docket 22859.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

JANUARY 9, 1974.

[FR Doc.74-1322 Filed 1-15-74;8:45 am]

CIVIL SERVICE COMMISSION

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92-463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on Wednesday, January 23, 1974, to continue discussions on the fiscal year 1974 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it was determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council would not be open to the public.

For the President's Agent.

RICHARD H. HALL,
Advisory Committee Management Office for the President's Agent.

[FR Doc.74-1335 Filed 1-15-74;8:45 am]

COST OF LIVING COUNCIL

[Order No. 37, Amdt. 2]

SECRETARY OF THE TREASURY

Delegation of Authority

The purpose of this amendment to the delegation of authority to the Secretary of the Treasury to carry out certain Phase IV price stabilization activities is to reflect the Council's decision to eliminate the limitations on the authority of the Internal Revenue Service to compromise and collect civil penalties for violations of those price stabilization regulations for which administrative responsibility has already been delegated to the Internal Revenue Service. It is contemplated that the Council will retain authority to compromise and collect civil penalties for violations, other than late filings of price stabilization reports, by certain price category I firms whose notices of proposed price increases pursuant to paragraph 1(c)(2) of Council Order No. 37 are the responsibility of the Council.

Accordingly, subparagraph (j) of paragraph 1 of Cost of Living Council Order No. 37 is amended to read as follows:

(j) Compromise and collect civil penalties for violations of price stabilization regulations and orders, except such violations by price category I firms as the Director of the Cost of Living Council or his delegate may direct.

This amendment is effective January 11, 1974.

Issued in Washington, D.C., on January 11, 1974.

GEORGE P. SHULTZ,
Chairman, Cost of Living Council.

[FR Doc.74-1382 Filed 1-14-74;10:21 am]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 19744, 19745; File No. BRCT-33, BPCT-4453; FCC 74R-10]

BELO BROADCASTING CORP. ET AL.

Memorandum Opinion and Order Enlarging Issues

In re applications of Belo Broadcasting Corporation, Dallas, Texas, for renewal of broadcast license. WADECO, Inc., Dallas, Texas, for construction permit for new television broadcast station.

1. This proceeding involves the mutually exclusive applications of Belo Broadcasting Corporation (Belo) for renewal of license for its Station WFAA-TV, Dallas, Texas, and WADECO, Inc. (WADECO) for authority to construct a new television station at Dallas, Texas. On June 14, 1973, Belo filed a motion to enlarge issues with the Review Board. Subsequently, by Memorandum Opinion and Order, 42 FCC 2d 1011, 28 RR 2d 732, released October 4, 1973, the Board added three of the requested issues, but denied requests to add three other issues. Presently before the Review Board is a petition for partial reconsideration of Memorandum Opinion and Order of October 4, 1973, filed October 11, 1973, by Belo,[1] requesting reconsideration of the Board's refusal to add the following requested issues:

[1] Also before the Review Board are the following related pleadings: (a) opposition, filed October 23, 1973, by WADECO; (b) Broadcast Bureau's opposition, filed October 24, 1973; and (c) reply, filed November 5, 1973, by Belo.

(1) To determine whether WADECO, Inc. has reasonable assurance of being able to secure its proposed antenna site.

(2) To determine whether WADECO, Inc. has reasonable assurance of being able to secure its proposed studio facilities, and, if not, the effect on WADECO, Inc.'s financial qualifications and its ability to effectuate its proposal.

2. Although, in accordance with § 1.106(a) of the Commission's rules, the Board does not ordinarily entertain petitions for reconsideration of interlocutory rulings, we believe that the unusual circumstances presented here warrant consideration of the merits of the petition. Belo urges reconsideration, alleging that the Review Board's refusal to add the requested issues was based upon a misapprehension of the allegations contained in its motion to enlarge and the attached affidavits executed by its principal, Mike Shapiro, and that the Board erred in overlooking the statement in Shapiro's prior affidavit that "neither of them [WFAA–TV's transmitter or studio locations] is available to it [WADECO]." Thus, petitioner avers, in its instant petition and in a further affidavit from Shapiro, it was Belo's intention to indicate in the previously submitted affidavits and pleadings that under no circumstances would the studio and antenna facilities presently occupied by Belo's Station WFAA–TV be made available to WADECO, as proposed by that applicant. Since Belo's prior sworn statement and present clarification of its intention serve to controvert the basis for originally denying the site availability issue, the Board is of the view that a substantial question now exists as to whether WADECO has reasonable assurance of the availability of its proposed antenna site and, therefore, an appropriate issue will be added.[2] However, the Board does not agree that a studio availability issue is warranted; in this connection, it should be noted that WADECO has indicated the manner in which the studio site location will conform with Commission requirements with adequate specificity, i.e., it has stated that the studio will be located within the designated community in accordance with rule 73.613(a).[3] Finally, inasmuch as a studio site availability issue will not be added, the requests for financial qualifications and effectuation of proposal issues which are contingent upon the studio availability issue are mooted.[4]

[2] In this connection, we are mindful of Section 73.635 of the Rules, and note that the significance of the Rule can be explored under the issue being added herein.

[3] *Cf. Voice of Middlebury*, 3 FCC 2d 512, 7 RR 2d 347 (1966), reconsideration denied, 8 RR 2d 109, aff'd., 8 RR 2d 2103 (U.S. App. D.C.).

[4] If WADECO subsequently amends its application to specify a different transmitter site, and if such amendment has a substantial effect on its financial proposal, an appropriate request for addition of a financial issue would be entertained.

3. *Accordingly, it is ordered*, That the petition for partial reconsideration of Memorandum Opinion and Order of October 4, 1973, filed October 11, 1973, by Belo Broadcasting Corporation (WFAA–TV) is granted to the extent herein indicated, and is denied in all other respects; and that the issues in this proceeding are enlarged to include the following:

To determine whether WADECO, Inc. has reasonable assurance of the availability of its proposed transmitter site.

4. *It is further ordered*, That the burdens of proceeding with the introduction of evidence and proof under the issue added herein shall be on WADECO, Inc.

Adopted: January 10, 1974.

Released: January 11, 1974.

FEDERAL COMMUNICATIONS COMMISSION,[5]

[SEAL] VINCENT J. MULLINS, *Secretary.*

[FR Doc.74–1307 Filed 1–15–74;8:45 am]

[Docket No. 19744, 19745; File No. BRCT–33, BPCT–4453, FCC 74R–7]

BELO BROADCASTING CORP. ET AL.

Memorandum Opinion and Order Modifying Issues

In re applications of Belo Broadcasting Corporation (WFAA–TV), Dallas, Texas for renewal of broadcast license. Wadeco, Inc., Dallas, Texas for construction permit for new television broadcast station.

1. The mutually exclusive applications of Belo Broadcasting Corporation (WFAA–TV) for renewal of its broadcasting license and WADECO, Inc. (WADECO) for a construction permit for a new television broadcast station were designated for hearing by Commission Order, 40 FCC 2d 1131, 27 RR 2d 889, released May 24, 1973. Now before the Review Board is a third motion to enlarge issues, filed October 12, 1973, by WFAA–TV, requesting the addition of the following issues: [1]

(1) To determine whether WADECO, Inc. has failed to comply with the requirements of § 1.65 of the Commission's rules with respect to matters dealt with in its September 28, 1973, amendment;

(2) To determine whether WADECO, Inc. misrepresented facts to the Commission in its September 28, 1973, amendment;

(3) To determine whether WADECO can obtain the deferred credit from RCA represented in its September 28, 1973, amendment, and if not, the effect upon WADECO, Inc.'s financial qualifications;

[5] By the Review Board: Board Member Berkemeyer abstaining. Board Member Pincock dissenting.

[1] Also before the Review Board are the following related pleadings: opposition, filed October 25, 1973, by WADECO; comments, filed November 2, 1973, by the Broadcast Bureau; and reply, filed November 13, 1973, by WFAA–TV.

(4) To determine whether the repayment of principal and interest due during the first year under the Castle Trust Company, Ltd. April 4, 1972, letter will be greater than represented in WADECO's September 28, 1973, amendment, and, if so, the effect on WADECO's financial qualifications.

(5) To determine whether, in light of the evidence adduced under the preceding issues, WADECO, Inc., is qualified to be a licensee of the Commission.

2. In an amendment to its application accepted by the Administrative Law Judge on September 28, 1973 (FCC 73M–1134), WADECO stated that it had available a $2,500,000 bank loan at an interest rate of 10 percent. The applicant also reported deferred credit arrangements with its equipment supplier calling for a $625,000 down payment, first year principal payments of $78,126, and first year interest payments of $17,190 (representing a 5.0 percent add-on finance charge).

3. WFAA–TV alleges that WADECO's amendment fails to accurately reflect the terms of its proposed bank loan and deferred credit equipment proposal, and, as a result, the applicant has misrepresented its financial condition to the Commission. With respect to the bank loan, WFAA–TV notes that in a letter of Commission. With respect to the bank loan, WF,.–TV notes that in a letter of April 4, 1972, the Castle Trust Company, Ltd., Nassau, Bahamas, offered to arrange a $2,500,000 loan for WADECO at an interest rate 1½ percent over the prevailing prime rate. However, since the prime interest rate was 9¾ percent on Septemper 6, 1973, the date on which WADECO filed its amendment, petitioner contends that WADECO's amendment should have specified an interest rate of 11¼ percent rather than 10 percent. Further, WFAA–TV contends that inasmuch as the proposed loan provides for semi-annual payments of principal and interest commencing one year from the date of borrowing, and WADECO requires the loan for its equipment down payment, $781,250 will be required for repayment of principal and interest during the first year, rather than the $295,750 figure projected by WADECO. With regard to WADECO's estimated expenses for equipment, WFAA–TV argues that the terms reported by WADECO in its amendment are based on 1971 interest charges, rather than on the 1973 7.0 percent add-on interest rate, and that WADECO has erroneously assumed the availability of a one year moratorium on principal and interest payments from RCA, WADECO's proposed supplier. RCA currently does not grant such moratoriums, WFAA–TV avers, and WADECO will therefore require $650,000 for principal and interest payments during its first thirteen months of operation rather than $95,316 as reported in its amend-

ment.[2] In sum, in view of WADECO's failure to accurately report its costs, WFAA–TV contends that the applicant underestimated its actual first-year costs by at least $1,399,500. WADECO's failure to accurately assess its projected costs not only suggests possible rule 1.65 violations and misrepresentations on its part, WFAA–TV concludes, but also raises serious questions concerning its financial qualifications, since WADECO's ability to obtain the funds necessary to construct and operate its proposed station has already been called into question.[3] Because the factual bases for the requested issues did not become apparent until WADECO's amendment was accepted, WFAA–TV avers, its petition is timely and good cause exists for its consideration at this time.

4. WADECO argues that WFAA–TV has failed to show good cause for its untimely delay in filing its motion as required by rule 1.229(b). Because WADECO's amendment was filed on September 6, 1973 and not opposed by WFAA–TV at that time, WADECO contends that WFAA–TV should not now be permitted to contest material contained in the amendment. Turning to the merits of the motion, WADECO alleges that WFAA–TV's petition is based on two erroneous premises; in short, petitioner has failed to demonstrate that the credit terms specified in RCA's July, 1971 letter to WADECO have been withdrawn, or that an applicant is required to amend its application to reflect each change in the prime interest or other applicable finance rate. Rather, WADECO explains, the interest figures used in its amendment were intended to be reasonable estimates of the interest rates it would have to pay and, in any event, WADECO submits, it is no longer relying on the Castle Trust Company, Ltd. letter cited by WFAA–TV.[4] The Broadcast Bureau supports WADECO's contention that it should not be required to continually amend its application to reflect changes in interest rates, and thus that addition of misrepresentation and § 1.65 issues is unwarranted. However, noting that WADECO intends to obtain a substitute bank loan, the Bureau suggests that issue 1(c), as specified by the Commission, be modified in order to authorize an inquiry into any loan commitment obtained by WADECO. Further, in view of RCA's current policy concerning deferred credit arrangements, the Bureau supports the addition of an issue inquiring into the terms and conditions of WADECO's equipment proposal.

5. In reply, WFAA–TV asserts that while WADECO has no obligation to amend its application to reflect changing interest rates, it must provide accurate information when it voluntarily chooses to file an amendment. At the time WADECO filed its amendment, WFAA–TV contends, it had not definitely repudiated the Castle Trust Company, Ltd. letter and therefore should have reported an interest rate 1½ percent over the then prevailing 9¾ percent prime rate.[5] And, even if the Castle Trust Company, Ltd. letter is ignored, WFAA–TV continues, a 10 percent interest rate figure is not a reasonable estimate in light of current economic conditions. In addition, even though petitioner submits a letter from RCA with its reply which states that RCA is not contemplating modification of the terms specified in its July 26, 1971, letter to WADECO, WFAA–TV argues that the terms of RCA's commitment to WADECO are still unclear, and that WADECO should have checked into RCA's current finance charges before filing its amendment. With respect to the timing of its petition, WFAA–TV argues that it was not certain whether WADECO's amendment would be accepted until September 28, 1973, and that its motion to enlarge issues, filed October 12, 1973, was submitted promptly after that date.

6. Although we agree with WFAA–TV that its motion is timely, the Review Board will deny the motion to enlarge issues. WFAA–TV's contention that WADECO will not be able to purchase equipment from RCA on the terms specified in its July 26, 1971 letter, and particularly that WADECO will not be given a one-year moratorium on its monthly principal and interest payments, is not supported by the correspondence between WFAA–TV and RCA. Rather, RCA's letter of November 8, 1973 states that it is not contemplating modification of its July, 1971 terms.[6] The assertion that WADECO's amendment should have reflected the interest rates prevailing at the time it was filed is also unpersuasive. The interest rates WADECO will ultimately have to pay will depend on economic conditions at the time its loans are made, not those prevailing at the time of its amendment. Thus, in our view, it was not inappropriate for WADECO to attempt to reasonably estimate its ultimate costs, including interest rates.[7] While we agree with WFAA–TV's suggestion that WADECO's 10 percent figure might not be realistic given current economic conditions, it is also clear that it would be difficult, if not impossible, for an applicant to predict future interest rates with any exactitude. Moreover, the precise terms of the loan, including the interest rate, are set forth in the commitment letter, and no attempt to conceal those terms has been made. Under these circumstances, we cannot charge WADECO with Rule 1.65 violations and misrepresentations of material facts simply because it has chosen an optimistic viewpoint. However, in light of WADECO's express repudiation of its commitment from the Castle Trust Company, Ltd., we will modify issue 1(c) of the designation Order to include inquiry into any bank loan which WADECO may obtain.[8] The effect, if any, of the terms and conditions of the loan on WADECO's financial qualifications may be explored under the modified issue.

7. *Accordingly, it is ordered*, That the motion to enlarge issues filed October 12, 1973, by WFAA–TV is denied; and

---

[2] By letter of July 26, 1971, RCA proposed to sell WADECO broadcast equipment amounting to approximately $2,500,000. The letter called for payment of 25 percent of the total price prior to shipment and the remaining 75 percent in 48 equal monthly installments beginning one year after shipment of equipment valued at 50 percent of the total price. Interest would be at the rate prevailing at time of shipment. (In July, 1971, RCA's rate was a 5.0 percent finance charge.) In response to inquiries on September 14, 1973, and October 29, 1973, RCA informed counsel for WFAA–TV that, while it was no longer granting one year moratorium periods in its letters of credit, it was "not contemplating seeking in any way a modification of the terms specified in its July 26, 1971 letter to WADECO." RCA also indicated that its current interest rate is a 7.0 percent add-on finance charge, which is allegedly equivalent to a 12.68 percent annual percentage rate.

[3] The Commission's Order of designation specifies the following issues:

1. To determine with respect to the application of WADECO, Inc.:

(c) Whether the applicant will have available a $2,500,000 bank loan from the Castle Trust Company Limited, Nassau, Bahamas.

(d) 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.

(e) Whether in view of the evidence adduced under the preceding issues, the applicant is financially qualified.

[4] On June 28, 1973, WADECO petitioned the Administrative Law Judge for leave to amend its application by deleting all references to the Castle Trust Company, Ltd. letter and substituting a statement to the effect that WADECO is presently negotiating for a loan commitment elsewhere. However, by Memorandum Opinion and Order, FCC 73M–876, released July 30, 1973, the Administrative Law Judge rejected the amendment, noting that an issue concerning the availability of the Castle Trust Company, Ltd. loan had been designated against WADECO and that the proposed amendment seemed designed to cut off inquiry into WADECO's relationship with the Castle Trust Company, rather than to satisfy the issue itself.

[5] In light of WADECO's repudiation of the proposed Castle Trust Company, Ltd. loan in its opposition, WFAA–TV withdraws its request for the addition of an issue inquiring into the repayment conditions of that loan (requested issue number 4).

[6] In a letter to RCA dated November 12, 1973, counsel for WFAA–TV states that telephone conversations with RCA officials had led him to believe that RCA would not grant WADECO a one-year moratorium. However, no response to this letter has been appended to the pleadings and we must therefore rely on RCA's November 8, 1973 letter as an accurate statement of its intentions.

[7] We do not consider WADECO's repudiation of the Castle Trust Company Ltd. letter to be significant in this regard. The interest rates which WADECO would have paid under this letter would no more be determined by the rates prevailing on September 6, 1973 than would the rates under any other loan commitment secured by WADECO.

[8] We do not intend by our action herein to bar inquiry into the relationship between the applicant and Castle Trust Company, Ltd.

8. *It is further ordered,* That issue 1(c) of the Commission's designation order is modified to read as follows:

1(c) Whether the applicant will have available a $2,500,000 bank loan, and, if so, the effect of the terms and conditions of that loan on the applicant's financial qualifications.

Adopted: January 9, 1974.

Released: January 11, 1974.

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

[FR Doc.74-1306 Filed 1-15-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. CI74-351]

AMOCO PRODUCTION CO.

Notice of Application

JANUARY 9, 1974.

Take notice that on December 14, 1973, Amoco Production Company (Applicant), P.O. Box 50879, New Orleans, Louisiana 70150, filed in Docket No. CI74-351 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 Trunkline Gas Company from the Vermilion Block 14 Field, offshore Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to sell approximately 5,670 Mcf of natural gas per month for three years at an initial rate of 45.0 cents per Mcf at 15.025 psia, subject to downward adjustment from a 1,000 Btu per cubic foot base, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant's contract provides for annual price escalations of one cent per Mcf. Applicant reserves the right to process the gas after delivery to the buyer.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 29, 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.74-1355 Filed 1-15-74;8:45 am]

[Docket No. CP74-174]

BLUE DOLPHIN PIPE LINE CO.

Notice of Application

JANUARY 9, 1974.

Take notice that on December 20, 1973, Blue Dolphin Pipe Line Company (Applicant), P.O. Box 2463, Houston, Texas 77001, filed in Docket No. CP74-174 an application pursuant to section 7(c) of the Natural Gas Act, as implemented by § 157.7(c) of the Commission's regulations thereunder (18 CFR 157.7(c)), for a certificate of public convenience and necessity authorizing the construction, during the calendar year 1974, and operation of certain natural gas transportation facilities to enable Applicant to make miscellaneous rearrangements of existing facilities, all as more fully set forth in the application which is on file and open to public inspection.

The purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in making miscellaneous rearrangements to existing transportation facilities. Applicant states that deliveries of gas through facilities to be installed under this requested certificate authorization will not exceed 100,000 Mcf annually, nor will any gas so delivered be used for boiler fuel purposes.

Applicant states that the total cost of all facilities proposed herein will not exceed $10,000.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 29, 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.74-1343 Filed 1-15-74;8:45 am]

[Project No. 2733]

BRAZOS ELECTRIC POWER COOPERATIVE, INC.

Notice of Application for Preliminary Permit for Unconstructed Project

JANUARY 8, 1974.

Public notice is hereby given that application for preliminary permit was filed July 2, 1973, under the Federal Power Act (16 U.S.C. 791a-825r) by Brazos Electric Power Cooperative, Inc., (Correspondence to: Brazos Electric Power Cooperative, Inc., Post Office Box 6296, Waco, Texas 76706) for unconstructed Project No. 2733, to be known as the Village Bend Pumped Storage and the DeCordova Hydroelectric Project, located on the Brazos River, in Palo Pinto and Hood Counties, Texas.

The proposed Village Bend Pumped Storage Project would be constructed approximately 57 river miles downstream from the Morris Sheppard Dam of The Brazos River Authority's Possum Kingdom Project No. 1490. The proposed project would consist of an upper reservoir on a tributary stream impounded by a 300 foot high dam, a powerhouse containing four pump-generators having a total capacity of 730 mw, and a 41-mile long lower reservoir impounded by a concrete dam. This project would regulate downstream flow so as to enable operation of the proposed DeCordova Hydroelectric Project with no decrease in the flow presently available at DeCordova Dam.

The DeCordova Hydroelectric Project will be located on Granbury Reservoir 79 river miles further downstream and would be constructed at the mouth of a small ravine near the existing DeCordova Dam. This project would consist of a powerhouse containing one 60 mw generator, the stream regulating features of the lower reservoir of the Village Bend Pumped Storage Project, and a re-regulating dam downstream of DeCordova Dam.

The Applicant and the Texas Municipal Power Pool would use the power from the project for future load requirements with surplus being sold to or exchanged with investor-owned electric utilities in the area.

No construction is authorized under a preliminary permit.

Any person desiring to be heard or to make protest with reference to said application should on or before March 20, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make 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.74-1348 Filed 1-15-74;8:45 am]

[Docket No. CI61-348]

CALIFORNIA CO.

Notice of Petition To Amend

JANUARY 9, 1974.

In the matter of the California Co., a Division of Chevron Oil Co.

Take notice that on December 13, 1973, The California Company, a Division of Chevron Oil Company (Petitioner), 1111 Tulane Avenue, New Orleans, Louisiana 70112, filed in Docket No. CI61-348 a petition to amend the order issuing a certificate of public convenience and necessity in the instant docket on August 7, 1963, pursuant to section 7(c) of the Natural Gas Act to delete authorization to sell gas to Southern Natural Gas Company (Southern) from certain leases in the Franklin Field, St. Mary Parish, Louisiana, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By order issued on August 7, 1963, the Commission authorized Petitioner, inter alia, to sell natural gas from certain acreage in the subject field to Southern pursuant to a gas purchase agreement between the parties dated August 30, 1960. Petitioner states that said agreement reserves to it the right to surrender any leases, when Petitioner deems them to be incapable of producing gas in paying quantities under normal methods of operation, and to abandon any wells. Petitioner requests authorization to delete certain leases, which are no longer producing and have been allowed to expire, from the certificate authorization in the instant docket.

Petitioner indicates that Southern does not concur its request. By letter from Southern to Petitioner, submitted as an exhibit to the instant petition, Southern expresses its reluctance to concur in the requested authorization because Southern states, it is still purchasing gas from Petitioner from other leases in the field and if Petitioner acquires renewal leases on the acreage covered by the expired leases such renewal leases would be subject to the agreement of August 30, 1960.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before January 29, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-1350 Filed 1-15-74;8:45 am]

[Docket No. RP74-56]

CASCADE NATURAL GAS CORP.

Accounting Adjustments; Order Granting Rehearing and Instituting Proceeding; Correction

JANUARY 8, 1974.

In FR Doc. 74-418 appearing in the issue of Monday, January 7, 1974, the docket number for this proceeding should read as set forth above.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-1346 Filed 1-15-74;8:45 am]

[Docket No. CP73-184 and Docket No. CI73-485]

COLORADO INTERSTATE GAS CO. AND CIG EXPLORATION, INC.

Order Approving Settlement Proposal, Authorizing Sales of Natural Gas at Applicable Area Rates, and Terminating Proceedings

JANUARY 7, 1974.

In the matter of pipeline production, area rates, abandonment, certificates, exploration and development fund, refunds; Colorado Interstate Gas Co., a division of Colorado Interstate Corp. and CIG Exploration, Inc.

This proceeding arises from a joint application filed on January 15, 1973, by Colorado Interstate Gas Company, a division of Colorado Interstate Corporation (CIG) and CIG Exploration, Inc. (Exploration) in Docket No. CP73-184 pursuant to section 7 of the Natural Gas Act[1] for a certificate of public convenience and necessity authorizing the transfer of CIG's developed natural gas producing leases and related production facilities to Exploration and the abandonment of those leases by CIG. Also on January 15, 1973, Exploration filed an application pursuant to section 7(c) of the Natural Gas Act[2] in Docket No. CI73-485 for a certificate of public convenience and necessity authorizing the sale of natural gas to CIG from leases located in the Panhandle Field, Texas, and the Keyes Field, Oklahoma, at the applicable area rates.[3] The applications contemplate the transfer of CIG's developed natural gas producing leases and related production facilities to Exploration upon receipt by CIG of all of Exploration's capital stock and cash equal to the net depreciated cost of the West Panhandle Field properties,[4] the sale of all of the natural gas produced from those leases to CIG by Exploration at the applicable area rates, and the establishment and funding of a five-year exploration and development program by Exploration with the additional revenues received by pricing the gas produced at the applicable area rate, rather than CIG's cost of service, generating the necessary monies for the proposed fund.[5]

Notice of the applications was issued on February 14, 1973, and was published in the FEDERAL REGISTER on February 22, 1973 (38 FR 4807). Timely petitions to intervene or protests were to be filed on or before March 12, 1973. Petitions to intervene were filed by the following parties:

The City and County of Denver, Colorado
The Public Utilities Commission of the State of Colorado
Phillips Petroleum Company[6]
Citizens Utilities Company
Pueblo Gas and Fuel Company
Western Slope Gas Company
Cheyenne Light, Fuel, and Power Company
Natural Gas Pipeline Company of America
Peoples Natural Gas, Division of Northern Natural Gas Company
Kansas-Nebraska Natural Gas Company

These petitions to intervene were granted by the Commission in its order of April 27, 1973, which established a date for a prehearing conference,[7] required the filing of evidence by the applicants (CIG and Exploration) and the other parties, and consolidated Docket Nos. CP73-184 and CI73-485 for the purposes of hearing

[1] 52 Stat. 824, 825 (1938); 56 Stat. 83, 84 (1942); 61 Stat. 459 (1947); (15 U.S.C. § 717f (1970)).

[2] 52 Stat. 825 (1938); 56 Stat. 83 (1942); (15 U.S.C. § 717f(c) (1970)).

