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Business Research Advisory Council's Committee on Consumer and Wholesale Prices; to be held at New York, New York (open) 6-19-74. 18724; 5-29-74

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

Meeting to be held at Washington, D.C. (open) 6-17 and 6-18-74. 19317; 5-31-74

NATIONAL ADVISORY COUNCIL ON THE EDUCATION OF DISADVANTAGED CHILDREN

Meeting to be held at Atlanta, Georgia (open with restrictions) 6-21 and 6-22-74. 18511; 5-28-74

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Economics; to be held at Washington, D.C. (closed) 6-24-74. 20000; 6-5-74

Science Adviser and Industry Representatives; meeting to be held at Washington, D.C. (open with restrictions) 6-18-74. 20237; 6-7-74

STATE DEPARTMENT

Fine Arts Committee; to be held at Washington, D.C. (open with restrictions) 6-20-74. 20089; 6-6-74

National Review Board for the Center for Cultural and Technical Interchange Between East and West; to be held at Honolulu, Hawaii (open with restrictions) 6-20 and 6-21-74. 17777; 3-20-74, 18304; 5-24-74

Secretary of State's Advisory Committee on Private International Law-Study Group on Matrimonial Matters; to be held at Baton Rouge, Louisiana (open) 6-19-74. 19510; 6-3-74

TRANSPORTATION DEPARTMENT

National Highway Traffic Safety Administration—Youths Highway Safety Advisory Committee; to be held at Washington, D.C. (open) 6-22 and 6-23-74. 20224; 6-7-74

Saint Lawrence Seaway Development Corporation Advisory Board; to be held at Massena, New York (open) 6-20-74. 19256; 5-31-74

VETERANS ADMINISTRATION

Advisory Committee on Structural Safety of Veterans Administration Facilities; to be held at Washington, D.C. (open with restrictions) 6-21-74. 17804; 5-20-74

Wage Committee; to be held at Washington, D.C. (closed) 6-20-74. 10949; 3-22-74

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.

H.R. 6541. Pub. Law 93-297
Clarendon County, S.C., mineral interests, conveyance
(June 1, 1974; 88 Stat. 187)

H.R. 6542. Pub. Law 93-299
Clarendon County, S.C., mineral interests, conveyance
(June 1, 1974; 88 Stat. 189)

H.R. 10284. Pub. Law 93-301
Marion County, Fla., phosphate deposits, conveyance
(June 1, 1974; 88 Stat. 190)

H.R. 10942. Pub. Law 93-300
Migratory Bird Treaty Act, amendments
(June 1, 1974; 88 Stat. 190)

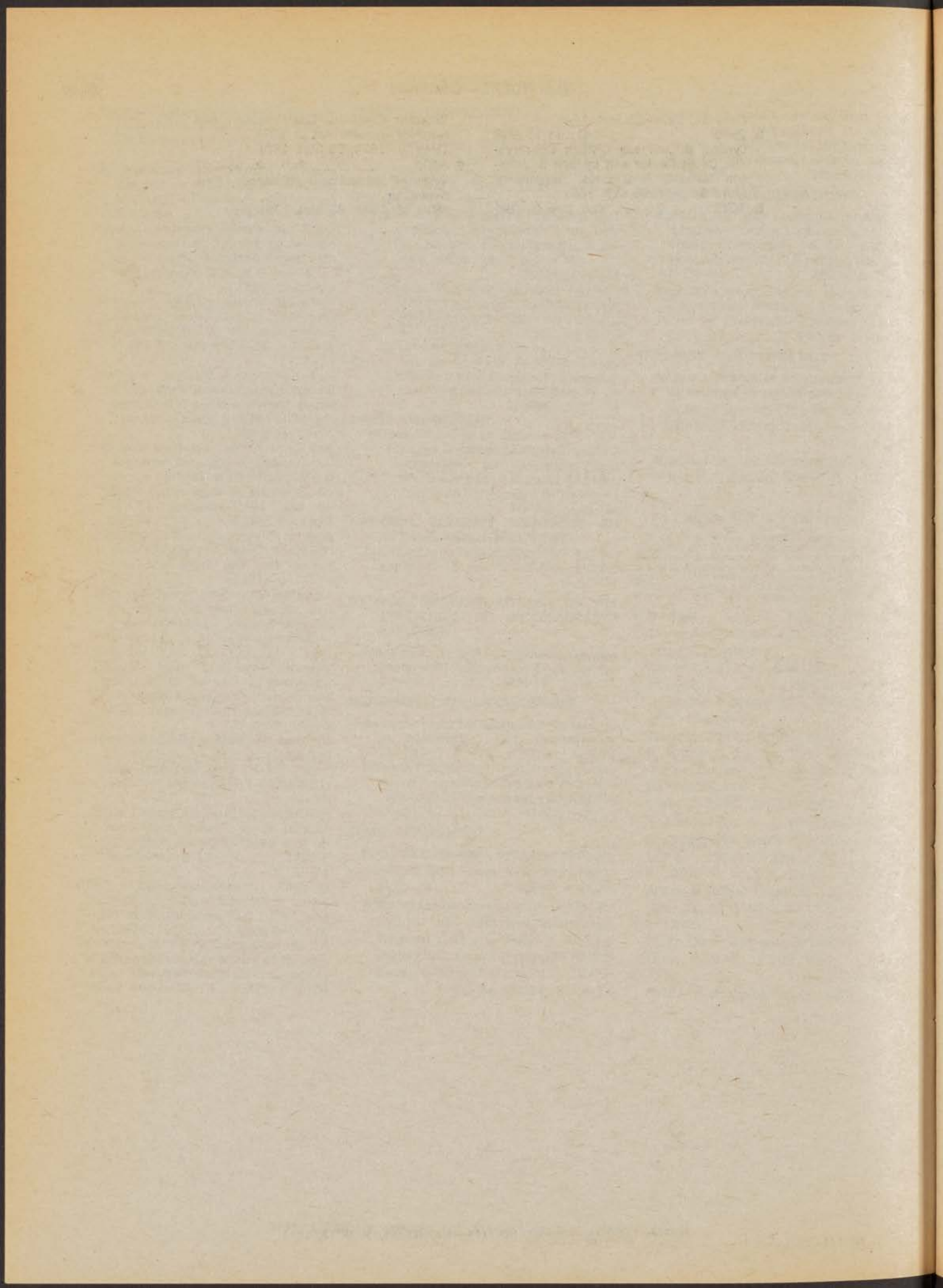
H.R. 12670. Pub. Law 93-294
Aviation Career Incentive Act of 1974
(May 31, 1974; 88 Stat. 177)

H.R. 12920. Pub. Law 93-302
Peace Corps Act, amendments
(June 1, 1974; 88 Stat. 191)

S. 775. Pub. Law 93-296
Research on Aging Act of 1974

- (May 31, 1974; 88 Stat. 184)
S. 2835..... Pub. Law 93-298
 Lyndon B. Johnson Civilian Conserva-
 tion Corps Center and Lyndon B. John-
 son National Grasslands, designation
 (June 1, 1974; 88 Stat. 188)
S. 3072..... Pub. Law 93-295

- Veterans Disability Compensation and
 Survivor Benefits Act of 1974
 (May 31, 1974; 88 Stat. 180)
S. 3398..... Pub. Law 93-293
 Veterans' educational assistance, time
 extension
 (May 31, 1974; 88 Stat. 176)



presidential documents

Title 3—The President

MEMORANDUM OF MAY 13, 1974

[Presidential Determination No. 74-19]

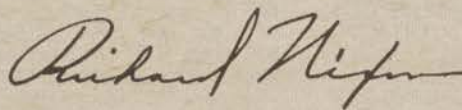
Determination To Authorize the Ordering of Defense Articles from Department of Defense Stocks and Defense Services for Military Assistance to Cambodia

Memorandum for the Secretary of State

THE WHITE HOUSE,
Washington, May 13, 1974.

Pursuant to the authority vested in me by Section 506(a) of the Foreign Assistance Act of 1961, as amended, I hereby determine that the ordering of up to \$50 million in defense articles from the stocks of the Department of Defense and defense services to provide military assistance for Cambodia is in the security interests of the United States.

This Determination shall be published in the FEDERAL REGISTER.



[FR Doc. 74-13589 Filed 6-10-74; 2:24 pm]

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 7—Agriculture

CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Cotton Loan Program Regs., Amdt. 6]

PART 1427—COTTON

Subpart—Cotton Loan Program Regulations

INCREASE IN SERVICE CHARGES; CHANGE IN WAREHOUSE RECEIPT REQUIREMENTS

Notices of proposed rulemaking with respect to the loan programs for the 1974 crops of extra long staple and upland cotton regarding the operating provisions to carry out the programs were published in the FEDERAL REGISTER on September 11, 1973, and April 2, 1974 (38 FR 24911 and 39 FR 12027), respectively. One response was received which recommended several changes in the operating provisions. After careful consideration of the recommendations it has been determined that the operating provisions will remain basically the same as those for the 1973 crop. However, the following changes have been determined necessary. Because of increased costs in processing documents, the loan service charges will be increased for the 1974 and subsequent crops of cotton. Also, any charges by warehouses for rebanding must be shown on warehouse receipts. Interest on amounts invested by financial institutions shall be at the same rate as is applicable to commodity loans under price support programs.

The Cotton Loan Program Regulations, issued by Commodity Credit Corporation, published in 36 FR 13981, as amended, are hereby further amended as follows:

1. Section 1427.12 is amended to provide for an increase in service charges payable to CCC by producers for each loan disbursed. The amended section reads as follows:

§ 1427.12 Service charges.

A producer shall pay a service charge to CCC for each loan disbursed at the rate of \$1.50 per loan plus 25 cents for each bale thereon: *Provided, however*, That for a loan for which the loan documents are prepared by a loan clerk and the Forms A-1 are prepared in a manner which does not require retyping by CCC for machine processing, the fee shall be \$1 plus 10 cents for each bale thereon. The service charge to be paid to CCC by the producer shall be in addition to any clerk fee paid to a loan clerk as author-

ized in § 1427.13. The service charge is not refundable.

2. Paragraph 1427.19(c) is amended to provide for payment of charges, if any, for a new set of ties for compressing flat bales tied with ties which cannot be reused. The amended paragraph (c) reads as follows.

§ 1427.19 Warehouse receipts and insurance.

(c) *Storage and receiving charges.* If warehouse storage charges have been paid, the receipt must be stamped or otherwise noted to show the date through which the storage charges have been paid. For receipts showing accrued storage charges in excess of 60 days as of the date of tender to CCC, the loan amount will be reduced for each month of unpaid storage or fraction thereof in excess of 60 days by the monthly storage charge specified in the storage agreement between the warehouseman and CCC. If warehouse receiving charges have been paid or waived, the receipt must be stamped or otherwise noted to show such fact. If the receipt does not show that receiving charges have been paid or waived, the loan amount will be reduced by the amount of the receiving charges specified in the storage agreement: *Provided, however*, That if receiving charges due on the bale include a charge, if any, for a new set of ties for compressing flat bales tied with ties which cannot be reused, the warehouse receipt must show such receiving charges and state "Rec. charges due include charge for new set of ties," or similar notation, and the loan amount will be reduced by the amount of the receiving charges shown on the warehouse receipt (this will be the amount payable by CCC if it pays for receiving, notwithstanding the provisions of the storage agreement). In any case where the loan amount is reduced by unpaid storage or receiving charges, the charges will be paid to the warehouseman by CCC after loan maturity if the cotton is not redeemed from the loan, or as soon as practicable after the cotton is ordered shipped by CCC or destroyed by fire while in loan status. If the bale is stored at a warehouse which does not have compress facilities or arrangements, and if the bale ties are not suitable for reuse when the bale is compressed, the warehouse receipt must show this fact, and the loan amount will be reduced by the charge which will be assessed by the nearest compress in line of transit for furnishing new bale ties.