[3] The applicable area rates after adjustment for Btu content and production taxes are 14.50 cents per Mcf in the West Panhandle Field and 16.37 cents per Mcf in the Keyes Field as of July 1, 1972.

[4] The net depreciated value of the properties as of September 30, 1972, was $8,848,648.

[5] The difference is approximately $10,174,156 per year or approximately $50.9 million over the life of the five-year program.

[6] Petition was withdrawn on August 6, 1973, by Phillips.

[7] CIG filed a motion requesting a hearing and a prehearing conference on March 15, 1973.

and disposition.[8] A hearing and a prehearing conference were necessary in order to resolve the issues raised by the applications filed by CIG and Exploration.[9]

Pursuant to the order of April 27, 1973, a prehearing conference was convened on June 6, 1973, and subsequent conferences were held on June 7, and September 12, 1973. Informal conferences were held on June 6, 7, 26, and September 12, 1973. During the conferences, representatives of CIG and Exploration, a number of the interveners, and the Staff were able to reach a consensus on an agreement which constitutes the Stipulation And Agreement Of Settlement now before the Commission. This stipulation was certified to the Commission on October 3, 1973, by Presiding Administrative Law Judge William C. Levy. Notice of the certification of the proposed settlement agreement was issued on October 15, 1973, and published in the FEDERAL REGISTER on October 24, 1973 (38 FR 24360). Comments on the proposed settlement agreement were due on or before October 26, 1973.

The applications as originally filed by CIG and Exploration provided that CIG would transfer all of its developed natural gas producing properties and related facilities to Exploration and its undeveloped leases to Exploration at a cost not to exceed the net book value of such properties on the date of transfer;[10] that CIG would cause its subsidiary, Colorado Oil and Gas Company (CO&G), to transfer an additional 250,000 acres of leasehold to Exploration at net book cost; that Exploration would sell of the natural gas produced from these properties to CIG at the applicable area rate for transportation and resale by CIG along its pipeline system; and that Exploration would use the monies which represent the difference betweeen the applicable area rate and CIG's cost of service to fund a revolving exploration and development fund which would be used to finance additional exploratory and development activities by Exploration.

CIG's estimated cost of producing the natural gas from its producing properties is 4.89 cents per Mcf. Based upon the applicable area rates, the annual difference between the cost of service and the area rates is $10,174,156 or approximately $50.9 million for the five-year program.

Exploration proposed to make sales of natural gas from the transferred properties to CIG for the initial five years at the applicable area rates and thereafter at a price approved by the Commission; to establish an exploration and development fund (the Fund); to spend a minimum of $50.9 million for exploration and development of new gas reserves over the five-year program period; to dedicate to the fund 3.0 cents per Mcf of natural gas and 50.0 cents per barrel of oil found through the expenditure of Fund monies; to dedicate all natural gas discovered and produced to CIG's system directly or through exchange agreements with other pipelines; not to dispose of the properties acquired from CIG unless authorized by the Commission; not to seek certification for any natural gas discovered as a result of expenditures from the Fund under the optional certification procedures;[11] and to dedicate a quantity of gas reserves to CIG under long term contracts arrived at by dividing $50.9 million by the cost of finding and developing an Mcf of gas within seven years after commencement of the program or failing to so do, refund a like amount per Mcf short of that quantity to CIG. Exploration also stated that it would maintain appropriate accounts and file such reports as the Commission may require describing the results of transactions involving monies from the Fund.

CIG produced 153,149 MMcf of natural gas from the Producing Properties in question during the calendar year 1971,[12] and the remaining recoverable reserves as of January 1, 1972, are estimated to be approximately 1,689,733 MMcf.

CIG and Exploration failed to state whether the subject properties were acquired prior to October 7, 1969, and whether any of the monies from the Fund would be used for advance payments. The applications also failed to state a quantity of reserves to be dedicated to CIG's system as a result of the proposed program.

As filed, the applications were similar to the proposals submitted to the Commission by Panhandle Eastern Pipe Line Company and Pan Eastern Exploration Company, and were patterned after the program approved by the Commission in Opinion No. 626.[13] The only other program of this nature that the Commission has considered was filed by Natural Gas Pipeline Company of America and a settlement agreement was adopted by the Commission in that case.[14]

These proposals which establish an exploration and development fund to finance the cost of finding and developing new supplies of natural gas within the United States represent an opportunity for a pipeline company to acquire the lowest cost supply of gas for resale to its customers. In effect, these proposals represent a sharing of the risk of finding and producing new supplies of natural gas by the pipeline company and its customers. While the present settlement agreement is patterned after the adopted proposals in the *Panhandle Eastern* and *Natural* cases, it represents the needs of CIG's customers and reflects their position that they should have a share in all of the valuable minerals which may be found as a result of the expenditure of monies from the Fund. Thus, we believe that the settlement proposal now before us is in the public interest, and it will be adopted by this Commission and these proceedings terminated except insofar as future review of the program by the Commission is required.

Under the terms of the settlement agreement, Exploration will pay in cash to CIG the net depreciated cost of the West Panhandle Production Properties to obtain the release of these properties from the lien of CIG's Mortgage and Deed of Trust which secures CIG's First Mortgage Pipe Line Bonds. The Panhandle Properties are included subject to the lien of this Mortgage since they constituted a significant portion of CIG's assets at the time the bonds were issued. Under the terms of the Mortgage, the Deed of Trust, and the Indenture, CIG may not transfer or otherwise dispose of these properties without depositing with the Trustee the net book cost of the properties transferred in cash.

CIG and Exploration have filed a Supplemental Motion For Approval Of Stipulation And Agreement in which they request permission to make the cash payment from Exploration to CIG at such time as they find the cash payment is required. All parties signatory to the Stipulation And Agreement Of Settlement support this motion, and no other party, including the Staff, has objected to this request. We think that this motion should be granted subject to the conditions which follow.

Since it is contemplated that the cash payment will be in an amount equivalent to the net depreciated cost of the properties on the date of the transfer, we believe that any cash payment from Exploration to CIG should be in an amount not exceeding the net depreciated cost of the properties transferred to Exploration as of the date of the actual transfer and establishment of the Fund. We shall also require that Exploration and CIG notify the Commission of the date of the transfer of the Panhandle Properties to Exploration and the net depreciated cost of those properties on the date of the transfer. Exploration and CIG shall also inform the Commission whether the cash payment is to be made to CIG on the date of the transfer or at some future date, and they shall further inform the Commission when the cash payment is made.

---

[8] *See Order Establishing Date For Prehearing Conference And Granting Petitions To Intervene*, — F.P.C. —— (issued April 27, 1973).

[9] *Id.*, pp. 2–5.

[10] The developed leaseholds amounted to 270,318 net acres as of October 31, 1972, and the undeveloped leaseholds amounted to 294,565 net acres on the same date. The net book value of these properties as of September 30, 1972, was $13,216,096 (developed properties only).

[11] *Statement Of Policy Relating To Optional Procedure For Certificating New Producer Sales Of Natural Gas*, Docket No. R–441, 48 F.P.C. 218 (1972), as amended, Order No. 455–A, 48 F.P.C. ____ (issued September 8, 1972), appeal pending *sub nom. John E. Moss, et al.* v. *F.P.C.*, No. 72–1837 (D.C. Cir.).

[12] This production constituted approximately 36.5 percent of CIG's total gas purchases and production for the year.

[13] *Panhandle Eastern Pipe Line Company, Pan Eastern Exploration Company*, Docket Nos. CP71–237, CI71–714, Opinion No. 626, 48 F.P.C. — (issued September 20, 1972), rehearing denied Opinion No. 626–A, 48 F.P.C. — (issued November 17, 1972).

[14] *Natural Gas Pipeline Company of America*, Docket No. RP73–63, *Order Adopting Settlement Proposal, Authorizing Sale Of Gas At Applicable Area Rates, Authorizing Amendment Of Purchase Gas Adjustment Clause, And Terminating Proceedings*, 50 F.P.C. — (issued August 3, 1973).

The Deed of Trust provides that CIG may use the cash which is deposited with the Trustee to finance additional pipeline construction, and the proposed settlement provides that CIG shall expend an amount of monies equal to the cash payment received from Exploration for pipeline or gathering system facilities to make additional gas supplies available to its system for delivery to any of its present resale customers or direct customers or other customers in its present market area. This condition remains in effect even though the cash payment may be made at some future date rather than the date of the transfer of the properties to Exploration. We shall require CIG to inform the Commission to which additional facilities it shall apply these monies, and the amount of the monies so applied in order that we may determine whether this condition has been fulfilled at the end of the Program.

The West Panhandle Field Properties were acquired by CIG as a result of the merger of the Canadian River Gas Company with and into CIG.[15] As a result of this merger, the following condition was imposed upon CIG:

> Colorado [CIG] shall tender to all of its resale customers service agreements in which Colorado will agree (1) that it will not sell, transfer, or otherwise alienate natural gas reserves which it proposes, as part of the acquisition and merger, to acquire from Canadian, so long as it is economically feasible to produce natural gas from such reserves. * * *

10 F.P.C. 778, 780. This condition is carried over into the settlement agreement.

Exploration is required to deliver to CIG a written agreement and undertaking for the benefit of CIG and CIG's Resale Customers containing terms similar to those contained in the condition set forth above covering all reserves that acquired from CIG. CIG is further required to submit an agreement duly adopted and approved by CIG's Board of Directors and by the Board of Directors or Executive Committee of Coastal States Gas Corporation (the holder of all of CIG's issued and outstanding voting securities) to the effect that CIG will transfer, dispose or otherwise alienate any voting securities of Exploration that CIG then holds or shall thereafter acquire. CIG is also required to exercise its voting rights to insure that Exploration shall abide by the undertakings and agreements set forth in the Stipulation and Agreement of Settlement. We believe that these conditions protect the rights vested in its resale customers by reason of the order of this Commission approving the merger of CIG and Canadian River Gas Company (supra). The order approving the merger between CIG and Canadian River Gas Company will be modified by this Commission to permit the transfer contemplated herein upon submission to the Commission of duly certified copies of the agreeemnts and undertakings required by the proposed settlement agreement, and the order shall in all other respects remain in full force and effect.

As in the *Panhandle* case[16] Exploration shall be authorized to sell natural gas produced from the leases acquired from CIG to CIG at the applicable area rate established by this Commission. (This gas is referred to as "Old Gas".) The term area rate is defined to include a nationwide rate should such rate be established by the Commission.[17] In the event that the price of the Old Gas is not regulated by this Commission, Exploration is contractually authorized to sell the Old Gas at the applicable area rate in effect immediately prior to such nonregulation with a 1.0 cent per Mcf per annual escalation and subject to adjustments to cover increased production taxes and royalty payments. The maximum price for the Old Gas is established as 25.0 cents per Mcf before adjustment for production taxes and royalty payments which result from any value attributed to the Old Gas in excess of 25.0 cents per Mcf. Exploration is also entitled to retain any increase in the existing area rates for the Old Gas up to 3.0 cents per Mcf to cover additional operating expenses and royalty and production tax payments.

Sales to New Gas (Natural gas produced from leases acquired through the use of Fund monies.) will be made by Exploration to CIG under life-of-the-field contracts at prices not exceeding the applicable area rate (or national rate if such shall be established by the Commission) subject to adjustments for Btu content, production taxes, and other factors permitted by the applicable regulations of the Commission. Should the price of New Gas be not regulated, Exploration shall be entitled to sell the New Gas to CIG at the applicable area rate in effect immediately prior to nonregulation with a 1.5 cent per Mcf annual escalation and subject to adjustments for royalty payments and production taxes for which Exploration is liable as a result of value attributed to the New Gas as a result of nonregulation which is in excess of the rate allowed under the settlement agreement.

The base Program Fund is $50,900,000, subject to a pro rate decreases should the Program terminate less than five years after the date of authorization. In addition, Exploration is required to pay into the fund specified amounts for volumes of natural gas, oil, and other minerals which may be discovered as a result of the expenditure of fund monies.

For natural gas discovered as a result of Fund monies, Exploration is required to increase the Fund, at its own expense, in an amount of 3.0 cents per Mcf if the initial price of such gas is less than 25.0 cents per Mcf. If the initial price of such gas is in excess of 25.0 cents per Mcf, then Exploration is required to increase the Fund, at its own expense, in an amount equal to 3.0 cents per Mcf plus 12.5 percent of the amount by which the initial price exceeds 25.0 cents per Mcf. The amounts added to the Fund shall be determined on the basis of Exploration's interest in proven recoverable reserves attached and dedicated to CIG's system either directly or through exchange arrangements. If it is not economically feasible to attach recoverable reserves of natural gas discovered through the expenditure of Fund monies, Exploration has the option of either selling the reserves in place and increasing the Fund by an amount equal to the value of the reserves net of the income tax effect and other expenses incident to the sale or retain the reserves and increase the Fund by an amount equivalent to the fair market value of the reserves, net of the imputed income tax effect.

With respect to any oil reserves (or other minerals) discovered as the result of expenditures of Fund monies, Exploration is entitled, at its option, to sell such oil reserves (or other minerals) in place and increase the Fund by an amount equal to 80 percent of the value of the consideration received therefore, net of income tax effect and other expenses of sale or retain such reserves and increase the Fund by an amount equal to 80 percent of the fair market value of such oil reserves (or other minerals) net of imputed income tax effect.

With respect to Exploration's interest in oil reserves discovered as a result of expenditures of Fund monies which are associated with natural gas, Exploration shall, at its option, during the Program Period, determine whether it will (1) produce the oil and increase the Fund by the net amounts received by Exploration from the oil production, or (2) sell such oil reserves in place and retain its right to receive any natural gas produced in association with such oil reserves and increase the Program Fund by an amount equal to 80 percent of the fair value of all consideration received by Exploration for such oil reserves, net income tax effect and other incidents of sale. If the oil reserves are not sold in place during the Program Period, Exploration shall on termination of the Program Period either (1) sell in place the remaining oil reserves, reserving a right to receive any natural gas produced in association with such oil reserves and increase the Fund by an amount equal to 80 percent of the total consideration received by Exploration therefor, net of income tax effect and other expenses of sale; or (2) retain such oil reserves for its own account and increase the Fund by an amount equal to 80 percent of the fair market value of such properties net of imputed income tax effect.

The conditions are complex (and are set out in detail in the Stipulation And Agreement Of Settlement), but they are designed to recover the value of natural resources which are discovered as the result of the expenditure of monies from the Program Fund which they have contributed. We believe these conditions are required by the public interest and they shall be adopted by this Commission.

The settlement also requires Exploration to dedicate or cause to be dedicated to CIG at least 275 Bcf in new reserves

---

[15] *Colorado Interstate Gas Co. and Canadian River Gas Co.*, 10 F.P.C. 105, 10 F.P.C. 778 (1951).

[16] See n. 13.

[17] Paragraph 2 of Part II of the Stipulation And Agreement Of Settlement.

of natural gas (the Minimum Reserve Commitment) within seven (7) years after the commencement of the Program Period. To qualify for inclusion of the Minimum Reserve Commitment, new reserves of natural gas shall be dedicated to CIG under life-on-the-field contracts with respect to Exploration's interest in the reserves and under contracts having a term of not less than ten (10) years to the extent of the interest of any third party. For those reserves which are dedicated to CIG under contracts a term of less than twenty (20) years, the reserves qualifying for inclusion in the minimum reserve commitment are to be limited to the aggregate of the volumes deliverable to CIG during the term of the contract. If a minimum of 275 Bcf in new gas reserves is not dedicated to CIG's system under the provisions of the Stipulation And Agreement Of Settlement, Exploration will refund to CIG an amount equal to 18.51 cents per Mcf [18] to CIG to flow through to its Resale Customers the jurisdictional portion of refunds received as the result of a deficiency either in the form of cash, or a credit against the cost of gas purchased from Exploration.

Other provisions of the proposed settlement agreement specify certain particulars with respect to the conduct, continuation of and termination of the proposed Program. These provisions allow the Commission to terminate the program prior to the expiration date if after a proceeding or investigation the Commission determines that either CIG or Exploration has failed to perform any of its obligations under the Stipulation And Agreement Of Settlement or the ability of either CIG or Exploration to perform such obligations has become so impaired that the Program should be terminated.

Additionally, CIG is required to separately maintain its current level of exploration and development expenditures during the Program Period. These expenditures amounted to approximately $2.3 million in 1972, and this level will be adopted for the required level during the Program Period. Monies used to meet CIG's obligation to maintain its current level of expenditures shall not be derived from or charged against the Program Fund. Furthermore, there shall be no commingling of funds between CIG and Exploration.

We have reviewed the entire Stipulation And Agreement Of Settlement certified to the Commission and find the same to be in the public interest subject to the additional conditions imposed herein. We also find that it is in the public interest to grant the supplemental motion of CIG and Exploration regarding the cash payment for the West Panhandle Field properties subject to the conditions imposed herein.

This proposal represents an opportunity by CIG to acquire additional supplies of natural gas for its pipeline system at a cost lower than would be required to obtain equal volumes of pipeline quality gas from any alternative source. Thus, we find that the proposed settlement should be and hereby is adopted by the Commission.

The Commission finds.

(1) Colorado Interstate Gas Company, a division of Colorado Interstate Corporation, and CIG Exploration, Inc. are natural gas companies within the meaning of the Natural Gas Act.

(2) The production properties and facilities hereinbefore described and more specifically described in the instant applications are used in the production and sale of natural gas in interstate commerce, subject to the jurisdiction of the Federal Power Commission.

(3) CIG Exploration, Inc. should be authorized to acquire production properties and the appurtenant facilities from Colorado Interstate Gas Company as set forth in the proposed Stipulation and Agreement of Settlement. Exploration should further be authorized to sell the natural gas produced from these properties to CIG at the applicable area rates for a period of five years from the date of this order or such later date as shall constitute the commencement of the Program Period as specified by the Stipulation And Agreement Of Settlement.

(4) CIG and Exploration are able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act and the requirements, rules, and regulations of the Commission thereunder.

(5) The proposed Stipulation And Agreement Of Settlement should be accepted by the Commission and the motion and supplemental motion of CIG and Exploration for approval of the same should be granted.

The Commission orders.

(A) The proposed Stipulation And Agreement Of Settlement is hereby accepted by the Commission and the motion of GIG Exploration, Inc. and Colorado Interstate Gas Company, a division of Colorado Interstate Corporation, for approval of the same is granted.

(B) The Supplemental Motion of CIG and Exploration for approval of the Stipulation And Agreement Of Settlement is granted.

(C) CIG is authorized to abandon those properties described in the applications filed with the Commission on January 15, 1973, as shall be held by CIG on the date of the commencement of the program period.

(D) Exploration is authorized to acquire those properties described in the applications of January 15, 1973, and which shall be transferred by CIG to Exploration.

(E) Exploration is hereby authorized for a period of five years from the date of this order or such later date as shall constitute the commencement of the Program Period as specified by the Stipulation And Agreement Of Settlement to price natural gas produced from the Production Properties acquired from CIG at the applicable area rate from time to time established by the Commission for natural gas of comparable quality and vintage, or at such rate as may lawfully be established in the event that area rates shall not be applicable to natural gas produced from these properties, instead of the cost of service basis at which such natural gas is now priced by CIG to its customers.

(F) All authorizations, limitations, and conditions contained in the Stipulation And Agreement Of Settlement are hereby adopted as authorizations, limitations, and conditions imposed by the Commission concerning the transactions approved herein.

(G) Within sixty (60) days of the issuance of this order CIG and Exploration shall inform this Commission that the Production Properties have been transferred from CIG to Exploration and that the program fund specified in the Stipulation and Agreement Of Settlement has in fact been established and that the proposed exploration and development program has commenced. If it is not possible for CIG to transfer the Production Properties to Exploration within 60 days of this order, CIG and Exploration shall inform the Commission of the date upon which the production properties will be transferred and that date shall constitute the commencement of the program period.

(H) Upon the transfer of the production properties from CIG to Exploration, CIG and Exploration shall inform the Commission of the net depreciated value of the West Panhandle Field Properties and the amount of cash which will be paid by Exploration to CIG to secure the release of those properties from the lien of CIG's Mortgage and Deed of Trust. In the event that CIG and Exploration shall not pay over to CIG the net depreciated value of the West Panhandle Field Properties on the date of the transfer of those Properties to Exploration, CIG and Exploration shall inform the Commission of the net depreciated value of those properties and the amount of the cash payment which will be made by Exploration to CIG at some future time. Furthermore, at such time as the cash payment by Exploration to CIG is made, CIG and Exploration shall inform the Commission that the cash transfer has been made and the amount of the transfer.

(I) Exploration shall maintain accounting procedures as determined following conferences with the Staff of the Commission which will permit identification and verification of receipts and expenditures of monies to and from the program fund in compliance with this authorization.

(J) Within ninety (90) days after the close of Exploration's fiscal year, Exploration shall report to the Commission on a yearly basis the results of Exploration's transactions regarding the Exploration Fund in a form acceptable to the Commission.

(K) These proceedings are terminated except insofar as may be necessary to

[18] Determined by dividing $50.9 million by 275 Bcf.

review the program from time to time and to administer the program under the terms of the Stipulation and Agreement of Settlement.

(L) Within sixty (60) days of the date of this order, CIG and Exploration shall submit to the Commission signed and duly authorized copies of the contracts for the sale of natural gas from the production properties by Exploration to CIG as may have been entered into and thereafter CIG and Exploration shall submit to the Commission contracts for the sale of new gas discovered by Exploration and sold to CIG under the terms of the Stipulation and Agreement of Settlement as shall be entered into.

(M) CIG and Exploration shall submit to the Commission and to all parties specified by the Stipulation and Agreement of Settlement the written agreements and undertakings specified by paragraph 4 of part II of the Stipulation and Agreement of Settlement regarding the alienation of gas reserves which Exploration shall acquire from CIG as a result of the authorizations approved by this order.

(N) CIG shall inform this Commission which new facilities it intends to designate as having been constructed subsequent to the effective date of this order in fulfillment of the requirements of paragraph 1 of part II of the Stipulation and Agreement of Settlement.

(O) The authorizations granted by this order shall not become final and effective until such time as the requirements of Ordering Paragraph (M) have been satisfied.

By the Commission.

[SEAL] MARY B. KIDD,
Acting Secretary.

[FR Doc.74-1347 Filed 1-15-74;8:45 am]

[Docket No. RI74-108]

CONTINENTAL OIL CO.

Notice of Petition for Special Relief

JANUARY 9, 1974.

Take notice that on December 20, 1973, Continental Oil Company (Petitioner), P.O. Box 2197, Houston, Texas 77001, filed a petition for special relief in Docket No. RI74-108. Petitioners requests that it be granted special relief from the area rate ceiling established by Opinion No. 586 so as to allow it to collect the rate provided for in a contract amendment dated October 24, 1973. That amendment provides that gas delivered to Panhandle Eastern Pipeline Company from the Red Fork Formation, located in Dewey County, Oklahoma, shall be paid for under Rate Schedule No. 202 initially at 45.0 cents per Mcf and escalating one cent per Mcf each year thereafter. Petitioner states that it could not economically justify drilling the proposed test well based on the applicable area rate.

Any person desiring to be heard or to make any protest with reference to said petition should on or before January 29, 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 party wishing to become a party to a proceeding, or to participate as a party in any hearing therein, must file a petition to intervene in accordance with the Commission's rules.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-1351 Filed 1-15-74;8:45 am]

[Docket No. CI74-357]

DAVIS OIL CO., ET AL.

Notice of Application

JANUARY 9, 1974.

Take notice that on December 19, 1973, Davis Oil Company (Applicant), 1130 Bank of New Orleans Building, 1010 Common Street, New Orleans, Louisiana 70112, filed in Docket No. CI74-357 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 Texas Eastern Transmission Corporation from the South Thornwell Area, Cameron Parish, Louisiana, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that it intends to commence the sale of natural gas within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for two years from the end of the emergency period within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell approximately 120,000 Mcf of gas per month at 50.0 cents per Mcf at 15.025 psia, subject to upward Btu adjustment.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 29, 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—1349 Filed 1-15-74;8:45 am]

[Docket No. RP74-50-1]

FLORIDA GAS TRANSMISSION CO. AND BASIC MAGNESIA, INC.

Order Granting Temporary Extraordinary Relief

JANUARY 9, 1974.

On December 21, 1973, Basic Magnesia, Incorporated (Petitioner) filed, pursuant to § 1.7 of the Commission's rules of practice and procedure, a petition for temporary and permanent extraordinary relief, together with a separate motion for an immediate grant of temporary extraordinary relief,[1] exempting it from application of the currently effective curtailment plan of Florida Gas Transmission Company (Florida Gas). Specifically, Petitioner requests that the Commission issue an order requiring Florida Gas to deliver to it in 1974 (and each subsequent year) 25,500 therms of natural gas per day at a constant rate of about 1,060 therms per hour and/or such other relief as may be warranted.

Petitioner, a producer of magnesia for refractory materials and other chemical uses, purchases natural gas from Florida Gas under a direct sale, preferred interruptible contract. Pursuant to that contract, Petitioner is entitled to receive, on an interruptible basis, a Minimum Daily Quantity of 40,000 therms per day and a Maximum Daily Quantity of 58,000 therms per day, with a maximum annual quantity of 19,500,000 therms.

In support of its petition for emergency relief, Petitioner points out that pursuant to Florida Gas' curtailment plan, it will receive during 1974 between 7,500,000 therms of natural gas (Minimum Daily Quantity of 40,000 therms for 188 days) and 10,900,000 therms (Maximum Daily Quantity of 58,000 therms for 188 days). However, it would be curtailed 100 percent on 177 days, including an aggregate of 43 days during the months of January and February. Petitioner asserts that such curtailment would result in a net loss of production far exceeding

[1] Supporting affidavits are attached to the petition, and the motion contains a memorandum supporting the request for immediate temporary extraordinary relief.

177 days,[2] and further that intermittent use of its "Herreshoff" furnaces for its "Second Heating Stage" of production will damage the interior of those furnaces because of the contracting and expansion effects of cooling and reheating.