3. Paragraph 1427.20 (h) is amended to provide that interest on amounts invested by financial institutions shall be at the same rate as is applicable to commodity loans under price support programs. This change is necessary to more nearly reflect the cost of money to CCC. The amended paragraph (h) reads as follows:

§ 1427.20 Special procedure where note amount advanced.

(h) *Rate of interest.* Interest will be at the same rate as is applicable to commodity loans under price support programs, as announced in a separate notice published in the FEDERAL REGISTER.

(Secs. 4, 5, 62 Stat. 1070, as amended; secs. 101, 103, 401 63 Stat. 1051, as amended; 15 U.S.C. 714 b and c; 7 U.S.C. 1441, 1444, 1421.)

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

Signed at Washington, D.C. on June 5, 1974.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc. 74-13534 Filed 6-11-74; 8:45 am]

Title 9—Animals and Animal Products

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

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

PART 82—EXOTIC NEWCASTLE DISEASE; AND PSITTACOSIS OR ORNITHOSIS IN POULTRY

Area Quarantined

This amendment quarantines a portion of Comal County in Texas because of the existence of exotic Newcastle disease. Therefore, the restrictions pertaining to the interstate movement of poultry, mynah and Psittacine birds, and birds of all other species under any form of confinement, and their carcasses and parts thereof, and certain other articles, from quarantined areas, as contained in 9 CFR Part 82, as amended, will apply to the quarantined area.

Accordingly, Part 82, Title 9, Code of Federal Regulations, is hereby amended in the following respect:

In § 82.3, in paragraph (a) (1) relating to the State of Texas, a new subdivision (i) relating to Comal County is added to read:

§ 82.30 [Amended]

(a) * * *

(1) *Texas.* (i) That portion of *Comal County* bounded by a line beginning at the junction of State Highway 46 and Blanco Road; thence, following the eastern edge of Blanco Road in a southerly direction to Amman Road; thence, following the northern edge of Amman Road in an easterly direction to Bulverde Road; thence, following the western edge of Bulverde Road in a northerly direction to State Highway 46; thence, following the southern edge of State Highway 46 in a westerly direction to its junction with Blanco Road.

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

Effective date. The foregoing amendment shall become effective June 6, 1974.

The amendment imposes certain restrictions necessary to prevent the interstate spread of exotic Newcastle disease, a communicable disease of poultry, and must be made effective immediately to accomplish its purpose in the public interest. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 6th day of June 1974.

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

[FR Doc. 74-13522 Filed 6-11-74; 8:45 am]

Title 12—Banks and Banking
CHAPTER V—FEDERAL HOME LOAN
BANK BOARD

SUBCHAPTER V—FEDERAL SAVINGS AND
LOAN INSURANCE CORPORATION

[No. 74-481]

PART 563—OPERATIONS

Nationwide Lending

JUNE 5, 1974.

The Federal Home Loan Bank Board considers it desirable to amend § 563.9 of the Rules and Regulations for Insurance of Accounts (12 CFR 563.9) for the purpose of authorizing loans secured by first liens on improved real estate in the Trust Territory of the Pacific Islands. Accordingly, the Board hereby amends § 563.9 to read as set forth below, effective June 12, 1974.

The present § 563.9 would permit the making of insured loans secured by first

liens on improved real estate in the Trust Territory of the Pacific Islands as there is no area restriction in paragraphs (c) and (d) of the regulation. In addition, under § 563.9, guaranteed loans as defined in § 561.21, which are secured by real estate, may be made in this region. However, the remaining paragraphs in both §§ 563.9 and 563.9-1 refer to loans or investments in loans made on real estate located within a "State". The definition of "State" in paragraph (g) includes possessions of the United States, but not Trust Territories. Thus, loans authorized would not include loans secured by first liens on improved real estate in the Trust Territory of the Pacific Islands.

In order to correct this situation, § 563.9 is amended by revising paragraph (g) (4) to include within the term "State" the Trust Territory of the Pacific Islands.

Since the above amendment relieves restriction, the Board hereby finds that notice and public procedure with respect to said amendment are unnecessary under the provisions of 12 CFR 508.11 and 5 U.S.C. 553(b); and since publication of said amendment for the 30-day period specified in 12 CFR 508.14 and 4 U.S.C. 553(d) prior to the effective date of said amendment would in the opinion of the Board be unnecessary for the same reason, the Board hereby provides that said amendment shall become effective as hereinbefore set forth.

Section 563.9 is amended by revising the section heading and by amending paragraph (g) as follows:

§ 563.9 Nationwide lending.

(g) *Definitions.* As used in this section—

(4) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Trust Territory of the Pacific Islands, and the possessions of the United States.

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; 12 U.S.C. 1725, 1726. 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,
Secretary.

[FR Doc. 74-13517 Filed 6-11-74; 8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 74-SO-54]

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

Alteration of Control Zone; Correction

On May 28, 1974, *FEDERAL REGISTER* Document No. 74-12139 was published in

the *FEDERAL REGISTER* (39 FR 18425), amending Part 71 of the Federal Aviation Regulations by altering the Myrtle Beach AFB, S.C., control zone.

In the amendment, "Conway TACAN 335° radial" was erroneously cited in lieu of "Conway TACAN 355° radial." It is necessary to amend the *FEDERAL REGISTER* Document to correct this error. Since this amendment is editorial in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, effective immediately, *FEDERAL REGISTER* Document No. 74-12139 is amended as follows:

In lines one and four of the amended Myrtle Beach AFB, S.C., control zone description " * * * 335° * * * " is deleted and " * * * 355° * * * " 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 East Point, Ga., on June 4, 1974.

DUANE W. FREER,
Acting Director, Southern Region.

[FR Doc. 74-13378 Filed 6-11-74; 8:45 am]

[Airspace Docket No. 74-AL-9]

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

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration of Colored Airways, Controlled Airspace, Reporting Points and Jet Route

The purpose of these amendments to Parts 71 and 75 of the Federal Aviation Regulations is to make editorial changes in the descriptions of certain airways, controlled airspace, reporting points, and a jet route as a result of the conversion and renaming of the following navigational aids:

1. Annette Island, Alaska, RR to Nichols, Alaska, RBN.
2. Fairbanks, Alaska, RR to Chena, Alaska, RBN.
3. McGrath, Alaska, RR to Takotna River, Alaska, RBN.
4. Northway, Alaska, RR to Nebesna, Alaska, RBN.
5. Unalakleet, Alaska, RR to North River, Alaska, RBN.
6. Yakutat, Alaska, RR to Ocean Cape, Alaska, RBN.

A plan for the conversion of all low frequency four course radio ranges to nondirectional radio beacons in the State of Alaska was circulated January 14, 1972, with a request for comment. No objections were received.

Since these actions simply redescribe airways, controlled airspace, reporting points and a jet route with no substantive alteration to any route structure or airspace dimension, it is a minor matter in which the public is not particularly interested. Therefore, notice and public procedure thereon are unnecessary, and it could be made effective immediately. However, in order to provide sufficient

time for changes to be depicted on appropriate aeronautical charts, these amendments will be made effective September 12, 1974.

In consideration of the foregoing, Parts 71 and 75 of the Federal Aviation Regulations are amended, effective 0901 GMT, September 12, 1974, as hereinafter set forth.

1. § 71.103 (39 FR 305, 1272) is amended as follows:

In G-7 "INT Galena RBN 089° bearing and west course Fairbanks, Alaska, RR; Fairbanks RR." is deleted and "INT Galena RBN 089° and Chena, Alaska, RBN 269° bearings; Chena RBN." is substituted therefor.

2. § 71.105 (39 FR 305, 1272, 3670, 10115, 15259, 38 FR 34728) is amended as follows:

a. A-1 is amended to read as follows:

From Sandspit, British Columbia, Canada, RBN via Sitka, Alaska, RBN; 31 miles 12 AGL, 50 miles 48 MSL, 112 miles 20 MSL, Ocean Cape, Alaska, RBN; INT Ocean Cape RBN 283° and Hinchinbrook, Alaska, RBN 106° bearings; Hinchinbrook RBN; INT Hinchinbrook RBN 286° and Campbell Lake, Alaska, RBN 122° bearings; Campbell Lake RBN; Squentna, Alaska, RBN; Puntilla Lake, Alaska, RBN; Farewell, Alaska, RBN; Takotna River, Alaska, RBN; 24 miles 12 AGL, 53 miles 55 MSL, 46 miles 40 MSL, Nabesna, Alaska, RBN; 52 miles 12 AGL, 51 miles 25 MSL, to Fort Davis, Alaska, RBN. The airspace within Canada is excluded.

b. In A-2 "Northway, Alaska, RR;" is deleted and "Nabesna, Alaska, RBN;" is substituted therefor, also "Fairbanks, Alaska, RR;" is deleted and "Chena, Alaska, RBN;" is substituted therefor.

c. In A-15 "Annette Island, Alaska, RR;" is deleted and "Nichols, Alaska, RBN;" is substituted therefor; "Northway, Alaska, RR;" is deleted and "Nabesna, Alaska, RBN;" is substituted therefor; "Fairbanks, Alaska, RR;" is deleted and "Chena, Alaska, RBN;" is substituted therefor.

3. § 71.107 (39 FR 306) is amended as follows:

a. In R-27 "Fairbanks, Alaska, RR;" is deleted and "Chena, Alaska, RBN." is substituted therefor.

b. In R-39 "McGrath, Alaska, RR;" is deleted and "Takotna River, Alaska, RBN;" is substituted therefor; "Fairbanks, Alaska, RR." is deleted and "Chena, Alaska, RBN." is substituted therefor.

c. In R-50 "Fairbanks, Alaska, RR." is deleted and "Chena, Alaska, RBN." is substituted therefor.

4. § 71.109 (39 FR 306, 10115, 15259, 38 FR 34728) is amended as follows:

a. In B-12 "From McGrath, Alaska, RR," is deleted and "From Takotna River, Alaska, RBN" is substituted therefor.

b. In B-26 "INT Summit RBN 007° bearing and southwest course Fairbanks, Alaska, RR; Fairbanks RR;" is deleted and "INT Summit RBN 007° and Chena, Alaska, RBN 218° bearings; Chena RBN;" is substituted therefor.

c. In B-38 "Annette Island, Alaska, RR;" is deleted and "Nichols, Alaska, RBN;" is substituted therefor.

d. In B-79 "Annette Island, Alaska, RR;" is deleted and "Nichols, Alaska, RBN;" is substituted therefor; "Yakutat, Alaska, RR, Southeast course." is deleted and "Ocean Cape, Alaska, RBN 213° bearing." is substituted therefor.