Petitioner utilizes the gas supplies by Florida Gas in three production stages during the manufacture of magnesia chemicals and refractories. It claims that the use of gas in the Second Heating Stage is essential, requiring its flame and temperature characteristics to insure that the magnesia product has the "reactivity" without which it would not be usable in certain vital end uses for which it is an essential element. Such end uses include: (1) An additive to residual fuel oil to maintain heating efficiencies and control sulfurous emissions; (2) control of smoke stack emissions of sulfur oxides and acid smut; (3) the production of synthetic neoprene rubber; (4) a compound added to ammonia nitrate, making it suitable for fertilizer use; and (5) an ingredient which produces refractory material of critical importance in the manufacture of steel. Petitioner is currently using approximately 25,500 therms of natural gas per day at a constant rate of 1,060 therms per hour in the second stage process, and cannot substitute an alternate fuel other than propane. The total volume of gas required in the second stage is about 9,200,000 therms distributed over 365 days (25,500 therms per day at a constant rate of 1,060 therms per hour), which falls within the range of the annual volume proposed to be supplied by Florida Gas under its curtailment plan.

Petitioner avers that the Refractories Division of Basic Incorporated has no inventory of refractories made from Petitioner's output of refractory magnesia, and that its backlog of orders for such refractories is equivalent to 10 weeks of 24 hours per day, 7 days per week, production. The demand for such refractories remains high. Petitioner urges that curtailment pursuant to Florida Gas' curtailment plan will have a substantial adverse effect upon industry dependent upon refractory products and on the national economy.

Petitioner also contends that Florida Gas' curtailment procedures are not consistent with the priorities of deliveries set forth in Commission Order No. 467–B issued March 2, 1973, and thus are unreasonably discriminatory to it because it would enjoy a higher priority during periods of curtailment pursuant to the Commission's aforesaid Statement of Policy than it does under Florida Gas' current curtailment program. Petitioner asserts that it is entitled to the delivery of 25,500 therms of natural gas per day at a rate of 1,060 therms per hour as permanent extraordinary relief.

Petitioner has attached the affidavit of Robert W. Gates regarding Petitioner's magnesia production process and the lack of inventory of refractories, and the affidavit of H. William Strong concerning the magnesium chemicals that are produced from the output of Petitioner's Second Heating Stage process.

In view of the circumstances referred to above, we conclude that good cause exists to grant temporary relief pending notice and hearing regarding Petitioner's request for permanent relief. Hence, we shall grant Petitioner temporary extraordinary relief on the basis of its sworn allegations pending further order, and direct Florida Gas to continue supplying a total of 25,500 therms of natural gas per day at the rate of 1,060 therms per hour. Public notice of the petition and motion has been issued, with protests or petitions to intervene due January 17, 1974. If protests or interventions are filed, we will determine whether hearings on the instant request for permanent relief are necessary, or if the petition for permanent relief can be adjudicated on the pleadings. If no protest or request for hearing is received, we will act on the request for permanent relief under the abbreviated hearing procedure.

The Commission finds.

The grant of Basic Magnesia, Incorporated's petition and motion filed December 21, 1973, for extraordinary relief on a temporary basis is in the public interest and is consistent with the purposes of the Natural Gas Act, as hereinafter ordered.

The Commission orders.

The petition and motion of Basic Magnesia, Incorporated filed December 21, 1973, for extraordinary relief are hereby granted on a temporary basis as set forth in the recital above, pending further action of the Commission.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74–1344 Filed 1–15–74;8:45 am]

[Docket No. ID–1720]

JOHN EARL TAULBEE

Notice of Application

JANUARY 9, 1974.

Take notice that on January 2, 1974, John Earl Taulbee (Applicant), filed an initial application pursuant to section 305(b) of the Federal Power Act, seeking authority to hold the following positions:

Vice President and Secretary, Baltimore Gas and Electric Company, Public Utility.
Director, Safe Harbor Water Power Corporation, Public Utility.

Baltimore Gas and Electric Company is primarily engaged in the business of producing, purchasing and selling electricity, and purchasing and selling natural gas within the State of Maryland where all its properties are located, except that the Company is an owner as a tenant in common with other utilities of the Keystone and Conemaugh minemouth electric generating stations in the coalfields of western Pennsylvania together with related facilities. The Company also interchanges electric energy with utilities in other states. Other business of the Company includes sale of gas and electric appliances and the production and sale of steam in downtown Baltimore City.

Safe Harbor owns and operates a hydroelectric power plant located in the Susquehanna River in Pennsylvania. The output of the plant is sold to Baltimore Gas and Electric Company and Pennsylvania Power & Light Company in the proportions of ⅔ and ⅓, respectively.

Any person desiring to be heard or to make any protest with reference to said application should on or before February 4, 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 available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74–1352 Filed 1–15–74;8:45 am]

[Docket No. ID–1716]

J. A. STELTENPOHL

Notice of Application

JANUARY 9, 1974.

Take notice that on January 2, 1974, J. A. Steltenpohl (Applicant), filed an initial application pursuant to section 305(b) of the Federal Power Act seeking authority to hold the following positions:

Vice President and Controller, Louisville Gas and Electric Company, Public Utility.
Vice President and Controller, Ohio Valley Transmission Corporation, Public Utility.

Louisville Gas and Electric Company is an operating public utility engaged in the generation, transmission, distribution and sale of electricity and the distribution and sale of natural gas in Louisville and surrounding territory in Kentucky.

Ohio Valley Transmission Corporation is a subsidiary of Louisville Gas and Electric Company and owns and operates Indiana properties necessary in its parent's system operations but does not serve any ultimate consumer.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 31, 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

[2] Petitioner's production process operates continuously 24 hours per day, 365 days per year, since any type of shut-down requires approximately 40 hours of non-productive heating in order to place the production units back on stream after cooling.

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 available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-1342 Filed 1-15-74;8:45 am]

[Docket No. ID-1714]

J. L. HANNAH

Notice of Application

JANUARY 9, 1974.

Take notice that on January 2, 1974, J. L. Hannah (Applicant), filed an initial application pursuant to section 305(b) of the Federal Power Act seeking authority to hold the following positions:

Vice President, Louisville Gas and Electric Company, Public Utility.
Vice President, Ohio Valley Transmission Corporation, Public Utility.

Louisville Gas and Electric Company is an operating public utility engaged in the generation, transmission, distribution and sale of electricity and the distribution and sale of natural gas in Louisville and surrounding territory in Kentucky.

Ohio Valley Transmission Corporation is a subsidiary of Louisville Gas and Electric Company and owns and operates Indiana properties necessary in its parent's system operations but does not serve any ultimate consumer.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 31, 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 the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-1353 Filed 1-15-74;8:45 am]

[Docket No. CP74-172]

MICHIGAN WISCONSIN PIPE LINE CO.

Notice of Application

JANUARY 9, 1974.

Take notice that on December 19, 1973, Michigan Wisconsin Pipe Line Company (Applicant), One Woodward Avenue, Detroit, Michigan 48226, filed in Docket No. CP74-172 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the transportation of natural gas from Block 208, Eugene Island Area, offshore Louisiana, to Calumet, Louisiana, for Texas Gas Transmission Corporation (Texas Gas), all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that Texas Gas has entered into contracts with a group of producers (the Producers)[1] for the purchase from Block 217, Eugene Island Area of up to 2,000 Mcf of gas per day for a period of 240 days. It is stated that the Producers will deliver the gas into Applicant's existing facilities at Block 208, Eugene Island Area. Applicant proposes to transport such gas through its offshore pipeline system for redelivery to Texas Gas at the existing point of interconnection of the pipelines of Applicant and Texas Gas at Calumet, Louisiana. Applicant proposes to charge the overrun rate specified in its Rate Schedule X-11, F.P.C. Gas Tariff, First Revised Volume No. 2, pursuant to which Applicant currently transports gas through its offshore system for Texas Gas. Applicant states that the service requires the construction of no new facilities.

Applicant states that based on representations of Texas Gas as to the latter's urgent need for additional gas and the current availability to Texas Gas of this new gas supply, Applicant commenced this transportation service on October 20, 1973, pursuant to § 157.22 of the regulations under the Natural Gas Act (18 CFR 157.22).

Any person desiring to be heard or to make any protest with reference to said application should on or before January 29, 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.

[1] Atlantic Richfield Company, Getty Oil Company, Continental Oil Company and Cities Service Oil Company.

[FR Doc.74-1354 Filed 1-15-74;8:45 am]

[Docket No. CP74-176]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND MID LOUISIANA GAS CO.

Notice of Application

JANUARY 9, 1974.

Take notice that on December 21, 1973, Transcontinental Gas Pipe Line Corporation (Transco), P.O. Box 1396, Houston, Texas 77001, and Mid Louisiana Gas Company (Mid Louisiana), 300 Poydras Street, New Orleans, Louisiana 70130, filed in Docket No. CP74-176 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicants to exchange natural gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Transco and Mid Louisiana have agreed by letter agreement dated November 9, 1973, to a proposed natural gas exchange to assist Mid Louisiana in taking into its system natural gas available to it in the Lafourche Crossing Field, Lafourche Parish, Louisiana. Applicants state that said exchange will eliminate the necessity for construction of facilities by Mid Louisiana.

The application states that Applicants are purchasing natural gas from certain common sources of supply in the La-Fourche Crossing Field. Transco has contracted for an exchange arrangement with United Gas Pipe Line Company (United) whereby United will take said gas from Transco at a point in the subject field and return volumes of gas into Transco's system thereby obviating the necessity of constructing facilities by Transco.

The application states that Transco has agreed to exchange natural gas with Mid Louisiana to be accomplished by means of the above described exchange agreement with United. Under this proposed exchange arrangement, Mid Louisiana will deliver or cause to be delivered to Transco at a point in the LaFourche Field up to 1,500 Mcf of gas per day at 14.73 psia and following an exchange with United, Transco will return substantially contemporaneously, equal volumes of gas to Mid Louisiana at any mutually agreeable exchange point between the two Applicants.

Applicants state that no construction is required for the proposed exchange.

Any person desiring to be heard or to make any protest with reference to said application should on or before Janu-

ary 29, 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 Applicants to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-1356 Filed 1-15-74;8:45 am]

GAS INDUSTRY RESEARCH PLAN

Notice of Conference

JANUARY 11, 1974.

Take notice that the American Gas Association has been invited to a conference to be held in Hearing Room A of the Federal Power Commission offices, 825 North Capitol Street NE., Washington, D.C., on Friday, January 18, 1974 at 10:00 a.m., to discuss a Gas Industry Research Plan which has just been developed, defining the total research needs for the natural gas industry covering exploration, production, synthetic supplies, transmission, distribution, LNG, and utilization. As this research will be funded both by the Federal Government and industry, the group will explore various concepts for providing industry funds and developing an organization to effectively manage the broad research program.

The conference is open to the public.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-1436 Filed 1-15-74;8:45 am]

[Docket Nos. RI73-262, *et al.*]

GETTY OIL CO., ET AL.

Order Providing for Hearing on and Suspension of Proposed Changes in Rates, and Allowing Rate Changes To Become Effective Subject to Refund [1]

JANUARY 4, 1974.

Respondents have filed proposed changes in rates and charges for jurisdictional 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] MARY B. KIDD,
Acting Secretary.

[1] Does not consolidate for hearing or dispose of the several matters herein.

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	Cents per Mcf* Proposed increased rate	Rate in effect subject to refund in docket Nos.
RI73-262	Getty Oil Co.	67	12	Northern Natural Gas Co. (Emperor Field, Winkler County, Tex.) (Permian Basin).	$29,038	12-10-73		12-11-73	[1] [3] 24.06	28.0	
RI73-239	do	79	11	West Texas Gathering Co. (Emperor (Ellenburger) Field, Winkler County, Tex.) (Permian Basin).	41,702	12- 7-73		12- 8-73	23.95	[2] 29.5103	
RI73-263	Continental Oil Co.	160	9	West Texas Gathering Co. (Emperor Field, Winkler County, Tex.) (Permian Basin).	52,142	[4] 12-10-73		12-11-73	[1] 23.0	28.105	
	do		10	do	10,045	12-18-73		6-18-74	28.105	29.109	RI73-263.
RI74-109	Amoco Production Co.	220	11	do	1,665,643	12-10-73		6-10-74	28.105	42.1575	RI73-222.
	do	463	10	do	680,282	12-10-73		6-10-74	28.105	42.1575	RI73-222.
RI74-110	Amerada Hess Corp.	67	13	do	8,571	12-10-73		6-10-74	29.5103	30.5642	RI73-210.
RI71-288	Union Texas Petroleum, a division of Allied Chemical Corp.	80	16	Transwestern Pipeline Co. (Atoka Field, Eddy County, N. Mex.) (Permian Basin).	13,497	12-10-73		12-11-73	24.57	27.8069	

* Unless otherwise stated, the pressure base is 14.65 p.s.i.a.
[1] Subject to quality adjustments and gathering allowance, if applicable, pursuant to Opinion No. 662.
[2] Includes tax reimbursement not previously reported.
[3] Includes B.t.u. adjustment.
[4] Corrected by letters dated Dec. 13, 1973.

The proposed increased rates, which reflect increases from the applicable area ceiling rate up to contract rates which were either suspended or being collected subject to refund on the effective date of Opinion No. 662, are suspended for one day.

The remaining proposed rate increases exceed the area ceiling set forth in Opinion No. 662 and are, therefore, suspended for five months.

[FR Doc.74-1229 Filed 1-15-74;8:45 am]

FEDERAL RESERVE SYSTEM

NORBANK, INC.

Order Denying Formation of Bank Holding Company

Norbank, Inc., Chicago, Illinois, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) of formation of a bank holding company through acquisition of 98.9 percent or more of the voting shares of Northbrook Trust & Savings Bank, Northbrook, Illinois ("Bank").

Notice of the application, affording opportunity for interested persons to submit comments and views, has been given in accordance with section 3(b) of the Act. The time for filing comments and views has expired, and the Board has considered the application and all comments received in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, a newly-formed corporation with no operating history, was organized by the principal shareholder of Bank [1] for the purpose of converting ownership of Bank from an individual to a corporate basis. Upon acquisition of Bank ($41.3 million of deposits), Applicant would control .09 percent of the total commercial bank deposits in Illinois.[2] The proposed sole voting shareholder of Applicant also owns a controlling voting interest in Northwestco, Inc., Chicoga, Illinois, a registered bank holding company, which owns all of the outstanding voting shares (less directors' qualifying shares) of the Northwest National Bank of Chicago, Chicago, Illinois ("Northwest Bank"). While Northwest Bank has deposits of $257.7 million and is the 12th largest bank in Illinois, the combined deposits of Bank and Northwest Bank account for less than 1 percent of total commercial bank deposits in the Chicago banking market. In addition, Bank and Northwest Bank are separated by approximately 16 road miles and neither bank appears to derive significant business from the other's service area.[3] Accordingly, the Board concludes that there would be no significant increase in the concentration of banking resources in any relevant area and no significant existing or potential competition would be eliminated upon consummation of this proposal.

In applications to form one-bank holding companies, the Board has considered significant debt in acquiring a bank as an adverse circumstance. Significant acquisition debt may adversely affect the ability of a holding company to meet the financial needs of its subsidiary bank. The amount and maturity of the debt, therefore, must be considered in relation to the ability of the holding company to service the debt, and the likelihood that Bank will need capital. The debt factor is then balanced with other considerations in determining whether the acquisition would be in the public interest.

Applicant, upon consummation of the proposed transaction, would incur acquisition debt in the amount of $3,380,000, which is to be repaid with interest in 12 years with annual principal payments beginning in 1976. Applicant, in its projections, proposes to service this debt from no more than a 50 percent dividend payout from Bank. These projections, however, appear optimistic. If earnings growth fails to keep pace with Applicant's optimistic projections, the percentage of earnings paid out as dividends of Bank might have to be increased in order to service Applicant's acquisition debt, and this, in turn, could seriously inhibit the growth of Bank's capital and have an adverse effect on Bank's ability to service its relevant market. In addition, even if Applicant's projections could be considered realistic, the requirements for servicing Applicant's substantial acquisition debt could seriously inhibit growth in Bank's capital at a rate compatible with its projected asset growth. These considerations relating to the financial and managerial resources of Applicant therefore weigh heavily against approval of this application. It should be emphasized, however, that these factors in no way reflect upon the present financial soundness of Bank, nor upon its future financial condition absent consummation of the instant proposal.

There is no evidence in the record that the convenience and needs of the residents of Bank's service area are not already adequately being served, nor that approval of the instant proposal would give rise to any significant public benefits. Considerations relating to the convenience and needs of the communities to be served thus lend no weight toward approval of the application.

On the basis of all of the circumstances of this case and the facts of record, the Board concludes that the acquisition debt involved in this proposal presents adverse circumstances bearing on the financial condition and prospects of Applicant and Bank. Such circumstances are not outweighed by any procompetitive factors or by circumstances relating to the convenience and needs of the communities to be served. Accordingly, approval of the application is not in the public interest and the application should be denied.

On the basis of the record, the application is denied for the reasons summarized above.

By order of the Board of Governors,[4] effective January 8, 1974.

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

[FR Doc.74-1264 Filed 1-15-74;8:45 am]

SEAFIRST CORP.

Formation of Bank Holding Company

Seafirst Corporation, Seattle, Washington, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 100 percent of the voting shares (less directors' qualifying shares) of the successor by merger to Seattle-First National Bank, Seattle, Washington. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of San Francisco. Any person wishing to comment on the application should submit his views in writing to the Reserve Bank, to be received not later than January 30, 1974.

Board of Governors of the Federal Reserve System, January 8, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-1263 Filed 1-15-74;8:45 am]

WADENA BANKSHARES, INC.

Formation of Bank Holding Company

Wadena Bankshares, Inc., Wadena, Minnesota, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 91.5 percent of the voting shares of Wadena State Bank, Inc., Wadena, Minnesota. The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application may be inspected at the office of the Board of Governors or at the Federal Reserve Bank of Minneapolis. Any person wishing to comment on the application should submit his views in writing to the Secretary, Board of Governors of the Federal Reserve System, Washington, D.C. 20551 to be received not later than January 31, 1974.

Board of Governors of the Federal Reserve System, January 8, 1974.

[SEAL] THEODORE E. ALLISON,
Assistant Secretary of the Board.

[FR Doc.74-1262 Filed 1-15-74;8:45 am]

[1] The principal shareholder of Bank, who is also a director of Bank, presently owns 39,560 of the 40,000 outstanding shares of Bank. The remaining 440 shares of Bank are held as qualifying shares by the other directors of Bank with the understanding that they will be sold to the principal shareholder for sale to the Applicant if the application is approved.

[2] All banking data are as of December 31, 1972.

[3] Although each bank is located in Cook County (Central Chicago SMSA), Bank is located in a suburban area in the far northern tip of the county, while Northwest Bank is located on the north central side of Chicago.

[4] Voting for this action: Vice Chairman Mitchell and Governors Brimmer, Sheehan and Holland. Absent and not voting: Chairman Burns and Governors Daane and Bucher.

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

GUM BRANCH COAL CO. INC.

Applications for Initial Permits Regarding Electric Face Equipment Standard

Applications for Initial Permits for Noncompliance with the Electric Face Equipment Standard have been received for items of equipment in the underground coal mines listed below.

(1) ICP Docket No. 4094–000, GUM BRANCH COAL COMPANY, INC., Mine No. 23–A, Mine ID No. 15 02943 0, Printer, Kentucky.
(2) ICP Docket No. 4095–000, POCAHONTAS FUEL COMPANY, Lynco No. 2 Mine, Mine ID No. 46 02758 0, Lynco, West Virginia.
(3) ICP Docket No. 4096–000, POCAHONTAS FUEL COMPANY, Hernshaw No. 2 Mine, Mine ID No. 46 01237 0, Lynco, West Virginia.
(4) ICP Docket No. 4097–000, STONE COAL MINING COMPANY, Kathryn Mine, Mine ID No. 15 00557 0, Drift, Kentucky.
(5) ICP Docket No. 4098–000, CRANK'S INCORPORATED, Mine No. 1, Mine ID No. 15 05523 0, St. Charles, Virginia.
(6) ICP Docket No. 4099–000, OMAR MINING COMPANY, Chesterfield No. 1 Mine, Mine ID No. 46 01275 0, Madison, West Virginia.
(7) ICP Docket No. 4100–000, OMAR MINING COMPANY, Chesterfield No. 3 Mine, Mine ID No. 46 01790 0, Madison, West Virginia.
(8) ICP Docket No. 4103–000, OMAR MINING COMPANY, Chesterfield No. 5 Mine, Mine ID No. 46 01791 0, Madison, West Virginia.
(9) ICP Docket No. 4104–000, FORD COAL COMPANY, Mine No. 1, Mine ID No. 46 01614 0, Hansford, West Virginia.
(10) ICP Docket No. 4105–000, UNION CARBIDE CORPORATION, Mine No. 7–7A, Mine ID No. 46 01345 0, Clendenin, West Virginia.
(11) ICP Docket No. 4107–000 LEAH COAL COMPANY, Mine No. 2A, Mine ID No. 46 01903 0, Pond Gap, West Virginia.

In accordance with the provisions of section 305(a)(2) (30 U.S.C. 865 (a)(2)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Pub. L. 91–173), notice is hereby given that requests for public hearing as to an application for an initial permit may be filed on or before January 31, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JANUARY 10, 1974.

[FR Doc.74–1259 Filed 1–15–74;8:45 am]

THORPE AND FARLEY COAL CO.

Applications for Initial Permits Regarding Electric Face Equipment Standard

Applications for Initial Permits for Noncompliance with the Electric Face Equipment Standard have been received for items of equipment in the underground coal mines listed below.

(1) ICP Docket No. 4082–000, THORPE & FARLEY COAL COMPANY, Mine No. 14, Mine ID No. 15 01838 0, Mouthcard, Kentucky.
(2) ICP Docket No. 4084–000, LITTLE HACKNEY CREEK COAL COMPANY, Mine No. 36, Mine ID No. 15 04382 0, Mouthcard, Kentucky.
(3) ICP Docket No. 4085–000, LITTLE HACKNEY CREEK COAL COMPANY, Mine No. 21, Mine ID No. 15 01660 0, Mouthcard, Kentucky.
(4) ICP Docket No. 4086–000, LITTLE HACKNEY CREEK COAL COMPANY, Mine No. 32, Mine ID No. 15 02518 0, Phyllis, Kentucky.
(5) ICP Docket No. 4087–000, BULL RUN MINING COMPANY, Mine No. 1, Mine ID No. 46 00992 0, Masontown, West Virginia.
(6) ICP Docket No. 4088–000, WILLE DOTSON COAL COMPANY, Mine No. 17, Mine ID No. 44 01640 0, Hurley, Virginia.
(7) ICP Docket No. 4090–000, HACKNEY COAL COMPANY, Mine No. 1, Mine ID No. 44 01578 0, Grundy, Virginia.
(8) ICP Docket No. 4091–000, GREASEY CREEK COAL COMPANY, Mine No. 1, Mine ID No. 15 04608 0, Lackey, Kentucky.
(9) ICP Docket No. 4092–000, GUM BRANCH COAL COMPANY, Mine No. 24, Mine ID No. 15 04080 0, Printer, Kentucky.
(10) ICP Docket No. 4093–000, FRASUR BRANCH COAL COMPANY, Mine No. 1, Mine ID No. 15 04553 0, McDowell, Kentucky.

In accordance with the provisions of section 305(a)(2) (30 U.S.C. 865(a)(2)) of the Federal Coal Mine Health and Safety Act of 1969 (83 Stat. 742, et seq., Pub. L. 91–173), notice is hereby given that requests for public hearing as to an application for an initial permit may be filed on or before January 31, 1974. Requests for public hearing must be filed in accordance with 30 CFR Part 505 (35 FR 11296, July 15, 1970), as amended, copies of which may be obtained from the Panel upon request.

A copy of each application is available for inspection and requests for public hearing may be filed in the office of the Correspondence Control Officer, Interim Compliance Panel, Room 800, 1730 K Street NW., Washington, D.C. 20006.

GEORGE A. HORNBECK,
Chairman,
Interim Compliance Panel.

JANUARY 10, 1974.

[FR Doc.74–1258 Filed 1–15–74;8:45 am]

NATIONAL ENDOWMENT FOR THE ARTS

THEATRE PROGRAM

Guidelines; Fiscal Year 1975

The following are guidelines for grants made under the Theatre Program of the National Endowment for the Arts, an independent agency of the Federal government which makes grants to organizations and individuals concerned with the arts throughout the United States.

Notice is hereby given that the deadline for the Theatre Program is February 15, 1974. Interested persons should contact Ruth Mayleas, Director, Theatre Program, National Endowment for the Arts, Washington, D.C. 20506, (202) 382–5763, for further information and application forms. Only the Theatre Program office may distribute application forms.

Signed at Washington, D.C. on 8 January 1974.

FANNIE TAYLOR,
Director, Program Information.

INTRODUCTION

The National Endowment for the Arts' Theatre program is directed primarily toward professional theatre organizations. Its aim is to assist and stimulate creative activity in the theatre arts and to raise artistic standards through support of the performing institutions which sustain the artists and craftsmen of the theatre. Grants are made in a variety of program categories which cover a broad range of the profession. The Endowment is equally concerned with strengthening of existing institutions, the dissemination of the highest quality of theatre production, and the identification and development of new creativity in the field.

Program categories include:

Professional Theatre Companies
Developmental Theatre—New Plays, New Playwrights, New Forms
Theatre for Youth
Services to the Field
State Arts Agencies—Theatre Projects
General Programs

These programs are described more fully in the following pages. In addition, a number of pilot programs are in progress which, depending upon results, may be enlarged in the future to full program status.

GENERAL INFORMATION

APPLICATION DEADLINE

There will be one deadline for Fiscal Year 1975: applications must be postmarked no later than February 15, 1974. Applicants should not anticipate notification of acceptance or rejection before June 15, 1974.

ELIGIBILITY

By statute, the National Endowment for the Arts is limited to the support of organizations which meet the following criteria:

(1) Only those organizations which meet the requirements of Title VI of the Civil Rights Act of 1964 for the duration of any project supported in whole or in part by the National Endowment for the Arts.

(2) Only those organizations in which no part of net earnings inures to the benefit of a private stockholder or individual and to which donations are allowable as a charitable contribution under Section 170(c) of the Internal Revenue Code of 1954, as amended. Copy of Internal Revenue Service Determination letter for tax-exempt status must be submitted with each application.

(3) Only those organizations which compensate all professional performers, related or supporting professional personnel, laborers, and mechanics at the equivalent of the prevailing minimum compensation level or

on the basis of negotiated agreements which would satisfy the requirements of Parts 3, 5, and 505 of Title 29 of the Code of Federal Regulations for the duration of any project supported in whole or in part by the National Endowment for the Arts.