5. § 71.171 (39 FR 354, 19449) is amended as follows:

a. In Fairbanks, Alaska (Fairbanks International-Fort Wainwright AAF), "Fairbanks RR E course, extending from the Fort Wainwright 5-mile radius zone to 5 miles E of the RR." is deleted and "Chena, Alaska, RBN 089° bearing, extending from the Fort Wainwright 5-mile radius zone to 5 miles E of the RBN." is substituted therefor.

b. In Northway, Alaska "Northway RR NW course, extending from the 5-mile radius zone to 8 miles NW of the RR." is deleted and "Nabesna, Alaska, RBN 307° bearing extending from the 5-mile radius zone to 8 miles NW of the RBN." is substituted therefor.

c. In Unalakleet, Alaska "Unalakleet RR, west course, extending from the 5-mile radius zone to 8.5 miles west of the RR." is deleted and "North River, Alaska, RBN 290° bearing, extending from the 5-mile radius zone to 8.5 miles west of the RBN." is substituted therefor.

d. In Yakutat, Alaska "Yakutat RR," is deleted wherever it appears and "Ocean Cape, Alaska, RBN," is substituted therefor.

6. § 71.181 (39 FR 440, 3670) is amended as follows:

a. In Annette Island, Alaska "Annette Island radio range northwest course, extending from the RR to 28 miles northwest of the RR;" is deleted and "Nichols, Alaska, RBN, 331° bearing, extending from the RBN to 28 miles NW of the RBN;" is substituted therefor.

b. In Darby, Alaska "Unalakleet, Alaska, RR, extending from 32 miles to 52 miles W of the RR." is deleted and "North River, Alaska, RBN, extending from 32 miles to 52 miles W of the RBN." is substituted therefor.

c. In Northway, Alaska, the text is amended to read as follows: That airspace extending upward from 700 feet above the surface within 5 miles NE and 8 miles SW of the 307° and 127° bearings from the Nabesna, Alaska, RBN, extending from 8 miles SE to 12 miles NW of the RBN; and that airspace extending upward from 1,200 feet above the surface within 16 miles NE and 25 miles SW of the 307° and 127° bearings from the Nabesna RBN, extending from 22 miles SE to 42 miles NW of the RBN.

d. In Unalakleet, Alaska "the Unalakleet RR west course extending from the RR to 24.5 miles west of the RR;" is deleted and "the North River, Alaska, RBN 290° bearing, extending from the RBN to 24.5 miles west of the RBN;" is substituted therefor.

e. In Yakataga, Alaska "the west course of the Yakutat, Alaska, RR." is deleted and "the 283° bearing from the Ocean Cape, Alaska, RBN." is substituted therefor.

f. In Yakutat, Alaska "the Yakutat RR," is deleted and "the Ocean Cape, Alaska, RBN," is substituted therefor.

7. § 71.211 (39 FR 632, 10115, 15259) is amended as follows:

a. "Annette Island, Alaska, RR" is deleted and "Nichols, Alaska, RBN" is added.

b. "Fairbanks, Alaska, RR" is deleted and "Chena, Alaska, RBN" is added.

c. In Halibut INT: "southwest course Annette Island, Alaska," is deleted and "236° bearing Nichols, Alaska, RBN." is substituted therefor.

d. In Harbor Point INT: "southeast course Yakutat, Alaska, RR." is deleted and "140° bearing Ocean Cape, Alaska, RBN." is substituted therefor.

e. "McGrath, Alaska, RR" is deleted and "Takotna River, Alaska, RBN." is added.

f. In Muzon LF INT: "southwest course Annette Island, Alaska, RR." is deleted and "236° bearing Nichols, Alaska, RBN." is substituted therefor.

g. "Northway, Alaska, RR" is deleted and "Nabesna, Alaska, RBN" is added.

h. In Porpoise, INT: "southwest course Yakutat, Alaska, RR." is deleted and "213° bearing Ocean Cape, Alaska, RBN." is substituted therefor.

i. "Unalakleet, Alaska, RR." is deleted and "North River, Alaska, RBN." is added.

j. "Yakutat, Alaska, RR." is deleted and "Ocean Cape, Alaska, RBN." is added.

8. § 71.213 (39 FR 634) is amended as follows:

"Yakutat, Alaska, RR." is deleted and "Ocean Cape, Alaska, RBN." is added.

9. § 75.100 (39 FR 699) is amended as follows:

In Jet Route No. 525 "Annette Island, Alaska, RR," is deleted and "Nichols, Alaska, RBN," 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 June 6, 1974.

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

[FR Doc.74-13377 Filed 6-11-74; 8:45 am]

[Reg. Docket No. 13825; Amdt. 95-247]

PART 95—IFR ALTITUDES

Miscellaneous Amendments

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

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

In consideration of the foregoing and pursuant to the authority delegated to me by the Administrator (24 FR 5662), Part 95 of the Federal Aviation regulations is amended, effective July 18, 1974 as follows:

1. By amending Subpart C as follows:

Section 95.48 *Green Federal airway 8* is amended to read in part:

From; to; and MEA

Mordvinoff INT, Alaska; *Fort Randall, Alaska, LF/RBN; 6,000. *5,300—MCA Fort Randall LF/RBN, southwest bound (8,000 MEA required without FH airborne communication equipment).
Fort Randall, Alaska, LF/RBN; Marlin INT, Alaska; 4,500.
Marlin INT, Alaska, Crab INT, Alaska; 3,000.
Crab INT, Alaska; Naknek River, Alaska, LF/RBN; 3,000.
Naknek River, Alaska, LF/RBN; Big Mountain, Alaska, LF/RBN; 4,500.
Big Mountain, Alaska, LF/RBN; Kakhonak, INT, Alaska; 5,000.
Kakhonak INT, Alaska; Kachemak, Alaska, LF/RBN; 6,000.
Kachemak, Alaska, LF/RBN; Wildwood, Alaska, LF/RBN; 4,000.
Wildwood, Alaska, LF/RBN; Delta Island INT, Alaska; 1,900.
Delta Island INT, Alaska; *Campbell Lake, Alaska, LF/RBN; 2,000. *3,800—MCA Campbell Lake LF/RBN, northbound.