METHODS OF FUNDING

PROGRAM FUNDS METHOD

Generally, grants will be made on at least a dollar-for-dollar matching basis. Applicants requesting assistance from Program Funds must present evidence on the application form that at least one-half of the total cost of the project will be provided by the applicant. Anticipated sources of matching must be identified.

TREASURY FUND METHOD

When the National Endowment for the Arts was created, Congress included a unique provision in its enabling legislation. This provision allows the Endowment to work in partnership with private and other non-federal sources of funding for the arts. Designed to encourage and stimulate increased private funding for the arts, the Treasury Fund allows non-federal contributors to join the Endowment in the grant-making process, generally for projects supported by the Endowment under the established program guidelines.

The Endowment encourages use of the Treasury Fund method as an especially effective way of combining federal and private support, and as an encouragement to all potential donors, particularly those representing new or substantially increased sources of funds.

The Endowment may accept gifts in the form of money and other property. Bequests may be made to the Endowment as well. Donations to the Endowment are generally deductible for federal income, estate, and gift tax purposes.

Donations may be made to the Endowment, under its regular program guidelines, for the support of a nonprofit, tax-exempt, cultural organization which has been notified that the Endowment intends to award it a grant—such as a museum, a symphony orchestra, a dance, opera, or theatre company—or for an Endowment program, such as fellowships, touring, conferences, or workshops. When a donation is received it frees an equal amount from the Treasury Fund, and the doubled amount is then made available to pay 50 percent of the project costs.

The Endowment also accepts unrestricted gifts to be used for projects recommended to the Chairman by the National Council on the Arts.

HOW A TREASURY FUND GRANT IS ARRANGED

Those interested in giving for a specific purpose should note the step by step process described below. A professional theatre will be used as an example.

1) If the project is eligible for consideration under the Theatre Program guidelines, the theatre submits to the Endowment a formal application, which may include a list of potential donors.

2) The application is reviewed first by the appropriate Advisory Panel (in this case the Theatre Advisory Panel) and then by the National Council on the Arts and is recommended for approval or rejection. Based on these recommendations, the Chairman makes the final determination and notification is sent to the theatre.

3) If the grant award is approved, the theatre officials then request that the donors forward their contributions to the National Endowment for the Arts accompanied by a letter specifying the restricted purpose of the gift (i.e. the name of the theatre and specific project support).

Grantee as Collecting Agent. In order to simplify handling procedures for restricted donations which are to be matched by the Treasury Fund, a grant recipient may collect individual donations of cash or checks (including proceeds from benefits) made for the purpose of the grant, and forward them to the Endowment in the form of a single check. If this method is used the following conditions apply:

(1) The check representing the aggregate donation must be made payable to the National Endowment for the Arts and be accompanied by a list of donors' names and addresses.

(2) A statement must also be forwarded with the aggregate check indicating that the check amount represents individual donations made to the grant recipient specifically for purposes of the Treasury Fund grant, and that the grant recipient will retain in its files evidence that the donation was made for such purposes. Generally, a standard gift transmittal letter (of the type now in use) from each individual donor will suffice. In cases where benefit proceeds are to be so utilized, other material, such as benefit announcement circulars, posters et cetera (which indicate donors had prior knowledge that their contributions would be used for the Treasury Fund) may be retained as evidence of donors' intent.

This procedure does not apply to pledges, each of which must be made to the National Endowment for the Arts and sent directly to National Endowment for the Arts. However, consistent with the above stated policy, payments on pledges may be made to and collected by the grantee organization, which then may forward such sums to the Endowment in aggregate form with a covering letter indicating that the sum is for application to, and reduction of, specifically named and unpaid pledges.

For further information, contact the Theatre Program, National Endowment for the Arts, Washington, D.C. 20506.

THE PROCESS IN TERMS OF MONEY

Donor's contribution(s) to the Endowment for	$25,000
Endowment matches from the Treasury Fund	25,000
	50,000
Therefore, amount of the Endowment grant is	50,000
Grantee's additional project cost	50,000
Total budget of project is at least	100,000

NOTE. In fiscal 1975, the Endowment's Theatre Program expects that grants in excess of $75,000 in federal funds will generally be made through the Treasury Fund method.

A WORD ON THE BICENTENNIAL

The Endowment recognizes that the arts will play an important role in the next few years in the celebration of our country's bicentennial. The Endowment welcomes this involvement on the part of artists and cultural organizations. The Endowment has an active interest in participating in these efforts, within funds available to it, and insofar as they are directed to professional creation and presentation of new works, improvement of artistic standards, preservation of our cultural heritage, and increasing the availability of the arts for all Americans. If funds under these guidelines are sought for projects deemed by the applicant to be related to the bicentennial, a brief description of this relationship should be made in the application.

RESOLUTION ON THE ACCESSIBILITY TO THE ARTS FOR THE HANDICAPPER

One of the main goals of the National Endowment for the Arts is to assist in making the arts available to all Americans. The arts are a right, not a privilege. They are central to what our society is and what it can be. The National Council on the Arts believes very strongly that no citizen should be deprived of the beauty and the insights into the human experience that only the arts can impart.

The National Council on the Arts believes that cultural institutions and individual artists could make a significant contribution to the lives of citizens who are physically handicapped. It therefore urges the National Endowment for the Arts to take a leadership role in advocating special provision for the handicapped in cultural facilities and programs.

The Council notes that the Congress of the United States passed in 1968 (Pub. L. 90-480) legislation that would require all public buildings constructed, leased, or financed in whole or in part by the Federal Government to be accessible to handicapped persons. The Council strongly endorses the intent of this legislation and urges private interests and governments at the state and local levels to take the intent of this legislation into account when building or renovating cultural facilities.

The Council further requests that the National Endowment for the Arts and all of the program areas within the Endowment be mindful of the intent and purposes of this legislation as they formulate their own guidelines and as they review proposals from the field. The Council urges the Endowment to give consideration to all the ways in which the agency can further promote and implement the goal of making cultural facilities and activities accessible to Americans who are physically handicapped.

(Adopted by the National Council on the Arts, September 15, 1973.)

PROGRAM CATEGORIES

PROFESSIONAL THEATRE COMPANIES

ELIGIBILITY

(1) "Professional Theatre Companies" include Resident Professional Theatres and other professional theatre institutions of a permanent nature with yearly operating budgets of at least $200,000.

(2) At least two years of continuous operation as a full professional theatre.

(3) A performing season of at least five months, with residency in one location for this period of time.

(4) The theatre must operate under an Equity contract, or pay equivalent salaries.

AREAS OF SUPPORT

Listed below are suggested categories of support. Other requests outside these areas may be considered as well.

(1) Artistic Development.

(a) Production Support—Programs related to the achievement of quality in performance and artistic direction, including increased rehearsal time.

(b) Staff Development—Additional artistic personnel: directors, performers, technical staff, et cetera.

(c) New Play Production—Applications will be considered only in those cases where the new production involves costs considerably in excess of the normal production budget; this can include additional personnel, playwrights' fees, physical production costs, added rehearsal time, commissioning fees, et cetera.

(d) Playwright-in-Residence Programs.

(2) Administration

(a) Staff Development—Additional managerial personnel.

(b) Exploration of new ways to improve earned and contributed income.

(3) Community Service Projects.

(a) Programs designed to reach larger and more diversified audiences in schools, inner city areas, local outlying communities.

(b) Educational programs involving joint planning between theatre and educational system, but only where there is a substantial financial contribution from the educational community.

(c) Programs designed for participation in the bicentennial.

CRITERIA

Applications will be reviewed according to the following:

(1) Artistic quality.

(2) Organizational stability.

(3) Merit of project and theatre's capacity to undertake it.

(4) Amount requested in relationship to overall budget of theatre.

(5) Demonstrated need for supoprt requested.

(6) Regional consideration.

Applications should represent the genuine needs of the organization. Though the Endowment welcomes the development of new programs, it is equally concerned with the strengthening of existing activities. Organizations are not encouraged to extend their programs beyond their means to accomplish them.

FUNDING

(1) Grants may range from $5,000 to a maximum of $140,000. In most instances, grants will be substantially less than the maximum amount. Applicants are particularly urged to budget realistically and present minimum figures of federal support needed to achieve the purpose of the project and high standards of artistic excellence. (Revisions of projects and budgets are time consuming for applicants and the Endowment.)

(2) Endowment grants may be used to pay no more than half the cost of any project. All non-federal income may qualify as matching funds, but it is preferable that matching be from contributed rather than earned income and that wherever possible new sources of matching funds be sought.

(3) No costs incurred prior to July 1, 1974 may be included in Fiscal Year 1975 grants.

(4) In fiscal 1975, the Endowment's Theatre Program expects that grants in excess of $75,000 in federal funds will generally be made through the Treasury Fund method.

DEVELOPMENTAL THEATRE, NEW PLAYS, NEW PLAYWRIGHTE, NEW FORMS

This program is designed to offer assistance to professional groups which concentrate on the creative development of the theatre artist, emphasizing new plays, new playwrights, new forms. Among these groups are:

(1) Theatres which perform the works of new playwrights and which present a season or series of new and/or avant-garde works.

(2) Groups which specialize in developmental work with new playwrights.

(3) Groups which operate as a total theatre unit evolving original works out of a collaborative process.

Other types of alternative theatres may also be considered. Most theatres in this category will have operating budgets under $200,000.

ELIGIBILITY

(1) At least two years of continuous operation under the same artistic direction prior to time of applying.

(2) Professional orientation and standards. The Endowment recognizes that certain types of narrow professional definitions may not be relevant to theatres of this kind; however, this program is aimed to assist the committed theatre artist and is not intended for purely avocational nonprofessional groups.

AREAS OF SUPPORT

This program is aimed toward support of production, development of works-in-progress, and workshops. It includes support of:

(1) Salaries of actors and other professional staff.

(2) Playwrights' stipends and expenses.

(3) Production expenses.

CRITERIA

Applications will be reviewed according to the following:

(1) Artistic quality.

(2) Organizational stability.

(3) Merit of project and theatre's capacity to undertake it.

(4) Amount requested in relationship to overall budget of theatre.

(5) Demonstrated need for support requested.

(6) Regional consideration.

FUNDING

(1) There are no minimum or maximum amounts in this program, but grants will generally not exceed $15,000–$20,000, *and most will be substantially less.*

(2) Endowment grants may be used to pay no more than half the cost of any project. All non-federal income, including box office receipts, may qualify as matching funds. Wherever possible, new sources of matching funds should be sought.

(3) No cost incurred prior to July 1, 1974 may be included in fiscal 1975 grants.

THEATRE FOR YOUTH

This program is designed for professional groups which offer dramatic presentation for children and young people from pre-primary grades through junior high school age (5 through 14). Professional theatre companies which have separate, and separately budgeted, children's theatres are eligible, as well as professional organizations which are engaged solely in theatre for youth.

ELIGIBILITY

(1) At least two years of continuous operation as a full professional theatre.

(2) The theatre must operate under an Equity contract, or pay equivalent salaries.

AREAS OF SUPPORT

(1) Production support.

(2) Staff development.

(3) Development of new dramatic material.

(4) Touring.

CRITERIA

Applications will be reviewed according to the following:

(1) Artistic quality.

(2) Organizational stability.

(3) Merit of project and theatre's capacity to undertake it.

(4) Amount requested in relationship to overall budget of theatre.

(5) Demonstrated need for support requested.

(6) Regional consideration.

FUNDING

(1) There are no minimum or maximum grants in this program, but grants will generally not exceed $25,000 *and most will be less.*

(2) Endowment grants may be used to pay no more than half the cost of any project. All non-federal income, including box office receipts, may qualify as matching funds. Wherever possible, new sources of matching funds should be sought.

(3) No cost incurred prior to July 1, 1974 may be included in fiscal 1975 grants.

SERVICES TO THE FIELD

This program offers matching grants to theatre service organizations which provide unique services to the field as a whole or to a particular sector of it. In general, only national organizations will be considered.

ELIGIBILITY

(1) An organization must be in existence for a minimum period of two years.

(2) It must be able to furnish evidence of its value to the field served.

(3) It must demonstrate its ability to generate funding from nongovernment sources.

AREAS OF SUPPORT

(1) Requests for support of specific projects are preferable to those for more general aid.

(2) Projects need not be new; support may be requested for the continuance and strengthening of existing projects.

FUNDING

Endowment grants may be used to pay no more than half the cost of any project. All non-federal income may qualify as matching funds. Wherever possible, new sources of matching funds should be sought.

STATE ARTS AGENCIES—THEATRE PROJECTS

State arts agencies, either individually or in regional groupings, are eligible to apply to the Theatre Program for special projects in fiscal 1975. All grants will be matching.

AREAS OF SUPPORT

These are suggested areas. Other requests may be considered as well.

(1) Local and/or regional touring involving professional theatre activities eligible under Theatre Program guidelines.

(2) Planning grants toward development of professional projects.

FUNDING

There are no minimum or maximum grants in this program. Amounts will be determined by the nature and scope of the project and the availability of funds.

SUPPLEMENTARY INFORMATION

A complete narrative description of the project on not less than two or more than five (8½ x 11) pages is required.

GENERAL PROGRAMS

Programs or projects which do not fit into any of the foregoing categories may be considered under General Programs. They may be one-time events of continuing programs, but in every case they must fit in with the overall Theatre Program guideline of being responsive to the needs and aims of the field.

PILOT PROGRAMS

In addition to the established areas of support, the Theatre Program has several pilot programs. Evaluation of these pilots in fiscal 1975 will determine if they are to be included in future program guidelines. These pilot programs generally will not be open to applications.

REGIONAL THEATRE TOURING

Several regional theatre touring projects have been undertaken in fiscal 1973 and 1974. These involve the touring to communities in surrounding states of a major production from a resident professional theatre's season. This program will remain on a pilot basis in fiscal 1975.

PROFESSIONAL THEATRE TRAINING

The Endowment's purpose is directed toward the development of a higher standard

of professional theatre training. The pilot program is open to selected projects which will be of value to the field as a whole. Among these are projects which will:

(1) Increase communication among professional training institutions.

(2) Improve cooperation and create exchange between professional training institutions and professional theatres.

(3) Develop new master teachers.

(4) Find new sources of scholarship aid.

Other types of projects which can benefit the field as a whole may also be considered. Projects to aid training programs of a single institution will not be supported.

PROFESSIONAL THEATRE COMPANIES WITH SHORT SEASONS

It may be possible to establish a pilot program in fiscal 1975 for non-profit professional theatre companies with seasons of less than five months. These might include summer theatres, festivals, and other specialized groups which do not meet the length of season eligibility requirement of the Professional Theatre Companies Program category, but are eligible in all other respects. Inquiries should be addressed to the Theatre Program.

APPLICATION PROCEDURES

If, after careful review of the guidelines, you feel that your activity falls within the scope of the Theatre Program, please mail the application forms (NEA–3(Rev.)) in triplicate together with all additional information requested, also in triplicate to:

Grants Office
National Endowment for the Arts
Washington, D.C. 20506

The fourth copy of the application should be retained for your records.

The application must be completed in full, including the project summary on page one. Do not exceed the space provided on application. The application must be signed by the artistic (or project) director as well as the appropriate authorizing official. Applicants are required to limit their requests to a single application form; however, requests for more than one project may be listed on the form, in which case supplementary individual project budgets must be submited, each on a separate page. Failure to supply all the information requested will result in unavoidable delays that may adversely affect consideration of your proposal.

Applications must be postmarked no later than February 15, 1974. The National Endowment requests that because of review procedures, applications postmarked after the deadline date cannot be considered.

After an application is received, it will be reviewed as follows:

(1) The Endowment Theatre staff, the Theatre Advisory Panel, and the National Council on the Arts successively review the application.

(2) The applicant is then notified concerning final action taken by the Chairman of the Endowment.

Information regarding action taken on applications cannot be made available until after the groups listed above in Item 1 have made their recommendations and the Chairman of the Endowment has reached a final decision.

Notification of acceptance or rejection is not anticipated before June 15, 1974.

All inquiries in regard to the Theatre Program and application procedures for Theatre grants should be directed to:

Theatre Program
National Endowment for the Arts
Washington, D.C. 20506
(202) 382–5763

SUPPLEMENTARY INFORMATION

All applicants must submit with their application the following in triplicate:

(1) A financial statement, audited where possible, for 1972–73 season (or comparable fiscal year); a complete operating budget for 1973–74 season; and projected operating budget for 1974–75 season (or year)—each on a separate page. Income gap, that is, difference between earned income and operating budget, should be clearly shown; also net deficit, if any.

(2) A one to two (8½ × 11) page description of the project or program applied for. This must be signed by the artistic director.

(3) A copy of the organization's tax exemption determination letter from the Internal Revenue Service (even if such letter has been previously submitted).

(4) The Supplementary Information Sheet (page 15) completed in full. (Non-performance organizations should reply only to those questions which pertain to them.)

(5) The application must be signed by an official of the applicant organization with authority to legally obligate applicant. In addition, please be sure to type or print name and title or the Authorizing Official, Project Director, and Payee.

[FR Doc.74–1278 Filed 1–15–74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

CANADIAN JAVELIN, LTD.

Suspension of Trading

JANUARY 7, 1974.

The common stock of Canadian Javelin, Ltd. being traded on the American Stock Exchange pursuant to provisions of the Securities Exchange Act of 1934 and all other securities of Canadian Javelin, Ltd. being traded otherwise than on a national securities exchange; and

It appearing to the Securities and Exchange Commission that the summary suspension of trading in such securities on such exchange and otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to sections 19(a)(4) and 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities on the above-mentioned exchange and otherwise than on a national securities exchange is suspended, for the period from January 8, 1974 through January 17, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74–1269 Filed 1–15–74;8:45 am]

[70–5444]

DELMARVA POWER & LIGHT CO.

Proposed Financing of Pollution Control Facilities Involving Sale and Repurchase of Said Facilities and Issuance and Sale of Pollution Control Notes Pursuant to Agreement With State Development Authority; Exception From Competitive Bidding

JANUARY 4, 1974.

Notice is hereby given that Delmarva Power & Light Company ("Delmarva"), 800 King Street, Wilmington, Delaware 19899, a registered holding company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), designating sections 6(a), 7, 9(a)(1), 10, and 12(d) of the Act and Rules 44(b)(3) and 50 promulgated thereunder as applicable to the following proposed transactions. All interested persons are referred to the application-declaration, which is summarized below, for a complete statement of the proposed transactions.

Delmarva, Atlantic City Electric Company, Philadelphia Electric Company, and Public Service Electric and Gas Company ("Companies") are owners, as tenants in common, of two nuclear electric generating units ("Units 2 and 3") being constructed at the Peach Bottom Atomic Power Station in Peach Bottom Township, York County, Pennsylvania. Delmarva's undivided interest in said units is 7.51 percent. It is expected that Units 2 and 3 will be placed in commercial operation in early 1974 and the fall of 1974, respectively. The total cost of the two units is estimated at approximately $776,000,000, to be shared among the Companies according to their respective ownership interests.

In order to comply with applicable state and federal environmental control standards with respect to air and water quality, it was necessary to construct, as part of Units 2 and 3, certain pollution control facilities ("Facilities"), designed for the abatement of atmospheric and water pollution and the disposal of sewage and solid waste. The Companies, including Delmarva, propose to enter into a Pollution Control Facilities Agreement ("Agreement") with the York County Industrial Development Authority ("Authority"), an instrumentality of the Commonwealth of Pennsylvania, under which the Authority would undertake, among other things, the financing of the Facilities, as more fully described below.

The Agreement provides that each Company will transfer to the Authority its interest in the Facilities as it presently exists, subject to the lien of each Company's existing first mortgage indenture, and will be reimbursed for its cost of acquiring and constructing the property so transferred. Title to various portions of the Facilities will be in the Authority during the course of construction. Upon completion of each such portion, however, title to that portion will be conveyed to the Companies.

The Authority, upon request of each Company, will finance the Facilities through the sale, separately in respect of the portion of the Facilities costs attributable to each such Company, of the Authority's Pollution Control Revenue Bonds ("Bonds") in one or more series, at the times, in the amounts, at the interest rates and for prices approved by that Company. Bonds in respect of each Company will be issued under a separate trust indenture ("Indenture") with a corporate trustee ("Trustee") approved by that Company. The maximum aggregate principal amount of Bonds proposed to be issued in respect of Delmarva is $11,000,-

000, which Bonds may be issued in one or more series the timing of which will be determined by prevailing market conditions but in any event not later than December 31, 1974. All Bonds will be subject to redemption prior to maturity at the option of the Authority, upon the direction of the particular Company, after they have been outstanding for 10 years; the initial redemption price will be 103 percent of principal amount, declining annually at the rate of ½ percent for six years after which time the Bonds may be redeemed at par. A portion of the Bonds may be issued in serial form carrying various maturity dates, which, when combined with mandatory sinking fund requirements, would retire at least 25 percent of the aggregate principal amount of the Bonds prior to maturity of the remaining term Bonds. Application has been made on behalf of the Authority and the Companies to the Internal Revenue Service for its ruling that interest on the Bonds will be exempt from Federal income taxation. Delmarva states that while it is not possible to ascertain in advance precisely the interest rate which may be obtained in connection with the issuance of the Bonds, it has been advised that similar tax-exempt bonds have historically carried an annual interest rate approximately 1½ percent lower than comparable taxable long-term bonds.

The proceeds from the sale of the Bonds issued in respect of each of the Companies will be placed in a separate account in a Construction Fund administered by an independent escrow agent and will be disbursed for that Company's share of the cost of the Facilities, including interest on the related Bonds, in the manner specified in the Agreement and allowed by the Indenture with respect to the related Bonds. Payments from the Construction Fund will be charged against each Company's account according to its ownership interest in Units 2 and 3.

Upon completion of construction, each Company will purchase from the Authority an undivided interest in the Facilities corresponding to its proportionate interest in Units 2 and 3, for a purchase price equal to the principal amount of the Bonds issued in respect of such Company. To satisfy its obligation to pay its proportionate share of the total purchase price, each Company, concurrently with the issue and delivery by the Authority of each series of Bonds related to that Company, will execute and deliver to the Trustee under the related Indenture its non-negotiable Pollution Control Obligations ("Notes") corresponding to such Bonds in principal amount, interest rate, maturity dates, sinking fund and redemption provisions, designed to service such Bonds. Pursuant to that obligation, Delmarva proposes to issue to the appropriate Trustee not more than $11,000,000 principal amount of Delmarva's Notes, which Notes will be secured by a lien on Delmarva's undivided interest in the Facilities, subject only to the lien of the mortgage securing Delmarva's outstanding First Mortgage and Collateral Trust Bonds.

It is contemplated that the Bonds will be sold by the Authority pursuant to arrangements between the Authority and The First Boston Corporation and Drexel Burnham & Co. Incorporated. Delmarva will not be a party to the underwriting agreement for the Bonds to be issued in respect of Delmarva, but such agreement will provide that the terms of such Bonds and of their sale by the Authority shall be satisfactory to Delmarva.

Delmarva states that the Public Service Commission of the State of Delaware has jurisdiction over its proposed issuance of Notes and the transfer of title to portions of the Facilities, and that no other State or Federal Commission, other than this Commission, has jurisdiction over the proposed transactions by Delmarva.

Delmarva requests that the issuance of its Notes be excepted from the competitive bidding requirements of Rule 50 by reason of clause (a)(5) thereof on the grounds that the Notes will be issued for the acquisition of property by the issuer and the interest rates thereon are to be determined by an issuance of securities which is not subject to the provisions of the Act.

Notice is further given that any interested person may, not later than January 29, 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 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 applicant-declarant 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 filed or as it may be 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.74-1268 Filed 1-15-74;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Suspension of Trading

JANUARY 7, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Royal Properties Incorporated being traded otherwise than on a national securities exchange is required in the public interest and for the protection of investors;

Therefore, pursuant to section 15(c)(5) of the Securities Exchange Act of 1934, trading in such securities otherwise than on a national securities exchange is suspended, for the period from January 8, 1974 through January 17, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-1270 Filed 1-15-74;8:45 am]

TARIFF COMMISSION

[TEA-W-223]

FRED BRAUN WORKSHOPS, INC.

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the former workers of Fred Braun Workshops, Inc., New York, the United States Tariff Commission, on January 10, 1974, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for women (of the types provided for in item 700.45 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number or proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioners. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before January 28, 1974.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D.C., and at the New York City Office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: January 11, 1974.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-1337 Filed 1-15-74;8:45 am]

[TEA-W-222]

WESTLAND SHOE CORP.

Workers' Petition for a Determination; Notice of Investigation

On the basis of a petition filed under section 301(a)(2) of the Trade Expansion Act of 1962, on behalf of the workers and the former workers of the Westland Shoe Corp., Biddeford, Maine, the United States Tariff Commission, on January 10, 1974, instituted an investigation under section 301(c)(2) of the Act to determine whether, as a result in major part of concessions granted under trade agreements, articles like or directly competitive with footwear for men and women (of the types provided for in items 700.35, 700.43, 700.45 and 700.55 of the Tariff Schedules of the United States) produced by said firm are being imported into the United States in such increased quantities as to cause, or threaten to cause, the unemployment or underemployment of a significant number of proportion of the workers of such firm or an appropriate subdivision thereof.

The optional public hearing afforded by law has not been requested by the petitioner. Any other party showing a proper interest in the subject matter of the investigation may request a hearing, provided such request is filed on or before January 28, 1974.

The petition filed in this case is available for inspection at the Office of the Secretary, United States Tariff Commission, 8th and E Streets, NW., Washington, D.C., and at the New York City office of the Tariff Commission located in Room 437 of the Customhouse.

Issued: January 11, 1974.

By order of the Commission.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-1338 Filed 1-15-74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[V-74-6]

CACTUS DRILLING CORP.

Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of application.* Notice is hereby given that Cactus Drilling Corporation, Midland, Texas 79701 has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596), and 29 CFR 1905.11 for a variance and an interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.27(b)(1)(i), (ii), (iii) and (c)(4) pertaining to rungs, cleats and clearance of fixed ladders.

The places of employment that will be affected by the application are all of Cactus Drilling Corporation's present and future drilling sites where it constructs and uses drilling rigs for temporary periods of time.