Section 95.51 *Green Federal airway 11* is amended to read in part:

Wide Bay INT, Alaska; Woody Island, Alaska, LF/RBN; *7,000. *5,900—MOCA.

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

Sandspit, British Columbia, LF/RBN; Muzon INT, Alaska; *#5,000. *4,600—MOCA. #For that airspace over U.S. territory.

Section 95.102 *Amber Federal airway 2* is amended to read in part:

Northway, Alaska, LFR; Delta Junction, Alaska, LF/RBN; 8,000.
Delta Junction, Alaska, LF/RBN; Fairbanks, Alaska, LFR; 5,000.

Section 95.115 *Amber Federal airway 15* is amended to read in part:

Northway, Alaska, LFR; Delta Junction, Alaska, LF/RBN; 8,000.
Delta Junction, Alaska, LF/RBN; Fairbanks, Alaska, LFR; 5,000.

Section 95.240 *Red Federal airway 40* is amended by adding:

Woody Island, Alaska, LF/RBN; Kachemak, Alaska, LF/RBN; 6,000.
Kachemak, Alaska, LF/RBN; Shilak INT, Alaska; 5,000.

Section 95.240 *Red Federal airway 40* is amended to delete:

Kodiak, Alaska, LFR; Homer, Alaska, LFR; 6,000.
Homer, Alaska, LFR; Skilak INT, Alaska; 5,000.

Section 95.303 *Red Federal airway 103* is amended to read in part:

Cleare INT, Alaska; Wessels, Alaska, LF/RBN; 2,000.

Section 95.303 *Red Federal airway 103* is amended to delete:

*5,800—MCA Skilak INT, southeastbound.

Section 95.303 *Red Federal airway 103* is amended by adding:

Wildwood, Alaska, LF/RBN; *Shelak INT, Alaska; 2,000. *5,800—MCA Shelak INT, southeastbound.

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

Glenallen, Alaska, LF/RBN; *Delta Junction, Alaska, LF/RBN; 12,000. *9,200—MCA Delta Junction LF/RBN, southbound.

Section 95.627 *Blue Federal airway 27* is amended to delete:

Kodiak, Alaska, LFR; King Salmon, Alaska, LFR; *10,000. *9,700—MOCA.
King Salmon, Alaska, LFR; Oscarville, Alaska, LF/RBN; 7,500.

Section 95.627 *Blue Federal airway 27* is amended by adding:

Woody Island, Alaska, LF/RBN; Naknek River, Alaska, LF/RBN; *10,000. *9,700—MOCA.
Naknek River, Alaska, LF/RBN; Oscarville, Alaska, LF/RBN; 7,500.

Section 95.1001 *Direct routes—U.S.* is amended to read in part:

*Huntsville, Alaska, VOR; Rome, Ga., VOR; *4,000. *2,800—MCA Huntsville VOR, southeastbound. *3,500—MOCA.
Esler, La., VOR; Monroe, La., VOR; 3,000.
Grand Isle, Fla., RBN; *Neptune INT, Fla. (via control 1226); *2,500. *5,000—MRA. *1,300—MOCA.

Section 95.1001 *Direct routes—U.S.* is amended to delete:

Biltmore, N.C., RBN; Hickory, N.C., VOR; *8,000. *7,700—MOCA.
Collett INT, N.C.; Hickory, N.C., VOR; 4,000.
Int. 188 M rad Holston Mountain, Tenn., VOR and 121 M brq from Boone, Tenn., RBN; Hickory, N.C., VOR; 8,000.
Crab LF INT, Fla.; Egmont Key, Fla., RBN (via control 1226); *2,000. *1,200—MOCA.
Middleton Island, Alaska, LF/RBN; Porpoise INT, Alaska (via control 1310); *3,000. *2,000—MOCA (VHF/UHF communications available 10,000 ft. and above, HF only below 10,000 ft.).
*Neptune LF INT, Fla.; Crab LF INT, Fla.; *2,000. *5,000—MRA. *1,300—MOCA.

Section 95.1001 *Direct Routes—U.S.* is amended by adding:

Biltmore, N.C., LF/RBN; Barretts Mountain, N.C., VOR; 8,000.
*Collett INT, N.C., Barretts Mountain, N.C., VOR; 5,000. *7,000—MCA Collett INT, northwestbound.
Int. 188 M rad Holston Mountain VOR and 121 M brq from Boone LF/RBN; Barretts Mountain, N.C., VOR; 8,000.
*Neptune INT, Fla.; Cobia INT, Fla. (via control 1226); *2,500. *5,000—MRA. *1,300—MOCA.
Cobia INT, Fla.; Edmont Key, Fla., RBN (via control 1226); *2,500. *1,200—MOCA.
Wessels, Alaska, LF/RBN; Porpoise INT, Alaska (via control 1310); *3,000. *2,000—MOCA (VHF/UHF communication available 10,000 ft. and above, HF only below 10,000 ft.).

Section 95.5000 *High altitude RNAV routes.*

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

J812R is amended to read in part:
Alma, Ga., W/P, Sinca, Ga., W/P; 107; 53, Alma; 332°/152° to COP, 332°/152° to Sinca; 18,000; 45,000.
Sinca, Ga., W/P, Cante, Ga., W/P; 88; 43, Sinca; 331°/151° to COP, 328°/148° to Cante; 18,000; 45,000.

Cante, Ga., W/P, Shuto, Ky., W/P; 181; 91, Cante; 344°/164° to COP, 347°/167° to Shuto; 18,000; 45,000.