The applicant certifies that employees who would be affected by the variance have been notified by posting a notice of the application on all drilling rigs stating where a copy of the application may be examined. In addition, it has informed its employees of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.27 which sets specifications for the installation of fixed ladders. The applicant states that due to the configuration of the derricks to which the ladders are attached, a variance from certain subparts of 29 CFR 1910.27 is necessary.

The applicant states that the seven-inch clearance behind the ladder required by 29 CFR 1910.27(c)(4) is unnecessary since the ladder is attached to an open structure. Further, if the ladders extended seven inches from the derrick, there would be greatly increased danger of structural damage to the ladders when the derricks were moved.

The applicant states that the rungs on the derrick ladders are 12 inches long inches in length and 12 inches apart as and 15 inches apart, rather than 16 required in 29 CFR 1910.27(b)(1) (ii) and (iii). The applicant contends that this is as safe as the dimensions required by the standard, since these dimensions are uniform on all derrick ladders used by the Corporation.

The applicant specifically conditions its application on the fact that ladder safety devices have been installed on the majority of its derrick ladders and are currently being installed on the remainder.

A copy of the application will be made available for inspection and copying upon request at the Office of Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Room 508, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor
Occupational Safety and Health Administration
Seventh Floor, Texaco Building
1512 Commerce Street
Dallas, Texas 75201.

U.S. Department of Labor
Occupational Safety and Health Administration
Room 421, Federal Building
1205 Texas Avenue
Lubbock, Texas 79401.

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than February 15, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than February 15, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Standards at the above address.

II. *Interim Order.* It appears from the application for a variance and interim order, that an interim order is necessary to prevent undue hardship pending a decision on the variance application. Therefore, it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c) that Cactus Drilling Corporation be, and it is hereby, authorized to continue to use its present derrick ladders, provided that ladder safety devices are also used, in lieu of ladders which meet the specifications of § 1910.27(b)(1)(i), (ii), (iii) and (c)(4).

Cactus Drilling Corporation shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of January 15, 1974, and shall remain in effect until a decision is rendered on the application for a variance.

Signed at Washington, D.C., this 10th day of January 1974.

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc.74-1313 Filed 1-15-74;8:45 am]

[V-74-4]

CATERPILLAR TRACTOR CO.

Application for Variance

I. *Notice of application.* Notice is hereby given that Caterpillar Tractor Company, 110 NE Adams Street, Peoria, Illinois 61602 has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596), and 29 CFR 1905.11 for a variance from the standards prescribed in 29 CFR 1910.157(a)(5) and (6) concerning the mounting and height of fire extinguishers.

The address of the place of employment that will be affected by the application is as follows:

Caterpillar Tractor Co., 27th Street & Pershing Road, Decatur, Ill. 62525.

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.157(a)(5) and (6) which specifies the kinds of mountings allowed for fire extinguishers, and sets the allowable height of the top of the fire extinguishers at 5 feet for extinguishers under 40 lbs and 3½ feet for those over 40 lbs.

The applicant states that its fire extinguishers are mounted on a retractable board with the bottom of the extinguishers 8 feet from the floor. The board is designed to spring downward automatically when a two foot rope attached to the bottom of the board is pulled.

The applicant contends that this method of hanging fire extinguishers provides a way to locate the extinguishers near the aisles and hazardous areas while keeping them safe from being hit and damaged by industrial trucks, and preventing them from being blocked. The fire extinguishers and boards are painted fluorescent red for easy visibility throughout the factory.

A copy of the application will be made available for inspection and copying upon request at the Office of Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street, NW, Room 508, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 300 South Wacker Drive, Room 1201, Chicago, Illinois 60606.

U.S. Department of Labor, Occupational Safety and Health Administration, 300 South Wacker Drive, Room 1200, Chicago, Illinois 60606.

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than February 15, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than February 15, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Standards at the above address.

Signed at Washington, D.C., this 10th day of January 1974.

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc.74–1311 Filed 1–15–74;8:45 am]

[V–74–8]

GRANITE CITY STEEL CO.

Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of Application.* Notice is hereby given that Granite City Steel Company, 20th & State Street, Granite City, Illinois 62040, has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596), and 29 CFR 1905.11 for a variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.252(c)(2)(iii) which concerns welding, cutting and brazing interlocks.

The address of the place of employment that will be affected by the application is as follows:

Granite City Steel Co., 20th and State St., Granite City, Ill. 62040.

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.252 (c)(2)(iii) which requires that all doors and access panels of resistance welding machines and control panels be kept locked and interlocked.

The applicant states that it is providing hasps and heavy duty electricians' locks for each access and control panel. Only authorized electricians will have keys to these locks. This would satisfy the intent of the standard by preventing access of unauthorized personnel to the live parts of the equipment. The applicant contends that interlocks will not serve any purpose, but would make some inspections and maintenance work difficult. In some situations they may have to be bypassed in order to perform necessary work.

A copy of the application will be made available for inspection and copying upon request at the Office of Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street, NW., Room 508, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 300 South Wacker Dr., Room 1201, Chicago, Ill. 60606.

U.S. Department of Labor, Occupational Safety and Health Administration, 300 South Wacker Dr., Room 1200, Chicago, Ill. 60606.

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than February 15, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than February 15, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Standards at the above address.

II. *Interim Order.* It appears from the application for a variance and interim order, that an interim order is necessary to prevent undue hardship pending the decision on the application for a variance. Therefore, it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11 (c) that Granite City Steel Company be, and it is hereby, authorized to use electricians' locks, with keys isued to authorized electricians only, on doors and access panels of the resistance welding machines and control panels, in lieu of the locks and interlocks required by 29 CFR 1910.252(c)(2)(iii).

Granite City Steel Company shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of January 15, 1974, and shall remain in effect until a decision is rendered on the application for a variance.

Signed at Washington, D.C., this 10th day of January 1974.

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc.74–1315 Filed 1–15–74;8:45 am]

[V–74–7]

HESS & EISENHARDT CO.

Application for Variance

I. *Notice of Application.* Notice is hereby given that The Hess & Eisenhardt Company, Blue Ash Avenue, Cincinnati, Ohio 45242 has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596), and 29 CFR 1905.11 for a variance from the standards prescribed in 29 CFR 1910.213(c) concerning hand-fed ripsaws and 29 CFR 1910.217(c) concerning point of operation guarding.

The address of the place of employment that will be affected by the application is as follows:

The Hess & Eisenhardt Co., 8959 Blue Ash Ave., Cincinnati, Ohio 45242.

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is providing a place of employment as safe as that required by 29 CFR 1910.213(c) and by 29 CFR 1910.217(c).

29 CFR 1910.213(c) requires that the portion of a circular handfed ripsaw above the table be guarded by a hood. The applicant states that its operation involves producing ambulance cabinet parts, ambulance couch cot base parts, and hearse floor rails. All of these parts have cut-outs in the center that are used for close fitting doors. The cuts are made by placing the board over the saw blade and pushing down on the edges of the

board. This allows the center portion to be used as a door for that part. The applicant states that only two qualified power saw operators are allowed to operate the saw in this manner. The guard is used for all other types of work, and there is a sign posted saying "Use Guard at All Times."

29 CFR 1910.217(c) requires the use of a separate set of restraints for each operator on a punch press. The applicant states that in its operation, lock and mirror holes are punched in outer door panels for ambulances and hearses. In order to properly locate the door against the stops, a second operator is located behind the press. He reaches into the press and pulls the lead edge back and up against the rear stop. When the door is in place the rear operator verbally notifies the front operator and then depresses the foot pedal. The front operator is protected through the entire operation by restraints which prevent his hands from entering the die area. The rear operator's hands are out of the die area while he is holding the part against the stops, and his side motion toward the die area is restricted by a plexiglass barrier.

A copy of the application will be made available for inspection and copying upon request at the Office of Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW, Room 508, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 300 South Wacker Dr., Room 1201, Chicago, Ill. 60606.

U.S. Department of Labor, Occupational Safety and Health Administration, Room 5522, Federal Office Bldg., 550 Main St., Cincinnati, Ohio 45202.

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than February 15, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than February 15, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Standards at the above address.

Signed at Washington, D.C. this 10th day of January, 1974.

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc.74-1314 Filed 1-15-74;8:45 am]

[V-74-9]

LEVER BROTHERS CO.

Notice of Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of application.* Notice is hereby given that Lever Brothers Company, 390 Park Avenue, New York, New York 10022 has made application pursuant to section 6(b)(6)(A) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1594), and 29 CFR 1905.10 for a variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.110(b)(1)(i) concerning the use of liquified petroleum gas.

The addresses of the places of employment that will be affected by the application are as follows:

Lever Brothers Company
6300 East Sheila Street
Commerce, California 90040

Lever Brothers Company
1200 Calumet Avenue
Hammond, Indiana 46320

The applicant certifies that employees who would be affected by the variance have been notified of the application by giving a copy of it to their authorized employee representative, and by posting a copy at all places where notices to employees are normally posted. Employees have also been informed of their right to petition the Assistant Secretary for a hearing.

Regarding the merits of the application, the applicant contends that it is unable to comply with the requirements of 29 CFR 1910.110(b)(1)(i) due to the shortage of odorized liquified petroleum gases. It further contends that it is taking all available steps to safeguard its employees during the time it is unable to comply with the standard. The suppliers are unable to provide an adequate supply of odorized gas at the present time. The applicant expects to be able to resume use of odorized gas on or about April 1, 1974.

The applicant states that it uses natural gas at its Commerce, California plant as fuel and a source of hydrogen. It has recently been informed by the utility company that curtailment of the natural gas supply is expected, and its service is subject to interruption.

Propane gas is used at the Hammond, Indiana plant as a source of hydrogen. The Phillips Petroleum Company, its propane supplier, has informed it that the supply of propane is limited and will be allocated to customers. Last month, the applicant states, it received 70 percent of its minimum requirements.

The applicant submits an affidavit stating that it has been unable to locate alternative sources for odorized liquid petroleum gas. Phillips Petroleum Company is, however, able to supply both worksites with unodorized butane. It has refused to odorize the butane, or to allow the applicant to odorize it while using Phillips Petroleum's tank cars, as the odor would contaminate butane for other customers. It would be extremely difficult for Lever Brothers to obtain a tank car for its own use on a short term lease.

The applicant, therefore, requests a variance to allow the use of unodorized butane when it is unable to obtain an adequate supply of odorized gas.

When using unodorized butane, the applicant states that a scheduled, regular check of all gas lines and gas use areas will be implemented using UL listed explosive vapor testing equipment.

The explosive vapor testing equipment at the Hammond, Indiana location is a "Davis Fixed Vapor Tester". This is a permanent installation located in the storage tank area. This system takes a continuous sample from the area and draws it across a Wheat-Stone-Bridge with the alarm panel located inside at the operators station. A "Sentox No. 2" portable battery operated detection and alarm unit Model D.O.C. will be used for monitoring of the piping handling the unodorized liquefied petroleum gas, and a Sentox unit with A.C. adaptor will be used for inside continuous monitoring. The Commerce, California location is equipped with a "Davis Fixed Alarm Vapor Tester System" with six monitoring heads. Continuous samples are drawn through a Wheat-Stone-Bridge and the results reported on a panel at the operators station and in the security office. The Commerce, California location is also equipped with two Bullard GX3 portable battery operated gas detector and alarm units. These units will be used for inside continuous monitoring as well as the monitoring of all piping containing the unodorized liquefied petroleum gas.

In addition, special fire fighting equipment is available at both locations including trained, on-site fire and rescue squads and special equipment to handle liquefied petroleum gas fires. Special safety meetings will be conducted with all affected employees to inform them of the particular hazards related to unodorized liquefied petroleum gas.

A copy of the application will be made available for inspection and copying upon request at the Office of Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street NW., Room 508, Washington, D.C. 20210, and at the following Regional and Area Offices.

U.S. Department of Labor
Occupational Safety and Health Administration
300 South Wacker Drive
Room 1201
Chicago, Illinois 60606

U.S. Department of Labor
Occupational Safety and Health Administration
9470 Federal Building
450 Golden Gate Avenue
Box 36017
San Francisco, California 94102

U.S. Department of Labor
Occupational Safety and Health Administration
U.S. Post Office & Courthouse
Room 423
46 East Ohio Street
Indianapolis, Indiana 46204

U.S. Department of Labor
Occupational Safety and Health Administration
Hartwell Building—Room 514
19 Pine Avenue
Long Beach, California 90802

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and

arguments relating to the pertinent application no later than February 15, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than February 15, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Standards at the above address.

II. *Interim order.* It appears from the application for a variance and interim order, that an interim order is necessary to prevent undue hardship to the applicant pending a decision on the variance. Therefore, it is ordered, pursuant to authority in section 6(b)(6)(A) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.10(c) that Lever Brothers Company be, and it is hereby authorized to use unodorized butane while supplies of odorized gas are not available, and while utilizing the monitoring equipment described in its application in lieu of the odorized gas required by 29 CFR 1010.-110(b)(1)(i).

Lever Brothers Company shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective date. This interim order shall be effective as of January 15, 1974, and shall remain in effect until a decision is rendered on the application for a variance.

Signed at Washington, D.C., this 10th day of January 1974.

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc.74-1316 Filed 1-15-74;8:45 am]

[V-74-5]

UNION ELECTRIC CO.

Application for Variance and Interim Order; Grant of Interim Order

I. *Notice of application.* Notice is hereby given that Union Electric Company has made application pursuant to section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970 (84 Stat. 1596), and 29 CFR 1905.11 for a variance, and interim order pending a decision on the application for a variance, from the standards prescribed in 29 CFR 1910.28(g)(1) concerning minimum width of a two-point suspension scaffold.

The address of the place of employment that will be affected by the application is as follows:

Union Electric Co., Labadie Plant, Labadie, Mo. 63055.

The applicant certifies that employees who would be affected by the variance have been notified by posting a copy of the application where notices to employees are normally posted. In addition, it has informed its employees of their right to petition the Assistant Secretary for a hearing. A copy was also given to the authorized employee representatives.

Regarding the merits of the application, the applicant contends that its 17½ inch wide scaffold, which has been fabricated for use in close clearance areas only, provides a place of employment as safe as that required by 29 CFR 1910.28(g)(1) which requires that two-point suspension scaffolds shall not be less than 20 inches in width.

The applicant states that in the inspection and maintenance of its controlled circulation steam generators, it is necessary to raise a two-point suspension scaffold into areas having nominal clearances of 21.45 and 22.44 inches or less.

The applicant contends that it is virtually impossible to safely hoist a 20-inch wide scaffold because of the potential hazard of the scaffold becoming wedged. The applicant asserts that the scaffold complies in all other respects with the requirements of 29 CFR 1910.28(g).

A copy of the application will be made available for inspection and copying upon request at the Office of Standards, U.S. Department of Labor, Railway Labor Building, 400 First Street, NW., Room 508, Washington, D.C. 20210, and at the following Regional and Area Offices:

U.S. Department of Labor, Occupational Safety and Health Administration, 823 Walnut St., Waltower Bldg., Room 300, Kansas City, Mo. 64106.

U.S. Department of Labor, Occupational Safety and Health Administration, 210 North 12th Blvd., Room 554, St. Louis, Mo. 63101.

All interested persons, including employers and employees, who believe they would be affected by the grant or denial of the application for a variance are invited to submit written data, views and arguments relating to the pertinent application no later than February 15, 1974. In addition, employers and employees who believe they would be affected by a grant or denial of the variance may request a hearing on the application no later than February 15, 1974, in conformity with the requirements of 29 CFR 1905.15. Submission of written comments and requests for a hearing should be in quadruplicate, and must be addressed to the Office of Standards at the above address.

II. *Interim Order.* It appears from the application for a variance and interim order, that an interim order is necessary to prevent undue hardship pending a decision on the variance. Therefore, it is ordered, pursuant to authority in section 6(d) of the Williams-Steiger Occupational Safety and Health Act of 1970, and 29 CFR 1905.11(c) that Union Electric Company be, and it is hereby, authorized to continue to use its specially fabricated scaffold with a width of 17½ inches in close clearance areas in lieu of a scaffold with a minimum width of 20 inches as required by 29 CFR 1910.28(g)(1).

Union Electric Company shall give notice of this interim order to employees affected thereby, by the same means required to be used to inform them of the application for a variance.

Effective Date. This interim order shall effective as of January 15, 1974, and shall remain in effect until a decision is rendered on the application for a variance.

Signed at Washington, D.C. this 10th day of January, 1974.

JOHN H. STENDER,
Assistant Secretary of Labor.

[FR Doc.74-1312 Filed 1-15-74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 424]

ASSIGNMENT OF HEARINGS

JANUARY 11, 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-C-8041, Garrett Freight Lines, Inc., et al. -V-Puget Sound Truck Lines, Inc., now assigned February 5, 1974, will be held in 6th Floor Conference Room, Highway Licenses Bldg., 12th and Washington St., Olympia, Wash.

MC-136829 Sub 2, C. James, DBA C. James Trucking, now assigned February 25, 1974, will be held in the 6th Floor Conference Room, Highway Licenses Bldg., 12th and Washington St., Olympia, Wash.

MC-138874, Packard, Inc., now being assigned March 26, 1974 (3 days), at Baton Rouge, La., in a hearing room to be later designated.

MC-2229 Sub 179, Red Ball Motor Freight, Inc., now assigned February 6, 1974, at Denver, Colo., is postponed indefinitely.

MC-82007 (Sub-No. 7), Samuel Cooper Greeg, now being assigned hearing March 18, 1974 (3 days), at Wilmington, Del., in a hearing room to be later designated.

MC 3854 Sub 24, Burton Lines, Inc., now assigned February 19, 1974, at Washington, D.C., is cancelled and application dismissed.

MC 138802, Summit Town Transit Rental, Inc., now being assigned hearing March 25, 1974 (3 days), at Camden, N.J., in a hearing room to be later designated.

MC 113855 Sub 286, International Transport, Inc., now being assigned hearing February 4, 1974 (1 week), at Chicago, Illinois, in a hearing room to be later designated.

MC-116915, Sub-No. 1, Eck Miller Transportation Corp., now assigned January 16, 1974, at Louisville, Ky., is cancelled and the application is dismissed.

MC 9325 Sub 66, K Lines, Inc., now assigned January 28, 1974, at Olympia, Washington, is postponed indefinitely.

NO. 35820, Big Mac Trucking Co., Thunderbird Cartage Corporation, and Thyssen Steel Corporation—Investigation of Operations and Practices, now assigned February 4, 1974, at Houston, Tex., is cancelled.
MC 138227, Rodney H. Blackwell, DBA Miss-Lou Truck Line, now assigned February 4, 1974, at Picayune, Miss., is postponed indefinitely.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-1333 Filed 1-15-74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

JANUARY 11, 1974.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with rule 40 of the general rules of practice (49 CFR 1100.40) and filed on or before January 31, 1974.

FSA No. 42792—*Petroleum Fatty Acid from Oak Point, Louisiana.*

Filed by Southwestern Freight Bureau, Agent, (No. B-452), for interested rail carriers. Rates on petroleum fatty acid, in tank-car loads, as described in the application, from Oak Point, Louisiana, to points in official and southern territories; also returned shipments in the reverse direction.

Grounds for relief—Market competition.

Tariff—Supplement 86 to Southwestern Freight Bureau, Agent, tariff SW/S-123-0, I.C.C. No. 4939. Rates are published to become effective on February 17, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-1331 Filed 1-15-74;8:45 am]

[Notice No. 3]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JANUARY 11, 1974.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new special rule 1100.247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

No. MC 114301 (Sub-No. 72) (REPUBLICATION), filed May 25, 1972, published in the FEDERAL REGISTER issue of June 29, 1972, and republished this issue. Applicant: DELAWARE EXPRESS CO., a Corporation, P.O. Box 97, Elkton, Md. 21921. Applicant's representative: Chester A. Zyblut, 1522 K Street NW., Washington, D.C. 20005. An Order of the Commission, Review Board Number 4, dated March 19, 1973, and served March 29, 1973, 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 *plastic pipe and vinyl siding*, from Williamsport, Md., to points in Connecticut, Indiana, Maine, Massachusetts, Michigan, New Hampshire, Rhode Island, Tennessee, and Vermont; 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 the origin point of Williamsport, Md., in lieu of Hagerstown, Md., as corrected by Order of the Commission, Division 1, acting as an Appellate Division, dated December 19, 1973, and served January 4, 1974. 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 87720 (Sub-No.(s) 57, 73, 82, 86 and 132) (NOTICE OF FILING OF PETITION TO MODIFY A PERMIT), filed December 17, 1973. Petitioner: BASS TRANSPORTATION CO., INC., P.O. Box 391, Flemington, N.J. 08822. Petitioner's representative: Bert Collins, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Petitioner presently holds a motor *contract carrier* carrier permit in No. MC 87720 (Sub-No.(s) 57, 73, 82, 86, and 132) issued October 4, 1967, September 23, 1968; April 25, 1969; July 14, 1969 and June 27, 1973, respectively, authorizing transportation, over irregular routes; in Sub-No. 57, of *paper bags and closures* therefor (except in bulk), from East Pepperell, Mass., to New York, N.Y., and points in Nassau, Suffolk, Westchester, Putnam, Dutchess, Columbia, Rensselaer, Albany, Greene, Ulster, Orange, and Rockland Counties, N.Y., New Jersey and points in that part of Pennsylvania on and east of U.S. Highway 11; in Sub-No. 73, as pertinent of *paper bags and closures* therefor, from East Pepperell, Mass., to points in Delaware; points in the part of Pennsylvania west of U.S. Highway 11, and points in those parts of Maryland and Virginia east of the Chesapeake Bay; in Sub-No. 82, as pertinent, of *paper bags and closures* therefor, from East Pepperell, Mass., to points in New York (except New York, N.Y., and points in Nassau, Suffolk, Westchester, Putnam, Dutchess, Columbia, Rensselaer, Albany, Greene, Ulster, Orange, and Rockland Counties, N.Y.) and those points in Virginia west of the Chesapeake Bay and Maryland west of the Susquehanna River and Chesapeake Bay; and *returned shipments* of *paper bags and closures* from the above-specified destination points to East Pepperell, Mass.; *plastic sheet liners, and containers*, from East Pepperell to points in New Jersey, New York, Pennsylvania, Delaware, Maryland, and Virginia; and *returned shipments* of plastic sheet liners and containers, from the above-specified destination points to East Pepperell, Mass.; in Sub-No. 86, as pertinent, of *paper and plastic bags*, from East Pepperell, Mass., and Nashua, N.H., to Flemington, N.J.; and in Sub-No. 132, as pertinent, of *paper and plastic products and closures* from East Pepperell, Mass., to points in North Carolina and South Carolina, all of the above named subs under a continuing contract or contracts with Bemis Company, Inc. By the instant petition, petitioner seeks to add Ayer, Mass.; (a) as an origin point to the above described authority, to read as follows: in Sub-Nos. 57, 73, 82, 86, and 132 "from East Pepperell and Ayer, Mass." and (b) as a destination point in Sub-No. 82, on returned shipments, as pertinent, to read as follows: "from the above-specified destination points to East Pepperell and Ayer, Mass." 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 on or before February 14, 1974.

No. MC 87720 (Sub-No. 88) (NOTICE OF FILING OF PETITION TO ADD A CONTRACTING SHIPPER), filed December 12, 1973. Petitioner: BASS TRANSPORTATION CO., INC., P.O. Box 291, Flemington, N.J. 08822. Petitioner's representative: Bert Collins, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Petitioner presently holds a motor *contract carrier* permit in No. MC 87720 (Sub-No. 88) issued August 12, 1970, authorizing transportation, as pertinent, over irregular routes, of *plastic* and *plastic products* (except commodities in bulk), from points in Orange and Los Angeles Counties, Calif., to points in Washington, Oregon, and California; and *returned shipments* of the above-described commodities, from points in Washington, Oregon, and California, to points in Orange and Los Angeles Counties, Calif., under a continuing contract or contracts with American Biltrite Co.,

Inc. By the instant petition, petitioner seeks to add Dart Industries, Inc., as an additional supporting shipper to the authority described above. 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 on or before February 15, 1974.

No. MC 110625 (Sub-No. 8) (NOTICE OF FILING OF PETITION TO ELIMINATE A RESTRICTION), filed November 23, 1973. Petitioner: CLARENCE VOGT, doing business as VOGT TRANSFER AND STORAGE CO., Ontario, Oreg. 97914. Petitioner's representative: Clarence Vogt (same address as applicant). Petitioner presently holds a motor *common carrier* certificate in No. MC 110625 (Sub-No. 8) issued March 24, 1970, and modified by an order of the Commission on April 26, 1971, authorizing transportation, over irregular routes, of *general commodities* (except those of unusual value, Classes A and B explosives and liquid commodities in bulk) between points in Ada County, Idaho, on the one hand, and, on the other, points in Malheur, Harney, and Grant Counties, Oreg., points in that part of Baker County, Oreg., located on and south of U.S. Highway 26 and Hereford, Oreg., restricted to the transportation of shipments originating at points in Ada County, Idaho, and destined to points in the above described Oregon Territory and originating at points in the above described Oregon territory and destined to points in Ada County, Idaho. By the instant petition, petitioner seeks to eliminate the restriction. 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 on or before February 15, 1974.

No. MC 115840 (Sub-No. 71) (NOTICE OF FILING OF PETITION FOR MODIFICATION OF PERMIT), filed December 10, 1973. Petitioner: COLONIAL FAST FREIGHT LINES, INC., 1215 Bankhead Highway West, P.O. Box 10327, Birmingham, Ala. 35204. Petitioner's representative: Roger M. Shaner (same address as applicant). Petitioner presently holds a motor *common carrier* certificate in No. MC 115840 (Sub-No. 71) issued April 6, 1973, authorizing transportation, over irregular routes, of *Aluminum articles*, between the plant site of Planet Corporation, Inc., at Birmingham, Ala., on the one hand, and, on the other, points in that part of the United States lying in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota. By the instant petition, petitioner seeks removal of the plant site of Planet Corporation, Inc., so as to read: Aluminum articles, between Birmingham, Ala., on the one hand, and, on the other, points in that part of the United States lying in and east of Texas, Oklahoma, Kansas, Nebraska, South Dakota, and North Dakota. 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 on or before February 15, 1974.