J869R is added to read:

Sinca, Ga., W/P, Augusta, Ga., W/P; 76; 38, Sinca; 070°/250° to COP, 072°/252° to Augusta; 18,000; 45,000.
Augusta, Ga., W/P, Zolly, S.C., W/P 40; 871°/251° to Zolly; 18,000; 45,000.

J873R is deleted:

Section 95.5500 *High altitude RNAV routes.*

J902R is amended to delete:

Shero, Oreg., W/P, Hyatt, Oreg., W/P; 175.9; 85.2, Shero, 43°56'59" N., 122°39'57" W.; 150°/330° to COP, 152°/332° to Hyatt; 18,000; 45,000.

J902R is amended by adding:

Newberg, Oreg., W/P, Hyatt, Oreg., W/P; 176; 85, Newberg; 150°/330° to COP, 152°/332° to Hyatt; 18,000; 45,000.

J911R is amended to delete:

Shero, Oreg., W/P, Dayah, Oreg., W/P; 157.4; 78.7, Shero, 44°59'21" N., 121°12'09" W.; 085°/265° to COP, 088°/268° to Dayah; 18,000; 45,000.

J911R is amended by adding:

Newberg, Oreg., W/P, Dayah, Oreg., W/P; 157; 79, Newberg; 085°/265° to COP, 088°/268° to Dayah; 18,000; 45,000.

J913R is amended to delete:

Shero, Oreg., W/P, Paula, Oreg., W/P; 144.0; 77, Shero; 094°/274° to COP, 097°/277° to Paula; 18,000; 45,000.

J913R is amended by adding:

Newberg, Oreg., W/P, Paula, Oreg., W/P; 144; 72, Newberg; 094°/274° to COP, 097°/277° to Paula; 18,000; 45,000.

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

From; to; and MEA

Columbus DME Fix; Billings, Mont., VOR; 6,000.
Helena, Mont., VOR via N alter.; *Watson INT, Mont., via N alter.; 9,400. *10,700—MCA Watson INT, eastbound.
Watson INT, Mont., via N alter.; Baxter INT, Mont., via N alter.; *13,000. *10,000—MOCA.
Miles City, Mont., VOR; Dickinson, N. Dak., VOR; *6,000. *5,400—MOCA.
Mullan Pass, Mont., VOR; Alton DME Fix, Mont.; *9,600. *9,300—MOCA.
Alton DME Fix, Mont.; Missoula, Mont., VOR; 9,000.

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

Niles INT, Ill.; South Bend, Ind., VOR; 2,600.

Section 95.6010 *VOR Federal airway 10* is amended to read in part:

Plano INT, Ill.; Valley INT, Ill.; *4,000. *2,000—MOCA.
Valley INT, Ill.; Chicago O'Hare, Ill., VOR; 2,500.
Niles INT, Ill.; South Bend, Ind., VOR; 2,600.

Section 95.6013 *VOR Federal airway 13* is amended to read in part:

Fox INT, Tex., via W alter.; Noria INT, Tex., via W alter.; *2,000. *1,300—MOCA.
Noria INT, Tex., via W alter.; Jetty INT, Tex., via W alter.; *4,000. *1,300—MOCA.
Jetty INT, Tex., via W alter.; Corpus Christi, Tex., VOR via W alter.; *1,600. *1,500—MOCA.

Section 95.6019 *VOR Federal airway 19* is amended to read in part:

Morton INT, Wyo.; Deer Creek INT, Wyo.; 11,500.
Douglas, Wyo., VOR via E alter.; Casper, Wyo., VOR via E alter.; 7,900.

*Trail DME Fix; Billings, Mont., VOR; 6,000.
*6,100—MCA Trail DME Fix, southeast-bound.

*Woody DME Fix, Mont., via E alter.; Billings, Mont., VOR via E alter.; 6,000. *6,200—MCA Woody DME Fix, southeast-bound.
Forest Grove INT, Mont.; Lewistown, Mont., VOR; 7,700.

Lewistown, Mont., VOR via W alter.; Int. 103 M rad Great Falls VOR and 256 M rad Lewistown VOR via W alter.; *11,000.
*10,300—MOCA.

Section 95.6037 *VOR Federal airway 37* is amended to delete:

Columbia, S.C., VOR via W alter.; Lexington INT, S.C., via W alter.; *2,200. *1,900—MOCA.

Lexington INT, S.C., via W alter.; Fort Mill, S.C., VOR via W alter.; *3,500. *2,000—MOCA.

Section 95.6053 *VOR Federal airway 53* is amended to read in part:

Jackson INT, Ind.; Lafayette, Ind., VOR; *2,600. *2,100—MOCA.

Section 95.6082 *VOR Federal airway 82* is amended to read in part:

Bemidji, Minn., VOR; Acock DME Fix, Minn.; 3,400.

Acock DME Fix, Minn.; Brainerd, Minn., VOR; 3,000.

Section 95.6086 *VOR Federal airway 86* is amended to read in part:

Billings, Mont., VOR; *Trail DME Fix, Mont.; 6,000. *6,100—MCA Trail DME Fix, southeast-bound.

Section 95.6086 *VOR Federal airway 97* is amended to read in part:

*Lobster INT, Fla.; Addax INT, Fla.; *2,500. *3,000—MRA. *1,200—MOCA.

Addax INT, Fla.; Tallahassee, Fla., VOR; *2,000. *1,600—MOCA.

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

Montgomery, Ala., VOR via N alter.; Seman INT, Ala., via N alter.; 2,300.

Section 95.6120 *VOR Federal airway 120* is amended to read in part:

Lewistown, Mont., VOR; Forest Grove INT, Mont.; 7,700.

Simms INT, Mont.; Great Falls, Mont., VOR; eastbound, 6,700. westbound, 9,500.