No. MC 116816 (Sub-No.(s) 10 and 12) (NOTICE OF FILING OF PETITION TO ADD AND DELETE A CONTRACTING SHIPPER), filed October 5, 1973. Petitioner: MERIT TRUCKING CORP., 849 Harrison Ave., Kearny, N.J. 07032. Petitioner's representative: Edward M. Alfano, 2 West 45th Street, New York, N.Y. 10036. Petitioner presently holds a motor *contract carrier* permit in No. MC 116816 (Sub-No. (s) 10 and 12) issued April 25, 1973, and August 9, 1973, respectively authorizing transportation, over irregular routes, in Sub-No. 10 of *Household appliances, air conditioning equipment, water heaters, central home heating and cooling units, radio, recorder, phonograph, and television sets*, and *parts* and *equipment* therefor, from site of carrier's warehouse at Kearny, N.J., to New York, N.Y., points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., and Fairfield County, Conn.; and *returned shipments* of the above-mentioned commodities, from the above-specified destination points to the site of carrier's warehouse at Kearny, N.J., under a continuing contract or contracts with the following shippers: Apollo Distributing Co., of Newark, N.J.; L&P Distributors of New Jersey, of Maspath, N.Y.; Cooper Distributing Company, Inc., of Newark, N.J.; Philco Distributors, Inc., of New York, N.Y.; Motorola Metro, Inc., of Franklin Park, Ill.; Bruno-New York, Inc., of New York, N.Y.; and Emerson TV Sales Corp., of Moonachie, N.J.; and in Sub-No. 12 of *household appliances, air conditioning equipment, radios, phonograph and television sets*, and *parts and equipment* therefor, from the site of carrier's warehouse at Kearny, N.J., to points in Dutchess, Orange, Putnam, Sullivan, and Ulster Counties, N.Y., and Middlesex and New Haven Counties, Conn.; and *returned shipments* of the above-mentioned commodities, from the above-specified destination points to the site of carrier's warehouse at Kearny, N.J., under a continuing contract or contracts with Philco Distributors, Inc., and Bruno-New York, Inc. By the instant petition, petitioner seeks in Sub-No. 10 to add the name of Admiral Corp., of East Rutherford, N.J., as an additional supporting shipper; and to delete the name of Apollo Distributing Co.; and in Sub-No. 12 to add Admiral Corp., of East Rutherford, N.J., as an additional supporting shipper. 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 on or before February 15, 1974.

No. MC 133916 (NOTICE OF FILING OF PETITION TO MODIFY CERTIFICATES), filed November 19, 1973. Petitioner: O'NAN TRANSPORTATION COMPANY, INC., P.O. Box 308, Carrollton, Ky. 41008. Petitioner's representative: Robert M. Pearce, P.O. Box E, Bowling Green, Ky. 42101. Petitioner is seeking to acquire a motor *common carrier* certificate No. MC-F-6264, issued May 18, 1951, to Webb Transfer Line, Inc., pursuant to the finance proceeding in MC-F-11988 authorizing transportation, as pertinent over (A) Regular routes, of such *materials, supplies, and equipment* as are necessary to the maintenance and operation of Civilian Conservation Corps Camps, (1) Between Fort Benjamin Harrison, Ind., and Fort Knox, Ky.: (a) From Fort Benjamin Harrison over U.S. Highway 36 to Indianapolis, Ind., thence over U.S. Highway 31 via Columbus, Ind., to Sellersburg, Ind., thence over U.S. Highway 31 E via Jeffersonville, Ind., to Louisville, Ky. (also from Sellersburg over U.S. Highway 31 W to Louisville), thence continuing over U.S. Highway 31 W to Tip Top, Ky., thence over unnumbered highway to Fort Knox; (b) From Fort Benjamin Harrison to Columbus, Ind. as specified above, thence over Indiana Highway 7 to junction Indiana Highway 9, thence over Indiana Highway 9 to junction U.S. Highway 31, thence to Fort Knox as specified in (a) above, (c) From Fort Benjamin Harrison to Columbus, Ind., as specified in (b) above, thence over Indiana Highway 7 to North Vernon, Ind., thence over Indiana Highway 3 to junction Indiana Highway 56, thence over Indiana Highway 56 via Scottsburg, Ind., to junction U.S. Highway 31, and thence to Fort Knox as specified in (a) above; and return over the above specified routes to Fort Benjamin Harrison; and (2) Between Jeffersonville, Ind., and Fort Knox, Ky.: (a) From Jeffersonville, to Fort Knox as specified above, and return over the same route. Service is not authorized to or from intermediate points on the above-specified points. RESTRICTION: Service authorized herein is restricted to service to or from Civilian Conservation Corps Camps, Warehouses, Sector Headquarters or Quartermaster Depots for such Camps; and (B) over IRREGULAR ROUTES, of (1) *materials, supplies, and equipment* used in the operation and maintenance of Civilian Conservation Corps Camps, between Fort Benjamin Harrison, Ind. and Civilian Conservation Corps Camps in Kentucky; and (2) *General commodities*, with no exceptions, between Middletown, Ohio, on the one hand, and, on the other, Fort Knox, Ky., Fort Benjamin Harrison, Ind., and sites of Civilian Conservation Corps Camps in Indiana and Kentucky. By the instant petition, petitioner seeks to delete all references made to the now defunct Civilian Conservation Corps Camps, Warehouses, Sector Headquarters and Quartermaster Depots and in lieu thereof to substitute references to existing military or defense installations which have replaced the defunct institutions, to read as follows: In (A) above; "such materials, supplies, and equipment as are necessary, to the maintenance and operation of Military Camps." RESTRICTION: Service authorized herein is restricted to service to or from Military Sites, Warehouses, Sector Headquarters, or Quartermaster Depots for such Camps. In (B) (1) above; "materials,

supplies and equipment used in the operation and maintenance of Military Camps." Between Fort Benjamin Harrison, Ind. and Military Sites in Kentucky; and in (B) (2) above; general commodities (except commodities requiring special equipment) Between Middletown, Ohio, on the one hand, and, on the other, Fort Knox, Ky., Fort Benjamin Harrison, Ind., and sites of Military installations in Indiana and Kentucky. Any 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 on or before February 15, 1974.

No. MC 136074 (NOTICE OF FILING OF PETITION FOR MODIFICATION OF PERMIT), filed December 3, 1973. Petitioner: L. H. WHITTEN, Box 203, Claysburg, Pa. 16625. Petitioner's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Petitioner presently holds a motor *contract carrier* permit in No. MC 136074, issued April 4, 1973, authorizing transportation over irregular routes, of *Lumber and lumber products*, from Portage, New Germany, Glen Hope, Mt. Union, and Ebensburg, Pa., and Oakland, Md., to points in Indiana, Kentucky, Maryland, Michigan, North Carolina, Ohio, Pennsylvania, Virginia, and that part of Tennessee on and east of Interstate Highway 65, under continuing contract or contracts with Ellsworth A. Van Sickel, Inc. By the instant petition, petitioner seeks to modify its permit to include the following contract shippers: Louis Long Lumber Company; C & C Smith Lumber Co., Inc.; New Germany Wood Products, Inc.; Kitko Wood Products; Industrial Hardwood Corporation, and Railey Dimension Mills, Inc. 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 on or before February 15, 1974.

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 CFR 1.240).

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 111496 (Sub-No. 16) (ANNOTATION), filed December 12, 1973, published in the FEDERAL REGISTER issue of January 3, 1974, and republished as corrected this issue. Applicant: TWIN CITY FREIGHT, INC., 2280 Ellis Avenue, St. Paul, Minn. 55114. Applicant's representative: James M. Sanden, 502 First National Bank Building, Fargo, N. Dak. 58102.

NOTE.—The purpose of this partial republication is to correctly indicate January 3, 1974, as the publication date of the Section 5 purchase proceeding which was previously published as December 26, 1973.

No. MC 99798 (Sub-No. 17) (PARTIAL CORRECTION), filed November 19, 1973, published in the FEDERAL REGISTER issue of January 3, 1974, and republished in part this issue. Applicant: DODDS TRUCK LINE, INC., 623 Lincoln, West Plains, Mo. 65775. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. REGULAR ROUTES: (1) Between Collins, Mo., and Clinton, Mo., over Missouri Highway 13 serving all intermediate points and the off-route point of Boy Scout Camp, at or near Oceola, Mo.; and (8) Between Cedar Springs, Mo., and Stockton, Mo., over Missouri Highway 39 serving all intermediate points and the off-route point of Caplinger Mills, Mo.

NOTE.—The purposes of this republication are (a) to indicate the correct spelling of the terminal point in route (1) of Collins, Mo., which was previously published as Colins, Mo., and (b) to correctly indicate route (8) which was previously published in error.

No. MC 120700 (Sub-No. 2), filed December 18, 1973. Applicant: GREAT WESTERN UNIFREIGHT SYSTEM, a Corporation, 17600 So. Santa Fe, Compton, Calif. 90221. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, Part I: (1) Between all points with the Los Angeles Basin Area, as described in Part II set forth below; (2) Between the Los Angeles Basin Area, on the one hand, and, on the other hand, points within the San Diego Territory, as described in Part III set forth below; (3) Between the Los Angeles Basin Area and the San Diego Territory, on the one hand, and, on the other hand, all points on the following named or numbered streets or highways and all points within five miles laterally thereof: (a) U.S. Highways Nos. 101 and 101–A from Los Angeles, to San Diego; (b) State Highway No. 76 between Oceanside and Lake Henshaw, including Lake Henshaw; (c) Unnamed county roads from Bonsall, to Fallbrook and from Fallbrook east to U.S. Highway No. 395; (d) U.S. Highway No. 395 between the southern boundary of Riverside County and San Diego; (e) State Highway No. 78 between its junction with U.S. Highway No. 101 and San Pasqual, including San Pasqual; (f) Unnamed county road from Rincon through Valley Center to Escondido. Applicant shall render no service between any two points both of which are in the San Diego Territory. In rendering service pursuant to paragraph (1), (2), and (4) of this appendix, applicant shall not transport any shipments of: (a) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d), Item No. 10–C, of Minimum Rate Tariff No. 4–A, between the Los Angeles Basin Area, and Vista; (b) New household goods, office and store fixtures and equipment not packed in accordance with the crated property requirements set forth in paragraph (d), Item No. 10–C, of Minimum Rate Tariff No. 4–A, between the Los Angeles Basin Area and Vista; (4) Between all points in the said Los Angeles Basin Area, on the one hand, and, on the other hand, San Luis Obispo, Stockton and the San Francisco Territory, as described in Part IV set forth below, via the following named and numbered streets and highways serving all points within five miles laterally thereof: (a) U.S. Highways Nos. 101 and 101–A between Los Angeles and San Luis Obispo; (b) U.S. Highway No. 99 between Los Angeles and Stockton; (c) U.S. Highway No. 50 between its junction with U.S. Highway No. 99 and San Francisco. In rendering service pursuant to this paragraph (4), applicant shall not transport any shipments of: (a) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A; (b) Automobiles, trucks and buses, viz.: new and used finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis; (c) Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs, sheep, sheep camp outfits, sows, steers, stags or swine; (d) Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerated equipment; (e) Liquid, compressed gases, commodities in semiplastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; (f) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (g) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; and (h) Logs.

Part II *Los Angeles Basin Area:* Beginning at the intersection of Sunset Boulevard and U.S. Highway No. 101, alternate; thence northeasterly on Sunset Boulevard to State Highway No. 7; northerly along State Highway No. 7 to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along said corporate boundary to McClay Avenue; northeasterly along McClay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to the county road known as Mill Creek Road; westerly along Mill Creek Road to the county road 3.8 miles north of Yucaipa; southerly along said county road to and in-

cluding the unincorporated community of Yucaipa; westerly along Redlands Boulevard to U.S. Highway No. 99; northwesterly along U.S. Highway No. 99 to and including the City of Redlands; westerly along U.S. Highway No. 99 to U.S. Highway 395; southerly along U.S. Highway 395 to Alessandro; westerly along unnamed county road to Arlington; southwesterly along State Highway No. 18 to U.S. Highway No. 91; westerly along U.S. Highway No. 91 to State Highway No. 55; southerly along State Highway No. 55 to the Pacific Ocean; westerly and northerly along the shore line of the Pacific Ocean to a point directly south of the intersection of Sunset Boulevard and U.S. Highway No. 101A; thence northerly along an imaginary line to point of beginning.

Part III *San Diego Territory:* San Diego Territory includes that area embraced by the following imaginary line starting at the northerly junction of U.S. Highways 101E and 101W (four miles north of La Jolla); thence easterly to Miramar on U.S. Highway No. 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway; thence southerly to Bostonia on U.S. Highway No. 80; thence southeasterly to Jamul on State Highway No. 94; thence due south to the International Boundary line, west of the Pacific Ocean and north along the coast to point of beginning.

Part IV *San Francisco Territory:* Includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo Boundary Line meets the Pacific Ocean; thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101; southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road; southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanento; easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive; southerly along Capri Drive to E. Parr Avenue; easterly along E. Parr Avenue to the Southern Pacific Company right of way; southerly along the Southern Pacific Company right of way to the Campbell-Los Gatos city limits; easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road; northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue; easterly along Foxworthy Avenue to Almaden Road; southerly along Almaden Road to Hillsdale Avenue; easterly along Hillsdale Avenue to U.S. Highway 101; northwesterly along U.S. Highway 101 to Tully Road; northeasterly along Tully Road to White Road; northwesterly along White Road to McKee Road; southwesterly along McKee Road to Capitol Avenue; northwesterly along Capitol Avenue to State Highway 17 (Oakland Road); northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward; northerly along Foothill Boulevard to Seminary Avenue; easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive; westerly along Estates Drive, Harbor Drive and Broadway Terrace to College Avenue; northerly along College Avenue to Dwight Way; easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California; northerly and westerly along the campus boundary of the University of California to Euclid Avenue; northerly along Euclid Avenue to Marin Avenue; westerly along Marin Avenue to Arlington Avenue; northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue); northerly along U.S. Highway 40 to and including the City of Richmond; southwesterly along the highway extending from the City of Richmond to Point Richmond; southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean; southerly along the shore line of the Pacific Ocean to point of beginning.

NOTE.—Common control may be involved. The purpose of this application is to convert the Certificate of Registration issued to United Expressways, Inc. MC 120700 (Sub-No. 1) to a Certificate of Public Convenience and Necessity. This is a matter directly related to the Section 5 proceeding in MC-F-12068 published in the FEDERAL REGISTER issue of January 5, 1974. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif., or Washington, D.C.

No. MC-F-12057. (Correction) (SEARS, ROEBUCK AND CO.—CONTROL — DART TRANSPORTATION SERVICE), published in the December 13, 1973, issue of the FEDERAL REGISTER on page 34379. Prior notice should be modified to show the territory to read as follows: From Los Angeles, Calif., and points in the Los Angeles, Calif., Harbor, Zone as defined by the Commission, to points in California located north and west of Ventura, Los Angeles, San Bernadino, Inyo, and Mono Counties, Calif.

No. MC-F-12077. Authority sought for merger by ANTRIM TRANSPORTATION CO., INC., 7-11 Suffern Place, Suffern, N.Y. 10901, of the operating rights and property of LEIGHTON TRANS., INC., 172 Franklin Turnpike, Mahwah, N.J. 07430, and for acquisition by FRANK VILORD, River Rd. Suffern, N.Y. 10901, and HENRY MAYER, Mayer Dr., Suffern, N.Y. 10901, of control of such rights and property through the transaction. Applicants' attorney: John L. Alfano, 550 Mamaroneck Ave., Harrison, N.Y. 10528. Operating rights sought to be merged: *Carbonated, alcoholic, and malt beverages, materials and supplies* used or useful in the production thereof, and *beverage containers,* as a *common carrier* over regular routes, between Boston, Mass., and Princeton, N.J., serving various intermediate and off-route points; *carbonated alcoholic, and malt beverages, materials, and supplies,* used or useful in the production thereof, and *beverage containers,* over irregular routes, from Boston, Mass., and points in Massachusetts within 20 miles of Boston, to Nashua, Manchester, and Concord, N.H. ANTRIM TRANSPORTATION CO., INC., is authorized to operate as a *common carrier* in New York, New Jersey, Pennsylvania, Vermont, Connecticut, Massachusetts, and Rhode Island. Application has not been filed for temporary authority under section 210a (b).

No. MC-F-12078. Authority sought for purchase by YELLOW FREIGHT SYSTEM, INC., P.O. Box 7270, Shawnee Mission, KS 66207, of the operating rights of CAREY TRUCK LINE, INC., 22 E. 38th St., Los Angeles, CA 90058, and for acquisition by GEORGE E. POWELL, JR., 1040 W. 57th St., Kansas City, MO 64113, of control of such rights through the purchase. Applicants' attorneys: David Axelrod, 39 So. LaSalle St., Chicago, IL 60603, and Howard Langworthy, 9601 Wilshire Blvd., Suite 340, Beverly Hills, CA 90212. Operating rights sought to be 90212. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC 96860 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of California. Vendee is authorized to operate as a *common carrier* in Illinois, Kansas, Oklahoma, Texas, Missouri, Indiana, Kentucky, Michigan, Ohio, Nebraska, Georgia, Arizona, New Mexico, Minnesota, South Carolina, Colorado, California, Tennessee, Wyoming, South Dakota, Utah, Pennsylvania, Maryland, Virginia, Alabama, Delaware, New Jersey, New York, and Massachusetts. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC-112713 (Sub-No. 159) is a matter directly related.

No. MC-F-12079. Authority sought for purchase by DAYTON TRANSPORT CORPORATION, P.O. Box 338, Dayton, Va. 22821 of a portion of the operating rights of HAHN TRANSPORTATION, INC., New Market, Md. 21774, and for acquisition by ROBERT S. WINDSOR, JR., New Market, Md. 21774, of control of such rights through the purchase. Applicants' attorney: FRANCIS J. ORTMAN, 1100 17th Street NW., Suite 613, Washington, D.C. 20036. Operating rights sought to be transferred: *Petroleum products* (except petro acids and chemicals, and asphalt and asphalt products), in bulk, in tank vehicles, as a *common carrier* over irregular routes from terminals off the Colonial pipeline at or near Fairfax, Va., and in Prince William County, Va., to points in Jefferson, Berkeley, Morgan, Hampshire, Mineral, Hardy, and Grant Counties, W. Va., Maryland, and the District of Columbia, from terminals off the Plantation pipeline at or near Newington, Va., to points in Maryland west of Chesapeake Bay and in and east of Washington County. Vendee is authorized to operate as a

common carrier in Virginia, West Virginia, North Carolina, and Tennessee. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12080. Authority sought for purchase by AMGO TRUCKING COMPANY, 650 Stewart Ave., Garden City, New York 11530, of the operating rights of S. G. KENNEY TRUCKING CORPORATION, 839 Stewart Avenue, Garden City, New York 11530, and for acquisition by ARTHUR M. GOLDBERG, 1415 Coles Ave., Mountainside, N.J. 07092, of control of such rights through the purchase. Applicants' attorney: A. DAVID MILLNER, ESQ., 744 Broad Street, Newark, N.J. 07102. Operating rights sought to be transferred: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials,* and *supplies* used in the conduct of such business, as a *contract carrier* over irregular routes, between points and places within the territory bounded by a line beginning at Flushing Bay, on the north shore of Long Island, N.Y., and extending south along Lawrence Street to North Hempstead Turnpike, thence east along North Hempstead Turnpike to Kissena Boulevard, thence south along Kissena and Parsons Boulevards to Hillside Avenue, thence west along Hillside Avenue to Sutphin Boulevard, thence south along Sutphin Boulevard to intersection with Rockaway Boulevard, thence in a southeasterly direction along Rockaway Boulevard to the Queens-Nassau County line at head of Jamaica Bay, thence to Broad Channel Station, thence through Jamaica Bay to Rockaway Point, and thence in northeasterly, northwardly, and southwesterly directions along the shores of Long Island to Flushing Bay, including points and places on the indicated portions of the highways specified. Between points and places in the aforementioned territory, on the one hand, and, on the other, points and places in New York, Bronx, Kings, Queens, and Richmond Counties, N.Y., and those in Hudson, Bergen, Essex, and Passaic Counties, N.J., and the City of Elizabeth, N.J. AMGO TRUCKING COMPANY holds no authority from this Commission. However, he is affiliated with FAIRLAWN TRUCKING CO., INC., Fairlawn, New Jersey, which is authorized to operate as a *contract carrier* in New York, and New Jersey. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12081. Authority sought for purchase by DENNY MOTOR FREIGHT, INC., 617 Indiana Ave., New Albany, IN 47150, of a portion of the operating rights of WEBB TRANSFER LINE, INC. (John C. Ryan, Trustee), P.O. Box 231, Shelbyville, KY 40065, and for acquisition by BRYCE BISHOP, also of New Albany, IN 57150, of control of such rights through the purchase. Applicants' attorney: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, IN 46204. Operating rights sought to be transferred: *Boxes, crats,* and *hogsheads,* as a *common carrier* over irregular routes, from Meridian, Miss., to points in Kentucky and Tennessee; and return with *used boxes, crates, and hogsheads,* with restrictions; *pallets, boxes,* and *component parts* of boxes, from Rocky Mount, N.C., to points in Illinois, Indiana, Michigan, and Ohio. Vendee is authorized to operate as a *common carrier* in Kentucky, Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Louisiana, Mississippi, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, Pennsylvania, Missouri, Michigan, New York, Colorado, Maine, New Hampshire, Rhode Island, Vermont, Connecticut, Maryland, New Jersey, West Virginia, and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC–F–12082. Authority sought for control by NORTH EAST EXPRESS, INC., P.O. Box 61, Mountaintop, PA 18707, of CENTRAL FLORIDA COACH LINES, INC., P.O. Box 3844, Cocoa, FL 32922, and for acquisition by THOMAS NAVIN, EDWARD P. DEETS, and BETTY L. DEETS, all of Mountaintop, PA 18707, of control of CENTRAL FLORIDA COACH LINES, INC., through the acquisition by NORTH EAST EXPRESS, INC. Applicants' attorney: Kenneth R. Davis, 999 Union St., Taylor, PA 18517. Operating rights sought to be controlled: Passengers and their baggage in the same vehicle with passengers in round trip special and charter operations, accompanied by their automobiles, as a common carrier over irregular routes, between the site of the Hazleton Airport, Hazleton, Pa., and White Haven, Pa., on the one hand, and, on the other, Cocoa, Fla. (Certificate not yet issued). NORTH EAST EXPRESS, INC., is authorized to operate as a common carrier in Pennsylvania, Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire, Vermont, New York, New Jersey, Maryland, Delaware, Ohio, Michigan, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12083. Authority sought for purchase by C. O. P. TRANSPORT, INC., 307 So. High St., Cortland, OH 44410, of a portion of the operating rights of GEORGE W. KUGLER, INC., 2800 E. Waterloo Rd., Akron, OH 44312, and for acquisition by EARL C. GAY, P.O. Box 101, Cortland, OH 44410, DWIGHT STRANAHAN, 169 Fowler St., Cortland, OH 44410, and JAMES FLASK, 2139 Cranbrook Dr., Youngstown, OH 44511, of control of such rights through the purchase. Applicants' attorney: John P. McMahon, 100 East Broad St., Columbus, OH 43215. Operating rights sought to be transferred: *Sprinkler systems* and *parts* and *accessories therefor,* and *tools, materials, equipment, and supplies* (except commodities in bulk), used in the sale, packaging, distribution, installation, and repair of such systems, parts, and accessories, as a *contract carrier* over irregular routes, from Monroe, Ind., to points in Colorado, Connecticut, Delaware, Illinois, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; and return with tools, equipment, materials, and supplies (except commodities in bulk) used in the manufacture, sale packaging, distribution, installation, and repair of sprinkler systems and parts, and accessories therefor, including returned shipments of such systems, parts, and accessories, with restriction. Vendee is authorized to operate as a *contract carrier* in Pennsylvania, Kentucky, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Texas, Oklahoma, Michigan, Missouri, Illinois, and Wisconsin. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12084. Authority sought for purchase by TRANSERVICE CORP., 2155 Ridgewood Road, Akron, OH 44313, of the operating rights of MOORE-FLESHER HAULING COMPANY, 100 Hafner Ave., Pittsburgh, PA 15223, and for acquisition by JACK A. RODGERS, 2155 Ridgewood Rd., Akron, OH 44313, of control of such rights through the purchase. Applicants' attorney: A. Charles Tell, 100 East Broad St., Suite 1800, Columbus, OH 43215. Operating rights sought to be transferred: *Commodities,* as a common carrier, over irregular routes, the transportation of which because of their size or weight require special handling or the use of special equipment, *self-propelled articles,* each weighing 15,000 pounds or more (when transported on trailers), and *related machinery, tools, parts, and supplies* moving in connection therewith, and construction materials and supplies, between points in that part of Pennsylvania south of U.S. Highway 422, west of U.S. Highway 119 and north of U.S. Highway 40, on the one hand, and, on the other, points in Ohio, West Virginia, and that part of New York west of New York Highway 34, including points on the indicated portions of the highways specified, with restriction: the authority does not authorize the transportation of *iron* and *steel products,* between certain points in Pennsylvania on the one hand, and, on the other, certain points in Ohio, West Virginia, and New York; *Commodities,* the transportation of which because of size or weight, require special handling or the use of special equipment, *self-propelled articles,* each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials, and supplies* when the transportation thereof is incidental to the transportation of said carrier of machinery and construction equipment and materials which because of size or weight require the use of special equipment or the use of special handling, over irregular routes, between points in that part of Pennsylvania on and west of U.S. Highway 15, on the one hand, and, on the other, points in Kentucky, Illinois, Indiana, and Michigan; between points

in that part of Pennsylvania on and west of U.S. Highway 15, Ohio, New York, and West Virginia (except that portion requested by J. Miller Express, Inc., in No. MC–F–12085: between points in that part of Pennsylvania on and west of U.S. Highway 15, on the one hand, and, on the other, points in New York within 200 miles of Newark, N.J.); from points in Pennsylvania on and west of U.S. Highway 15, to points in Virginia; from points in West Virginia, to points in Maryland (except those in Garrett, Allegany, and Washington Counties); subject to the restriction that iron and steel products shall not be transported between points in Ohio and West Virginia, or between certain points in Pennsylvania, and certain points in Ohio and New York. Vendee holds no authority from this Commission, but is affiliated with BELLEVUE TRUCKING COMPANY, a common carrier, operating in New Jersey, New York, Pennsylvania, Connecticut, Rhode Island, Massachusetts, Delaware and Maryland. Application has been filed for temporary authority under Section 210a(b).

No. MC–F–12085. Authority sought for purchase by J. MILLER EXPRESS, INC., 152 Wabash St., Pittsburgh, PA 15220, of a portion of the operating rights of TRANSERVICE CORP., 2155 Ridgewood Rd., Akron, OH 44313, and for acquisition by WALTER ENICK, 152 Wabash St., Pittsburgh, PA 15220, of control of such rights through the purchase. Applicants' attorneys: Henry M. Wick, Jr., and John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219, for vendee, and A. Charles Tell, 100 East Broad St., Columbus, OH 43215, for vendor. Operating rights sought to be transferred to TRANSERVICE CORP., in No. MC–F–12084: *Commodities,* the transportation of which because of size or weight, require special handling or the use of special equipment, *self-propelled articles,* each weighing 15,000 pounds or more (when transported on trailers), and *related construction equipment, materials, and supplies,* when the transportation thereof is incidental to the transportation of said carrier of machinery and construction equipment and materials which because of size or weight require the use of special equipment or the use of special handling, over irregular routes, as a common carrier, between points in that part of Pennsylvania on and west of U.S. Highway 15, on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New Jersey, and Delaware; between points in that part of Pennsylvania on and west of U.S. Highway 15, on the one hand, and, on the other, points in New York within 200 miles of Newark, N.J.; and from points in Pennsylvania on and west of U.S. Highway 15, to points in Maryland. Vendee is authorized to operate as a *common carrier* in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Massachusetts, Maryland, Michigan, Missouri, North Carolina, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, Vermont, and West Virginia. Application has been filed for temporary authority under Section 210a(b).

No. MC–F–12086. Authority sought for control by UNITED TRUCK SERVICE, 2800 West Bayshore Road, Palo Alto, CA 94303, of PACIFIC TRANSPORTATION and WAREHOUSE CO., INC., 760 Warehouse Street, Los Angeles, CA 90021, and for acquisition by DAVID P. ROUSH, also of Palo Alto, CA of control of PACIFIC TRANSPORTATION and WAREHOUSE CO., INC., through the acquisition by O.N.C. FREIGHT SYSTEMS. Applicants' attorney: MARTIN J. ROSEN, 140 Montgomery Street, San Francisco, CA 94104. Operating rights sought to be controlled: *General Commodities,* with exceptions, as a *common carrier* over irregular routes between Long Beach and Los Angeles Harbor, CA on the one hand, and, on the other, Downey, Calif., and points and places within the Los Angeles, Calif., Commercial Zone, as defined by the Commission in 3 M.C.C. 248, between points and places within the Los Angeles Harbor Commercial Zone, as defined by the Commission in the Los Angeles, Calif., Commercial Zone, 3 M.C.C. 248, between points and places within the Los Angeles, Calif., Commercial Zone, as defined by the Commission in 3 M.C.C. 248 (not including Alhambra, Burbank, Glendale, and Pasadena, Calif., between points in the Los Angeles, Calif., Commercial Zone, as defined in 3 M.C.C. 248, on the one hand, and, on the other, points in the Los Angeles Harbor Commercial Zone, as defined in Los Angeles, Calif., Commercial Zone, 3 M.C.C. 248. *Vinous and alcoholic beverages,* from Cucamonga and Burbank, Calif., to Los Angeles, Los Angeles Harbor, and Long Beach, Calif., *supplies, material,* and *equipment,* used or useful in the production of vinous beverages, from Los Angeles, Los Angeles Harbor, and Long Beach, Calif., to Cucamonga and Burbank, Calif.; *coffee beans* and *tea,* from points in Los Angeles, Calif., Harbor Commercial Zone, as defined by the Commission, to Anaheim, Calif.; and under a certificate of registration in Docket No. MC–22987 (Sub-No. 5), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of California. UNITED TRUCK SERVICE, is authorized to operate as a *common carrier* in California. Application has been filed for temporary authority under section 210a(b).

NOTE.—MC–22987 (Sub-No. 6), is a matter directly related.

No. MC–F–12087. Authority sought for purchase by H. P. Welch Co., 7401 Newman Blvd., La Salle, Quebec 660, Canada, of the operating rights of E.B. Trans. Co., Inc., 145 Northern Ave., Boston, MA 02210, and for acquisition by Maislin Transport Ltd.; also of La Salle, Quebec 660, Canada, and in turn by Maislin Industries Ltd., a holding company, of La Salle, Quebec 660, Canada, of control of such rights through the purchase. Applicants' attorney: William D. Traub, 10 East 40th St., New York, NY 10016. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC–96691 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, over irregular routes, within the State of Massachusetts. Vendee is authorized to operate as a *common carrier* in Connecticut, Massachusetts, Maine, New Hampshire, New York, Rhode Island, and Vermont. Application has not been filed for temporary authority under Section 210a(b).

NOTE.—MC–68917 (Sub-No. 8), is a matter directly related.

No. MC–F–12088. Authority sought for purchase by HERRIOTT TRUCKING COMPANY, INC., P.O. Box 191, East Palestine, OH 44413, of a portion of the operating rights of OLIVER TRUCK LINES, INC., 1238 S. Cleveland-Massillon Rd., Akron, OH 44321, and for acquisition by KENNETH C. HERRIOTT, also of East Palestine, OH 44413, of control of such rights through the purchase. Applicants' attorney: A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Operating rights sought to be transferred: Under a certificate of registration, in Docket No. MC–85561 (Sub-No. 8), covering the transportation of general commodities (with exceptions), as a common carrier in interstate commerce, between Summitville, Ohio on the one hand, and, on the other, all points in Ohio. Vendee is authorized to operate as a *common carrier* in Ohio, West Virginia, Illinois, Pennsylvania, New York, and Indiana. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12089. Authority sought for purchase by BOND TRANSPORT, INC., P.O. Box 548, Irwin, PA 15642, of a portion of the operating rights of PARKHILL TRUCK COMPANY, P.O. Box 113, Joplin, MO 64801, and for acquisition by WILLIAM H. SCHLOTTMAN, 4620 Rolling Hills Rd., Pittsburgh, PA 15236, of control of such rights through the purchase. Applicants' attorneys: John A. Vuono, 2310 Grant Bldg., Pittsburgh, PA 15219, and A. N. Jacobs, P.O. Box 113, Joplin, MO 64801. Operating rights sought to be transferred: *Machinery, electrical equipment, contractors' equipment and supplies, structural iron or steel, tanks, boilers and parts, smoke stacks, safes or vaults,* or *any equipment or commodity* requiring special equipment, as a common carrier, over irregular routes, between points and places in Indiana, on the one hand, and, on the other, points and places in Ohio and those in that part of Illinois on and south of U.S. Highway 24; *Self-propelled articles,* each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, over irregular routes, (Restriction: The operations authorized herein are restricted to commodities which are transported on trailers), between points in Indiana, on the one hand, and, on the other, points in Ohio and those in that part of Illinois south of U.S. Highway 24. Vendee is authorized to

operate as a *common carrier* in Pennsylvania, Ohio, West Virginia, and Maryland. Application has not been filed for temporary authority under Section 210a(b).

No. MC-F-12090. Authority sought for purchase by CEDAR RAPIDS STEEL TRANSPORTATION, INC., 3930 16th Ave. SW., P.O. Box 68, Cedar Rapids, IA 52406, of the operating rights of THE KINNISON TRUCKING COMPANY, 320 North Second St., Tipp City, IA 45371, and for acquisition by HERALD A. SMITH, JR., MIRIAM G. SMITH, both of 536 Valley Brook Dr., SE. Cedar Rapids, IA 52403, and PAUL R. SHAWVER, 2314 Blake Blvd. SE, Cedar Rapids, IA 52403, of control of such rights through the purchase. Applicants' attorneys: Robert E. Konchar, P.O. Box 1943, Cedar Rapids, IA 52406, and A. Charles Tell, 100 East Broad St., Columbus, OH 43215. Operating rights sought to be transferred: Under certificate of registration in Docket No. MC-99896 (Sub-No. 2) covering the transportation of *general commodities*, as a common carrier, in interstate commerce, between Montgomery County and Bethel, Monroe, and Union Townships, Miami County, Ohio, on the one hand, and, on the other, all points in Ohio. Vendee is authorized to operate as a common carrier in all States in the United States, and including the District of Columbia. Application has not been filed for temporary authority under Section 210a(b).

NOTE: MC-114273 (Sub-No. 158), is a directly related matter.

ST. LOUIS-SAN FRANCISCO RAILWAY COMPANY, represented by Mr. James S. Bowie, General Attorney, Suite 1023 Frisco Building, 906 Olive Street, St. Louis, Missouri, hereby gives notice that on the 24th day of December 1973, it filed an application, assigned Finance Docket No. 27553, seeking authority to acquire trackage rights over approximately 9.47 miles of trackage of the Atchison, Topeka, and Santa Fe Railway Company between Avard and Waynoka, all within Woods County, Oklahoma. In the opinion of the Applicant the authority sought by this application will have no significant effect upon the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), Implementation-Nat'l Environmental Policy Act, 1969, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b)(1)-(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission on or before February 15, 1974.

CHICAGO, MILWAUKEE, ST. PAUL AND PACIFIC RAILROAD COMPANY, 516 West Jackson Boulevard, Room 888, Union Station, Chicago, Illinois 60606, represented by Mr. James P. Reedy of the same address, hereby give notice that on the 24th day of December 1973, it filed with the Interstate Commerce Commission under Section 5(2)(a)(ii) of the Interstate Commerce Act, an application for trackage rights and joint use of a line of railroad, Burlington Northern, Inc., between Savanna and Ayres, Carroll County, Illinois, approximately four (4) miles, on its service route between Savanna, Illinois, and Moline, Illinois, southerly along the eastern bank of the Mississippi River, with the termini of such joint use of track between Savanna and Ebner, both in Carroll County, Illinois. This application has been assigned Finance Docket No. 27552.

NOTE.—Trackage rights of Applicant over a line of railroad of predecessor of Burlington Northern, Inc., between Ates and Ebner, Illinois, approved and authorized by the Commission in Finance Docket No. 10215, 199 I.C.C. 64.

In the opinion of the Applicant, there shall be no significant effect on the quality of the human environment by the action of the Commission granting the requested action. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), Implementation-Nat'l Environmental Policy Act, 1969, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra Part (b)(1)-(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission on or before February 15, 1974.

Chicago, Milwaukee, St. Paul and Pacific Railroad Company.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-1329 Filed 1-15-74;8:45 am]

MOTOR CARRIER INTRASTATE APPLICATIONS

Notice of Filing

JANUARY 11, 1974.

The following applications for motor common carrier authority to operate in intrastate commerce seek concurrent motor carrier authorization in interstate or foreign commerce within the limits of the intrastate authority sought, pursuant to section 206(a)(6) of the Interstate Commerce Act, as amended October 15, 1962. These applications are governed by special rule 1.245 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of April 11, 1963, page 3533, which provides, among other things, that protests and requests for information concerning the time and place of State Commission hearings or other proceedings, any subsequent changes therein, any other related matters shall be directed to the State Commission with which the application is filed and shall not be addressed to or filed with the Interstate Commerce Commission.

California Docket No. 54290, filed August 30, 1973. Applicant: AZTEC TRANSPORTATION CO., INC., 2548 Commercial St., San Diego, Calif. 92113. Applicant's representative: Reid C. Necker (same address as applicant). Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities:* (1) Between all points and places within the San Diego Territory, described in Note A and Calexico, serving all intermediate points between Borrego Springs and Calexico via County Road S-3, State Highway 78, 86, and 111, and points within 10 miles of said highways, with that portion of the service between Sante Ysabel, State Highway 79 to San Felipe Junction, thence County Road S-22 to Borrego Springs, and points within 10 miles of said highways, to serve as an alternate route; (2) Between Calexico and Tecate along State Highway 98 to the junction with U.S. Highway 80, thence to its junction with State Highway 94, thence State Highway 94 to the junction with Tecate Road, and all points within 10 miles of said highways; (3) Carrier may operate over all accessible public highways between all of said termini, intermediate and off-route points, in combination, one with the other; and (4) Through routes and rates may be established between any and all points described above and through routes and joint rates may be established with other carriers at convenient points of interchange, except that pursuant to the authority herein granted, carrier shall not transport any shipment of:

(1) Used holdhold goods, personal effects and office, store, and institutional furniture, fixtures, and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4-B; (2) Automobiles, trucks, and buses, viz: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, truck and trailer combined, buses, and bus chassis; (3) Livestock, viz: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine, or wethers; (4) Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles; (5) Commodities when transported in bulk in dump trucks or in hopper-type

trucks; (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; and (7) Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.

NOTE A.—SAN DIEGO TERRITORY includes that area embraced by the following imaginary line starting at the northerly junction of U.S. Highways 101–E and 101–W (four miles north of La Jolla); thence easterly to Miramar on State Highway No. 395; thence southeasterly to Lakeside on the El Cajon-Ramona Highway; thence southerly to Bostonia on U.S. Highway No. 80; thence southeasterly to Jamul on State Highway No. 94; thence due south to the International Boundary Line; west to the Pacific Ocean and north along the coast to point of beginning.

HEARING: Date, time, and place not shown. Requests for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

California Docket No. 54505, filed December 11, 1973. Applicant: RUSHMORE DELIVERY SERVICE, 1045 Airport Blvd., South San Francisco, Calif. 94080. Applicant's representative: Dennis D. Kendall, 6429 Edgemoor Way, San Jose, Calif. 95129. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, except as hereinafter provided, between all points and places in and within 5 miles of points in the San Francisco Territory, which is described as follows: SAN FRANCISCO TERRITORY includes all the City of San Jose and that area embraced by the following boundary: Beginning at the point the San Francisco-San Mateo County Boundary Line meets the Pacific Ocean, thence easterly along said boundary line to a point 1 mile west of U.S. Highway 101, southerly along an imaginary line 1 mile west of and paralleling U.S. Highway 101 to its intersection with Southern Pacific Company right of way at Arastradero Road, southeasterly along the Southern Pacific Company right of way to Pollard Road, including industries served by the Southern Pacific Company spur line extending approximately 2 miles southwest from Simla to Permanente, easterly along Pollard Road to W. Parr Avenue; easterly along W. Parr Avenue to Capri Drive, southerly along Capri Drive to E. Parr Avenue, easterly along the Southern Pacific Company right of way to the Campbell-Los Gatos City Limits, easterly along said limits and the prolongation thereof to the San Jose-Los Gatos Road, northeasterly along San Jose-Los Gatos Road to Foxworthy Avenue, easterly along Foxworthy Avenue to Almaden Road, southerly along Almaden Road to Hillsdale Avenue, easterly along Hillsdale Avenue to U.S. Highway 101, northwesterly along U.S. Highway 101 to Tully Road, northeasterly along Tully Road to White Road, northwesterly along White Road to McKee Road, southwesterly along McKee Road to Capitol Avenue, northwesterly along Capitol Avenue to State Highway 17 (Oakland Road), northerly along State Highway 17 to Warm Springs; northerly along the unnumbered highway via Mission San Jose and Niles to Hayward, northerly along Foothill Boulevard to Seminary Avenue, easterly along Seminary Avenue to Mountain Boulevard; northerly along Mountain Boulevard and Moraga Avenue to Estates Drive, westerly along Estates Drive, Harbord Drive, and Broadway Terrace to College Avenue, northerly along College Avenue to Dwight Way, easterly along Dwight Way to the Berkeley-Oakland boundary line; northerly along said boundary line to the campus boundary of the University of California, northerly and westerly along the campus boundary of the University of California to Euclid Avenue, northerly along Euclid Avenue to Marin Avenue, westerly along Marin Avenue to Arlington Avenue, northerly along Arlington Avenue to U.S. Highway 40 (San Pablo Avenue), northerly along U.S. Highway 40 to and including the City of Richmond, southwesterly along the highway extending from the City of Richmond to Point Richmond, southerly along an imaginary line from Point Richmond to the San Francisco Waterfront at the foot of Market Street; westerly along said waterfront and shore line to the Pacific Ocean, southerly along the shore line of the Pacific Ocean to point of beginning. Except that applicant shall not transport any shipments of: (1) Used household goods and personal effects not packed in accordance with the crated property requirements set forth in Paragraph (d) of Item No. 10–C of Minimum Rate Tariff No. 4–A; (2) Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses, and taxis, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses, and bus chassis; (3) Livestock, viz.: bucks, bulls, calves, cattle, cows, dairy cattle, ewes, goats, hogs, horses, kids, lambs, oxen, pigs sheep, sheep camp outfits, sows, steers, stags, or swine; (4) Liquids, compressed gases, commodities in semi-plastic form, and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers, or a combination of such highway vehicles; (5) Commodities when transported in bulk in dump trucks or in hopper-type trucks; (6) Commodities when transported in motor vehicles equipped for mechanical mixing in transit; (7) Cement; (8) Logs; and (9) Commodities of unusual or extraordinary value.

HEARING: Date, time and place not shown. Request for procedural information should be addressed to the California Public Utilities Commission, State Building, Civic Center, 455 Golden Gate Avenue, San Francisco, Calif. 94102, and should not be directed to the Interstate Commerce Commission.

Michigan Docket No. C–80, Case #2, filed July 17, 1973. Applicant: JACK G. GEE, doing business as GLEN LAKE TRUCK LINES, P.O. Box 81, Glen Arbor, Mich. 49636. Applicant's representative: Karl L. Gotting, 1200 Bank of Lansing Bldg., Lansing, Mich. 48933. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of *General commodities*, between Traverse City and various points in Elmwood, Solon, Centerville, Cleveland, Glen Arbor, Empire, and Kasson Townships, Leelanau County, Mich.; also between various points in said townships; Between Traverse City and various points in Long Lake Township, Grand Traverse County, Mich., and Almira Township, Benzie County, Mich.; also between various points in said townships. Both intrastate and interstate authority sought.

HEARING: January 10, 1974, at the Michigan Public Service Commission, Transportation Division, Suite 15, 1000 Long Commerce Park, Lansing, Mich., at 9:30 A.M. Requests for procedural information should be addressed to the Michigan Public Service Commission, Transportation Division, Suite 15, 1000 Long Commerce Park, Lansing, Mich. 48913, and should not be directed to the Interstate Commerce Commission.

Montana Docket No. 2143, filed November 6, 1973. Applicant: EASTER SEAL SOCIETY FOR CRIPPLED CHILDREN & ADULTS OF MONTANA, 4400 Central Avenue, Great Falls, Mont. 59401. Applicant's representative: William N. Sirak (same address as applicant). Certificate of public convenience and necessity sought to operate a passenger service as follows: Transportation of *handicapped children and adults*, from their residences to special programs and activities within the City of Great Falls and twenty mile radius thereof. Both intrastate and interstate authority sought.

HEARING: February 4, 1974, at the Public Service Commission Conference Room, 1227 11th Ave., Helena, Mont. at 10:00 A.M. Requests for procedural information should be addressed to the Montana Public Service Commission, 1227 11th Avenue, Helena, Mont. 59601, and should not be directed to the Interstate Commerce Commission.

Montana Docket No. 2144 filed December 19, 1973. Applicant: C. W. SPARK, doing business as KARST STAGE, 511 North Wallace, Bozeman, Mont. 59715. Applicant's representative: C. W. Spark (same address as applicant). Certificate of public convenience and necessity sought to operate a passenger service as follows: Transportation of *passengers and baggage*, as a Class B carrier between Bozeman and vicinity and Big Sky complex and vicinity, located 55 miles south of Bozeman via U.S. Highway 191 and unnumbered highways serving all intermediate points. Both intrastate and interstate commerce authority sought.

HEARING: February 11, 1974, at the Public Service Commission Conference Room, 1227 11th Ave., Helena, Mont., at

10:00 A.M. Requests for procedural information should be addressed to the Montana Public Service Commission, 1227 11th Avenue, Helena, Mont. 59601, and should not be directed to the Interstate Commerce Commission.

Montana Docket No. 2145, filed September 27, 1973. Applicant: MACK E. BURGESS, doing business as BUILDERS TRANSPORT, 409 14th Street SW., Great Falls, Mont. 59404. Applicant's representative: Howard C. Burton, 502 Strain Building, P.O. Box 2265, Great Falls, Mont. 59403. Certificate of public convenience and necessity sought to operate a freight service as follows: Transportation of Building blocks (concrete or pumice) brick, stone, insulating materials, lumber, particle board, plywood, millwork, posts (wood, concrete and metal), wallboard (and the materials and supplies used in the installation or application thereof), poles, pipe (concrete, ceramic, and metal), culverts (concrete, ceramic, and metal), steel, animal poultry feeds (in bulk and bags), dry fertilizers (in bulk and bags), roofing materials (and the supplies used in the installation or application thereof), shakes, paneling, pre-mixed concrete (dry, in bags), nails, siding, plyform, beams (steel and wood), pre-fabricated wooden building structures or members, as Class B authority: To, from and between, all points and places in the State of Montana.

HEARING: February 19, 1974, at the Public Service Commission Conference Room, 1227 11th Ave., Helena, Mont., at 10:00 A.M. Requests for procedural information should be addressed to the Montana Public Service Commission, 1227 11th Ave., Helena, Mont. 59601, and should not be directed to the Interstate Commerce Commission.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-1328 Filed 1-15-74;8:45 am]

[Notice No. 5]

MOTOR CARRIER TRANSFER PROCEEDINGS

Application filed for temporary authority under Section 210 (a) (b) in connection with transfer application under Section 212 (b) and Transfer Rules, 49 CFR Part 1132:

No. MC-FC-74937. By application filed January 8, 1974, LOBIANCO TRUCKING CO., INC., York, PA, seeks temporary authority to lease the operating rights of MILLER'S MOTOR FREIGHT, INC., 1060 Zinn's Quarry Road, York, PA 17405, under section 210a(b). The transfer to LOBIANCO TRUCKING CO., INC., of the operating rights of MILLER'S MOTOR FREIGHT, INC., is presently pending.

Dated: January 11, 1974.

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.74-1330 Filed 1-15-74;8:45 am]

CUMULATIVE LIST OF PARTS AFFECTED—JANUARY

The following numerical guide is a list of parts of each title of the Code of Federal Regulations affected by documents published to date during January.

3 CFR — Page

PROCLAMATIONS:
4258 — 959

EXECUTIVE ORDERS:
July 31, 1915 (revoked in part PLO 5404) — 1592
325A (superseded by EO 11755) — 779
11755 — 779
11756 — 781
11757 — 783

PRESIDENTIAL DOCUMENTS OTHER THAN PROCLAMATIONS AND EXECUTIVE ORDERS:
Memorandum of November 2, 1973 — 1423

5 CFR
213 — 961, 1270, 1349, 1425, 1575 1576, 1829
315 — 961
630 — 1575
900 — 1349

6 CFR
150 — 808, 809, 979, 981, 1425, 1514, 1601, 1604, 1971
152 — 981–938, 1601, 1603

PROPOSED RULES:
150 — 1518

7 CFR
6 — 986
26 — 1350
56 — 1829
58 — 986
68 — 1270
70 — 1829
180 — 785
201 — 785
205 — 785
401 — 987–994
402 — 991
403 — 994
404 — 994
406 — 994
408 — 994
409 — 994
410 — 995
413 — 995
722 — 1426
752 — 1829
812 — 995
814 — 996
818 — 1745
907 — 786, 996, 1270, 1598
910 — 997, 1599, 1830
912 — 1599
913 — 1600
946 — 1971
958 — 1601
1001 — 1351
1002 — 1351
1004 — 1351
1006 — 1351
1007 — 1351
1011 — 1351
1012 — 1351
1013 — 1351
1015 — 1351
1030 — 998
1032 — 1351
1033 — 1351

7 CFR—Continued — Page
1036 — 1351
1040 — 1351
1044 — 1351
1046 — 1351
1050 — 1351
1060 — 1351
1061 — 1351
1062 — 1351
1063 — 1351
1064 — 1351
1065 — 1351
1068 — 1351
1069 — 1351
1070 — 1351
1071 — 1351
1073 — 1351
1075 — 1351
1076 — 1351
1078 — 1351
1079 — 1351
1090 — 1351
1094 — 1351
1096 — 1351
1097 — 1351
1098 — 1351
1099 — 1351
1101 — 1351
1102 — 1351
1104 — 1351
1106 — 1351
1108 — 1351
1120 — 1351
1121 — 1351
1124 — 1351
1125 — 1351
1126 — 1351
1127 — 1351
1128 — 1351
1129 — 1351
1130 — 1351
1131 — 1351
1132 — 1351
1133 — 1351
1134 — 1351
1136 — 1351
1137 — 1351
1138 — 1351
1139 — 1351
1207 — 786
1421 — 5
1700 — 1351
1832 — 787
1872 — 1830

PROPOSED RULES:
26 — 1364
52 — 1053, 2006
330 — 1777
928 — 810
947 — 810
1001 — 811
1002 — 811
1004 — 811
1006 — 811
1007 — 811
1011 — 811
1012 — 811
1013 — 811
1015 — 811
1030 — 811
1032 — 811
1033 — 811
1036 — 811
1040 — 811

7 CFR—Continued — Page
PROPOSED RULES—Continued
1044 — 811
1046 — 811
1049 — 811, 1276
1050 — 811
1060 — 811
1061 — 811
1062 — 811
1063 — 811
1064 — 811, 1606
1065 — 811
1068 — 811
1069 — 811
1070 — 811
1071 — 811
1073 — 811
1075 — 811
1076 — 13, 811
1078 — 811
1079 — 811
1090 — 811
1094 — 811
1096 — 811
1097 — 811
1098 — 811
1099 — 811
1101 — 811
1102 — 811
1104 — 811
1106 — 811
1108 — 811
1120 — 811
1121 — 811
1124 — 811
1125 — 811
1126 — 811
1127 — 811
1128 — 811
1129 — 811
1130 — 811
1131 — 811
1132 — 811
1133 — 811
1134 — 811
1135 — 811
1136 — 811
1137 — 811
1138 — 811
1139 — 811
1421 — 814
1701 — 814, 1053, 2008

8 CFR
103 — 1972

9 CFR
73 — 787, 1270, 1576
78 — 998
92 — 999
97 — 999
113 — 999
310 — 1973
317 — 1973
318 — 1973

PROPOSED RULES:
94 — 1777
317 — 1606
381 — 1606

10 CFR
0 — 787
20 — 1000
50 — 1001

10 CFR—Continued Page
200 ... 746, 1773, 1924
201 ... 761, 1924
202 ... 761, 1924
205 ... 1925
210 ... 1930
211 ... 1932
212 ... 1949
PROPOSED RULES:
Ch. II ... 1363
200 ... 700

12 CFR
207 ... 1006, 1974
208 ... 788, 1974
220 ... 1006, 1974
221 ... 1006, 1974
526 ... 789
545 ... 789, 1513, 1974
561 ... 6
563 ... 790, 1745
581 ... 791
582 ... 791, 1006
701 ... 1271
709 ... 1271
PROPOSED RULES:
545 ... 829
572 ... 1782

13 CFR
121 ... 6
PROPOSED RULES:
121 ... 831

14 CFR
25 ... 1831
33 ... 1831
39 ... 1352, 1576, 1577
47 ... 1352
71 ... 300, 792, 1007, 1272, 1353, 1577, 1578, 1831, 1832, 1975
73 ... 300, 793
75 ... 300
91 ... 1352
95 ... 1273
97 ... 793, 1274, 1579, 1976
372a ... 1746
PROPOSED RULES:
39 ... 1362, 1638–1640
63 ... 1780
71 ... 821, 1059, 1362, 1363, 1640, 1780, 1861, 1862, 2014
73 ... 821, 2015
75 ... 1059, 1640
93 ... 1781
207 ... 1865
208 ... 1865
212 ... 1865
214 ... 1865
241 ... 822
250 ... 823, 1640

15 CFR
30 ... 7
377 ... 1008, 1977
374 ... 1748
375 ... 1748
386 ... 1749
908 ... 1832

16 CFR
13 ... 1259, 1260, 1511, 1833
15 ... 1260
250 ... 1833

16 CFR—Continued Page
303 ... 1833
1500 ... 1979
PROPOSED RULES:
1105 ... 1151

17 CFR Page
211 ... 1260
231 ... 1511
240 ... 1261
241 ... 1261, 1511
251 ... 1511
275 ... 794
PROPOSED RULES:
230 ... 1283
231 ... 829
241 ... 829

18 CFR
154 ... 1262, 1354
201 ... 1262

19 CFR
1 ... 1355, 1834
4 ... 1979
148 ... 1834
153 ... 1979

20 CFR
404 ... 1579
405 ... 1750
416 ... 1827
PROPOSED RULES:
405 ... 1447, 1450, 1453, 2011
416 ... 13, 816, 819, 1053, 1055, 1057, 1276, 1359, 1452, 1624, 1779, 1860, 2012

21 CFR
15 ... 1355
27 ... 794
121 ... 795, 1355, 1511
130 ... 1580
135 ... 7
135a ... 795
135b ... 795, 1511
135c ... 1427
135e ... 962, 1427
630 ... 1581
PROPOSED RULES:
46 ... 1860
130 ... 1359, 1446
600 ... 2008
610 ... 2008
640 ... 2008
1000 ... 1276
1020 ... 2010
1040 ... 1860

23 CFR
1 ... 1512
740 ... 1427

24 CFR
275 ... 1512, 1979
1909 ... 1980
1911 ... 1980
1913 ... 1981
1914 ... 1429, 1430, 1981–1983
1915 ... 1431, 1984

25 CFR
60 ... 1835
PROPOSED RULES:
33 ... 1776
221 ... 1276

26 CFR Page
1 ... 962
3 ... 11
20 ... 796
25 ... 796
301 ... 962

28 CFR
0 ... 1751
48 ... 7

29 CFR
511 ... 1266
1208 ... 1751
1910 ... 1437
1952 ... 1008, 1010, 1012, 1644
1954 ... 1837
PROPOSED RULES:
1 ... 1446
5 ... 1446
1910 ... 1277
1926 ... 2015

30 CFR
PROPOSED RULES:
77 ... 2004

32 CFR
1660 ... 1868

32A CFR
Ch. X:
OI Reg. 1 ... 1266
Ch. XIII:
EPO Reg. 1 ... 1775
EPO Reg. 3 ... 1775
EPO Reg. 7 ... 1775

33 CFR
117 ... 1582
PROPOSED RULES:
110 ... 1638, 1780
144 ... 1360

34 CFR
252 ... 1582
253 ... 797
254 ... 1014

36 CFR
PROPOSED RULES:
7 ... 13, 1777

38 CFR
1 ... 1024
2 ... 1839
17 ... 1024, 1840
21 ... 1591
PROPOSED RULES:
1 ... 15
21 ... 1644

39 CFR
243 ... 1989
447 ... 1990
742 ... 1989
743 ... 1989

40 CFR
35 ... 1847
52 ... 1025, 1437, 1439, 1848
104 ... 1027
180 ... 799, 1996
PROPOSED RULES:
52 ... 1062, 1063, 1454, 1455, 1641
405 ... 1454
408 ... 1454
429 ... 938

40 CFR—Continued Page

PROPOSED RULES—Continued

430 1908
431 1818

41 CFR

1–3 1751
1–7 1756
5A–1 800
5A–12 1029
5A–16 1029
114–26 1036

42 CFR

1 1763
50 1441

PROPOSED RULES:

53 1446

43 CFR

PUBLIC LAND ORDER:

255 (See PLO 5403) 1592
684 (See PLO 5403) 1592
1203 (See PLO 5403) 1592
1205 (See PLO 5403) 1592
1345 (See PLO 5403) 1592
1444 (See PLO 5403) 1592
1503 (See PLO 5403) 1592
1523 (See PLO 5403) 1592
2418 (See PLO 5403) 1592
2768 (See PLO 5403) 1592
3922 (See PLO 5403) 1592
5150 (Revoked in part and amended by PLO 5403) 1592
5151 (Revoked in part by PLO 5403) 1592
5180 (See PLO 5403) 1592
5182 (See PLO 5403) 1592
5183 (See PLO 5403) 1592
5184 (Amended by PLO 5403) 1592
5186 (Amended by PLO 5403) 1592
5187 (See PLO 5403) 1592
5190 (See PLO 5403) 1592
5403 1592
5404 1592

45 CFR Page

177 1849
206 1443
220 1443
221 1443
222 1443
226 1443
401 898
403 914
404 918
405 926
406 929
407 932
408 933
1205 1037
1206 1996
1501 1593

PROPOSED RULES:

103 815
121a 1614
250 1500

46 CFR

154 1596
390 12

PROPOSED RULES:

56 1861
61 1861
146 2014
160 1361, 2014

47 CFR

1 1763
15 1768
18 1768
73 802, 1763, 1769, 1849
81 2001
97 2001

PROPOSED RULES:

1 1064
2 1280, 1642
21 1064
73 827, 1070, 1073, 1075, 1077, 1283, 1516, 1642
74 1643, 1867
81 1280

47 CFR—Continued Page

PROPOSED RULES—Continued

83 1280
87 1280, 1642
89 1280, 1642
91 1280
93 1280
97 1280, 1643

49 CFR

172 1851
212 1772
Ch. III 804
571 804, 808, 1443, 1513
575 1037
601 1267
1033 808, 1046, 1047, 1269, 1444, 1596, 1851
1124 1047

PROPOSED RULES:

Ch. II 1862
173 1059
177 1059
178 1059
571 822, 1061, 1279, 1516, 1517, 1863
573 1863
575 1061
1064 1515
1209 1515
1300 2015

50 CFR

10 1444
11 1444
12 1444
13 1444
14 1444
17 1444
20 1269
28 10, 2002
33 10, 11, 1269, 1597, 1598, 1772, 1773, 2003
216 1851
240 2003
259 11

PROPOSED RULES:

251 1778
280 13

FEDERAL REGISTER PAGES AND DATES—JANUARY

Pages	*Date*	*Pages*	*Date*
1–770	Jan. 2	1413–1503	Jan. 9
771–950	3	1505–1568	10
951–1252	4	1569–1738	11
1253–1342	7	1739–1821	14
1343–1411	8	1823–1961	15
		1963–2068	16

federal register

WEDNESDAY, JANUARY 16, 1974
WASHINGTON, D.C.
Volume 39 ■ Number 11

PART II

FEDERAL ENERGY OFFICE

■

GASOLINE RATIONING CONTINGENCY PLAN

Inquiry

FEDERAL ENERGY OFFICE

GASOLINE RATIONING CONTINGENCY PLAN

Notice of Inquiry

On December 27, 1973, a fact sheet describing a contingency gasoline rationing plan was released by the Federal Energy Office. At that time the Administrator underlined the necessity of presenting such a plan in further detail for public comment. This notice fulfills that commitment by expanding on the earlier fact sheet. This notice is not intended as a proposed regulation but rather as a vehicle for further comment and discussion.

If the gap between supply and demand of motor gasoline (hereinafter called gasoline) becomes too great to manage through conservation measures and allocation regulations, gasoline rationing may be necessary. A contingency rationing plan must be prepared against this possibility. The purpose of this notice is to set forth and solicit comments on such a contingency plan.

The goals of this contingency program are consistent with those set forth in the Mandatory Fuel Allocation Regulations. In brief, this plan seeks to:

(1) Provide an equitable system of supply;

(2) Preserve economic stability;

(3) Maximize individual freedom of choice, and;

(4) Establish a workable administrative framework.

The Federal Energy Office is interested in public comments and suggestions dealing with this particular system of gasoline rationing and in refinements of the system. In order to insure timely consideration, public comments and views regarding this proposed plan should be received not later than January 30, 1974. Comments should be directed to:

William E. Simon, Administrator, Box GR, Federal Energy Office, 1016 16th St. NW., Washington, D.C. 20036.

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

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

Contents:

Background.
Definitions.
Coupon allotment.
Coupon distribution.
Coupon use.
Coupon collection.
State responsibility.
Federal responsibility.

BACKGROUND

This contingency rationing plan would operate in conjunction with the regulations pertaining to allocation of gasoline as set forth in the Mandatory Fuel Allocation Regulations. The plan applies only to gasoline sold in retail outlets (gas stations): It does not apply to diesel fuel.

The rationing system relies initially on historical patterns of gasoline consumption as a basis for allocating supplies to user classes and assigning numbers of coupons to these classes. The Federal Highway Administration of the Department of Transportation has calculated the following market sectors for gasoline in 1972: 72 percent of the total gasoline is sold for use in private vehicles; 25.7 percent is consumed by business and other commercial users, and the remaining 2.3 percent is sold to Federal, State, and local governmental units.

There are two methods of selling gasoline: Bulk and retail. Bulk sales are to users who purchase large quantities of gasoline and maintain or substantially control their own storage tanks. Bulk users include agricultural and industrial users, commercial and government vehicle fleets, public transport, and others. Suppliers provide gasoline to bulk users on a contract basis and maintain sales records for each bulk customer. The bulk market constitutes 19 percent of total gasoline sales with bulk sales to commercial users 17 percent and bulk sales to Federal, State, and local governments 2 percent. Gasoline is also sold in bulk to retail outlets which serve individual customers: Private citizens and those commercial and governmental users who do not purchase in bulk. Retail sales of gasoline for commercial use are about 8.7 percent of total sales; retail sales to government users are about 0.3 percent of total sales. Retail sales to private users represent 72 percent of total sales. Retail outlets do not generally keep sales records for individual customers.

The rationing program would apply only to retail purchases of gasoline. Bulk users would be handled through the allocation regulations and would obtain their supplies according to priorities established in the allocation system. No coupons would be required for such bulk purchases.

Gasoline coupons would be provided by the Federal government to purchasers of retail gasoline. Printing of these coupons would be handled by the Bureau of Engraving and Printing. In order to provide maximum security, coupons would be printed using the intaglio printing process as currently used in the production of currency. The Federal Energy Office would arrange for the transfer of these coupons to the designated distribution centers.

Each coupon would entitle the recipient to purchase a specified number of gallons of gasoline at the posted pump price. The value of each coupon, in gallons, would be the same nationwide but this value might change from allocation period to allocation period. This change in value would correspond to fluctuations in the supply of gasoline.

Coupons would be freely transferrable on both a formal and informal basis. The monthly coupon ration would entitle every driver an equitable share of the available supply of gasoline. The coupon market would permit those drivers, with needs greater than that represented by the monthly allotment, to purchase additional coupons. Drivers who conserved fuel and used fewer than their monthly ration of coupons could sell or trade their excess coupons.

Unlike the allocation program, the rationing program would not define a class of priority users.

DEFINITIONS

"Mandatory Fuel Allocation Regulations" are regulations issued or to be issued by the Federal Energy Office. These regulations set forth a program for the allocation of crude oil, residual fuel oil, and all refined petroleum products.

"Allocation Period" is the period used for the determination of resupply volumes under the Mandatory Fuel Allocation Regulations for gasoline.

"Base Period" for gasoline is the corresponding month in 1972.

"Bulk Purchaser" is any end-user who is a corporation, partnership, sole proprietorship, or business or trade association who purchases, receives through transfer, or otherwise obtains gasoline from a supplier for storage in a tank container substantially under the control of the bulk purchaser.

"Private Users" are individuals who purchase gasoline for use in vehicles which are driven principally for purposes such as commuting to work, shopping, family business and social trips.

"Commercial Users" are owners or leasers of one or more commercial vehicles. This definition is intended to include owners and leasers of vehicles and equipment used for agricultural production, emergency services, energy production, sanitation services, telecommunication services and transportation services.

"Commercial Vehicles" are vehicles owned either by private individuals or by businesses and are used for business purposes for at least 70% of the mileage driven.

"Business Purposes" include all driving which is accepted by the Internal Revenue Service as deductible for income tax purposes.

"Transit System" includes all modes of public transportation with origins and destination primarily within the urbanized areas.

"Urbanized Areas" are delineated by the Census Bureau to provide a separation of the urban and rural population in the vacinity of larger cities. This area consists of a central city, or cities, and surrounding closely settled territory. The specific criteria and a listing of all urbanized areas are available from the 1970 Census of Population (Report PC (1)–A1, "Number of Inhabitants, United States Summary.").

"Transit Passengers" are the total number of revenue passengers, including transfer passengers, carried by a transit system in 1972.

COUPON ALLOTMENT

All purchases of gasoline at retail outlets would be made with ration coupons. The two primary categories of retail purchasers are private users and commercial users. The system would deal differently with these two groups and the provisions for each are outlined below.

Commercial users. Commercial users purchase gasoline through both the bulk and the retail markets. Bulk purchases would be handled through the allocation program. Under this program, some bulk purchasers would receive 100 percent of base period consumption. This figure represents an approximate 10 percent reduction from estimated 1974 demands. The remainder of bulk purchasers, defined as priority users in the allocation regulations, would receive 100 percent of their current needs. Commercial users who purchase all gasoline in bulk would not be issued ration coupons.

Coupons would be issued to commercial users for that portion of their supply obtained from retail outlets. Periodically, all commercial users, including bulk purchasers, would be required to file an application with the Federal Energy Office or some designated agent of the Federal Energy Office. The application would include the following information:

(1) Name and address,

(2) Total gasoline consumption in 1972:

a. Percentage purchased from bulk suppliers,

b. Percentage purchased from retail outlets,

(3) Bulk supplier in 1972,

(4) Total number of commercial vehicles owned or leased in 1974.

The information obtained above would be used to calculate a national average consumption per vehicle in the following manner:

National average consumption per vehicle X/Y

Where:

X=Cumulative national 1972 gasoline consumptions as reported by all commercial users.

Y=Total number of commercial vehicles in 1974 as reported by all commercial users.

This average assures commercial users purchasing retail a supply of gasoline comparable to that supply allocated to commercial users purchasing bulk. Unless further refinements are possible, commercial users would receive an equal number of coupons for each commercial vehicle regardless of the type of vehicle (truck, car, etc.).

The total number of gallons of gasoline allotted to each commercial user purchasing retail would be determined as follows:

Number of Gallons=$A \times B \times C$, Where:

A=The average consumption per vehicle in 1974 as defined above.

B=The number of commercial vehicles reported by a commercial user.

C=Percentage of 1972 gasoline supply purchased at retail sales outlets.

Coupons would be issued to correspond to the total number of gallons specified above. Needs unmet by ration allotments would be filled through purchases of additional coupons on the coupon market.

Private users. All persons holding a valid automobile operator's license, who are at least 18 years of age, would be eligible to receive ration coupons. An approximate number of coupons per recipient could be determined by calculating the supply of gasoline to be made available for private use and dividing this supply by the total number of eligible recipients. The supply available to private users is the amount of gasoline which remains after subtracting allocated bulk supply and commercial retail supply as defined above.

While each coupon would represent the same gallonage equivalent across the nation, the number of coupons distributed to each recipient would vary. This variance would be determined based on the population in the recipient's place of residence and an evaluation of the public transportation system serving that area.

A nationwide survey ("Nationwide Personal Transportation Study") prepared by the Department of Transportation has shown that the driving needs of people living in places with a population of less than 100,000 are significantly greater than those of urban dwellers. In consideration of this fact, the following groups would receive the maximum number of coupons each month:

Group I: People residing outside urbanized areas.

Group II: People residing in urbanized areas with populations of less than 100,000.

A transit factor would be calculated for all urbanized areas with populations over 100,000. This factor would serve as an indicator of the level of public transit which exists in the area. The transit data for this factor would be obtained from the American Transit Association ("1972 Transit Operating Report") and from communications with individual transit system officials. All population data would be derived from the 1970 Census Reports. The factor is determined as follows:

Transit factor=
Total urbanized area population
Total area transit passengers

The following two groups are designated on the basis of this transit factor: (Groups III and IV)

Group III: Applicable urbanized areas with transit factors of less than 0.018 would be issued coupons representing 20 percent less gasoline than the amount issued to Groups I and II.

Group IV: Applicable urbanized areas with transit factors ranging from 0.018 to 0.025 would receive coupons representing 10 percent less gasoline than the amount issued to Groups I and II.

Group V: All other applicable urbanized areas which do not have transit factors in the above range would receive the maximum number of coupons each month.

The following example indicates the approximate number of gallons each Group would receive under varying situations of supply. The situations are defined in terms of product yields at domestic refineries, usage of inventories, and fluctuations in import levels during the second quarter of 1974. The specific situations are based on the FEO publication, "National Petroleum Supply and Demand", January 1974, (Technical Report 74–1) and are described briefly below:

Situation One: Assumes adjusted refinery yields and reduced imports from foreign sources.

Situation Two. Assumes normal refinery yields and an increase in total imports of 500,000 barrels per day. In addition inventory levels are allowed to decline below minimum operable levels.

Once total gasoline supply is defined by the situations above it is necessary to subtract the supply percentage of other users to determine the total gasoline supply available to private users. The amount of gasoline assigned to priority users under the Mandatory Fuel Allocation Regulations would be subtracted first. Next, the amount of gasoline assigned to commercial users would be deducted; the remainder is the total gasoline available for private use.

The following table indicates the approximate number of gallons distributed to each group of private users with the varying levels of supply. It is important to re-emphasize that this calculation is merely an example, using the hypothetical supply situations described above.

[Gallons/Month]

	Situation 1	Situation 2
Groups: I, II, V	41	49
Group: III	33	40
Group: IV	37	44

It may be necessary to make minor adjustments to these gallon values to account for coupon denominations. Coupons would be then issued to correspond to these gallon values.

Coupon Distribution

Two documents must be presented at the distribution point to verify that a licensed driver is entitled to gasoline coupons; (1) a valid driver's license and (2) a gasoline coupon authorization card. The purpose of the authorization card is to insure that each licensed driver receives only one set of government-issued coupons per month. Each eligible licensed driver would be entitled to one authorization card which would list the driver's name, zip-coded address, date of birth, State of issuance, and driver's license number.

The plan calls for a quarterly issuance of gasoline coupons—a three month supply of coupons will be distributed four times a year. Each month's ration of coupons will be valid for a period of 60 days. For example, December coupons would be valid for both December and January.

Authorization cards will have three detachable stubs attached to the information section of the card and will thus be good for a one year supply of coupons. The detachable stubs would be submitted, in exchange for coupons, at the distribution center. The detachable stubs would be used to verify disbursement of coupons at the distribution centers. The nondetachable section of the card will

be turned in for the fourth quarter coupon supply and a new authorization card.

Individual drivers would go to distribution centers to pick up coupons. Distribution centers would be located in a way which facilitates convenient pick-up for the maximum number of people. At the distribution center, driver's would present a driver's license and an authorization card. The stub would be detached by the distributing agent and signed by the driver picking up the coupons. Coupons would be turned over to the driver in exchange for the signed stub and a three dollar fee.

Coupons must be picked up in the same state in which the driver's license and authorization card were issued. Special provisions would be made for military personnel. These persons would be allowed to pick up coupons in their present state of residence by presenting military identification cards in addition to their out-of-state driver's license and authorization card.

Coupon Use

(1) *Purchase of gasoline.* A gasoline coupon entitles the holder to purchase gasoline. At the gasoline station, the driver would request the attendant to pump a specific number of gallons and give the attendant enough coupons to cover those gallons. The driver must sign the coupons and write in the automobile license plate number in the presence of the attendant and turn in the coupons before the gasoline is pumped. The station attendant would be prohibited from accepting either unsigned or presigned in exchange for gasoline.

(2) *Coupon exchange.* The buying and selling of coupons provides a means of adjusting priorities and needs in this system. Trading between individuals would enable holders of surplus amounts of coupons who are willing to sell at market determined prices to persons who are willing to pay market determined prices for additional coupons. Persons who conserve fuel or do not need to purchase all of the gasoline to which their coupons entitle them would have coupons to sell.

Coupons may be exchanged on the open market until they expire. The Federal government would not intervene in the market as a buyer or seller nor would it regulate or establish a single price or series of prices at which coupons must be exchanged. There would be no special FEO restrictions on entry of persons, corporations or other entities into the coupon exchange market.

It is anticipated that the natural interplay of market forces would produce trading at several levels. Persons may enter into two-party transactions either through sale, barter, or gift-giving. In various communities and on the local level, exchange may occur between friends or local neighborhood organizations, public service programs, various nonprofit organizations and private enterprise. On a larger geographic scale, enterprises would develop to buy coupons in some communities or areas and to sell them in other communities or areas.

In order to stimulate an early and orderly development of the market, the Federal Energy Office would act and assist in a significant supportive role. Assistance may take several forms, as necessary, including:

(a) Assuring that the Federal Energy Office would support a free market system without excessive interference through changes in this regulation.

(b) Providing general information to individuals, businesses, and other organizations contemplating entry or investment or public service activities in the market.

(c) Aiding development of systems of monitoring and reporting activities that are occurring in the market and keeping all interested parties reasonably apprised of current market conditions as well as changes that might result from market forces or other causes.

(d) Providing technical assistance to individuals, businesses, or public or private institutions wishing to set up exchanges.

Coupon Collection

Each retail outlet operator must collect signed coupons representing the exact quantity of gasoline sold. These coupons would be counted and deposited at a collection point. Collection points would be located to provide maximum convenience to retail operators. A receipt indicating the number of coupons deposited would be issued to the retail operator at the collection point.

This receipt would be forwarded to the wholesale supplier by the retail outlet operator. The amount of the receipt would serve as a basis for determining the quantity of gasoline delivered to the retail outlet during the remainder of that month, not to exceed his month's allocation. In all cases the retail outlet may not be supplied more than the equivalent gallonage indicated on his receipts since the last delivery. This would require some modification of the allocation regulations.

Used coupons which have been deposited at a collection point would be stored in a secure location for a specified period of time. This storage period would permit the tracing of counterfeit and stolen coupons. After the specified time had elapsed, the collection facility would dispose of the invalidated coupons.

State Responsibility

The Governor or Chief Executive of each State would be authorized, in the absence of state law for this purpose, to create a State Office of Gasoline Rationing. Each State Office would assume responsibilities under this program, and the Federal Energy Office would assist the States in establishing their programs.

Branches of State Offices may be created if deemed necessary by the Governors or Chief Executive. These branches would be known as State Branch Offices. These branches might be located in counties, metropolitan areas, or other geographic or political units within the State. Sufficient state branch offices would be established to ensure reasonable geographic accessibility and timely and appropriate response to inquiries, requests, complaints and petitions. The location, working hours, and other pertinent information regarding these boards would be publicized by the State.

State issuance of authorization cards for youths under 18. The State Office would review and make final determinations for applications for authorization cards from licensed drivers under 18 years of age. These persons may be granted authorization cards on the basis of demonstrated need according to criteria established by the Federal Energy Office.

State set-aside. State set-asides of gasoline coupons would be established to enable States to deal with hardship cases. State offices would review and make final determinations for all hardship applications. FEO would determine the size of the State set-aside as a percentage of the estimated monthly allocation of coupons to end users in each State. The initial percentage would be 5 percent, which is subject to change by Federal Energy Office for subsequent months.

The State set-aside would be used to meet the following types of needs:

(1) Persons with non-recurring hardships and emergencies, including travel related to serious illness, service in voluntary rescue and firefighting services, required court appearances, permanent interstate household moves to obtain employment, and other similar needs determined by the State Office or a delegate Branch Office of that State.

(2) Persons who may or may not have authorization cards but who have exceptional needs as determined by the State. Such needs may include, for example, foreign visitors or elderly and handicapped persons required to pay others for transportation, in coupons rather than cash.

Federal Responsibility

The areas of Federal responsibility will include but will not be limited to the following:

(1) Production and distribution of coupons

(2) Determination of coupon value in gallons of gasoline on a monthly basis

(3) Provision of training, technical assistance, and other coupons to help establish a market for the exchange of coupons

(4) Designation of distribution and collection points

(5) Auditing and accounting for coupons

(6) Monitoring the enforcement system

(7) Establishing coupon allotments for commercial purchasers of retail gasoline

(8) Funding of certain facets of state programs established by this regulation

(9) Providing States with a set-aside of coupons for distribution by the State

(10) Facilitating and coordinating the exchange of information, and reports, and other intergovernmental relationships between the Federal Energy Office and the States

[FR Doc.74-1531 Filed 1-15-74;4:00 pm]

30-year Reference Volumes
Consolidated Indexes and Tables

Presidential Proclamations and Executive Orders

Consolidated subject indexes and tabular finding aids to Presidential proclamations, Executive orders, and certain other Presidential documents promulgated during a 30-year period (1936–1965) are now available in two separately bound volumes, published under Title 3 of the Code of Federal Regulations, priced as follows:

Title 3, 1936–1965 Consolidated Indexes **$3.50**

Title 3, 1936–1965 Consolidated Tables **$5.25**

Compiled by Office of the Federal Register, National Archives and Records Service, General Services Administration

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