Section 95.6128 *VOR Federal airway 128* is amended to read in part:

*Westpoint INT, Ind.; Jackson INT, Ind.; *4,000. *4,000—MRA. *2,100—BOCA.

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

Stanley INT, N.C.; Barretts Mountain, N.C., VOR; *3,500. *3,000—MOCA.

Barretts Mountain, N.C., VOR; Mulberry INT, N.C.; 5,000.

Section 95.6134 *VOR Federal airway 134* is amended to read in part:

*Basalt INT, Colo.; *Holy Cross INT, Colo.; eastbound, ***16,000; westbound, ***15,***. *14,500—MCA Basalt INT, eastbound. *17,000—MCA Holy Cross INT, eastbound. *15,500—MRA. ***14,000—MOCA.

Section 95.6152 *VOR Federal airway 152* is amended to read in part:

Orlando, Fla., VOR via S alter.; Oak Hill INT, Fla., via S alter.; 2,200.

Oak Hill INT, Fla., via S alter.; Smyrna INT, Fla., via S alter.; *2,000. *1,600—MOCA.

Section 95.6159 *VOR Federal airway 159* is amended to read in part:

Palm Beach, Fla., VOR; Pluto INT, Fla.; 2,000.

Section 95.6162 *VOR Federal airway 162* is amended to read in part:

Harrisburg, Pa., VOR; Hershey INT, Pa.; 3,000.

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

Raymondville INT, Tex., via W alter.; Jetty INT, Tex., via W alter.; *4,000. *1,300—MOCA.

Jetty INT, Tex., via W alter.; Corpus Christi, Tex., VOR via W alter.; *1,600. *1,500—MOCA.

Section 95.6172 *VOR Federal airway 172* is amended to read in part:

Malta INT, Ill.; Chicago O'Hare, Ill., VOR; 3,000.

Chicago O'Hare, Ill., VOR; Neptune INT, Ill.; *4,000. *2,500—MOCA.

Section 95.6175 *VOR Federal airway 175* is amended to read in part:

Vichy, Mo., VOR; Hallsville, Mo., VOR; *2,900. *2,400—MOCA.

Section 95.6185 *VOR Federal airway 185* is amended to read in part:

Owen INT, N.C.; Marshall INT, N.C.; 7,000.

Section 95.6187 *VOR Federal airway 187* is amended to read in part:

Boysen Reservoir, Wyo., VOR; *Pryor DME Fix, Mont.; 11,000. *9,300—MCA Pryor DME Fix, southeast-bound.

Pryor DME Fix, Mont.; *Billings, Mont., VOR; 7,000. *6,500—MCA Billings VOR, southeast-bound.

Edgar DME Fix, Mont., via W alter.; Billings, Mont., VOR via W alter.; 7,000.

Dearborn INT, Mont.; Pomac INT, Mont.; *13,000. *11,400—MOCA.

Pomac INT, Mont.; Bonner DME Fix, Mont.; *10,000. *9,600—MOCA.

Missoula, Mont., VOR; Rival INT, Mont.; 10,000.

Rival INT, Mont.; Orofino INT, Idaho; *13,000. *9,400—MOCA.

Section 95.6217 *VOR Federal airway 217* is amended to read in part:

Chicago O'Hare, Ill., VOR; Taylor INT, Wis.; *4,000. *2,000—MOCA.

Section 95.6222 *VOR Federal airway 222* is amended to read in part:

Valdese INT, N.C.; Barretts Mountain, N.C., VOR; *5,000. *4,000—MOCA.

Barretts Mountain, N.C., VOR; Henry INT, Va.; 5,000.

Section 95.6266 *VOR Federal airway 266* is amended to delete:

Hickory, N.C., VOR; Pine Hall INT, N.C.; *3,500. *3,000—MOCA.

Section 95.6266 *VOR Federal airway 266* is amended by adding:

Barretts Mountain, N.C., VOR; Pine Hall INT, N.C.; *3,500. *3,000—MOCA.

Section 95.6267 *VOR Federal airway 267* is amended to read in part:

Palm Beach, Fla., VOR via E alter.; Pluto INT, Fla., via E alter.; 2,000.

Pluto INT, Fla., via E alter.; St. Lucie INT, Fla., via E alter.; *2,000. *1,300—MOCA.

St. Lucie INT, Fla., via E alter.; Bailey INT, Fla., via E alter.; *6,000. *1,300—MOCA.

Section 95.6301 *VOR Federal airway 301* is amended to read in part:

Point Reyes, Calif., VOR; Santa Rosa, Calif., VOR; 3,500.

Section 95.6307 *VOR Federal airway 307* is amended to delete:

Blorka Island, Alaska, VOR; Sisters Island, Alaska, VOR; 7,000.

Section 95.6308 *VOR Federal airway 308* is amended to read in part:

Montauk INT, N.Y.; Norwich, Conn., VOR; *2,300. *1,800—MOCA.

Section 95.6343 *VOR Federal airway 343* is amended to read in part:

*Bozeman, Mont., VOR; *Three Forks INT, Mont.; 8,000. *10,500—MCA Bozeman VOR southbound. *8,600—MCA Three Forks INT, westbound.

Three Forks INT, Mont.; *Boulder INT, Mont.; westbound, 9,000; eastbound, 8,000. *10,200—MCA Boulder INT, westbound.

Section 95.6347 *VOR Federal airway 347* is amended to read in part:

Fairbanks, Alaska, VOR; *Dome INT, Alaska; *5,000. *7,000—MRA. *4,400—MOCA.

Dome INT, Alaska; Tatalina INT, Alaska; *7,000. *5,200—MOCA.

Tatalina INT, Alaska; Chandalar Lake, Alaska, LF/RBN; *11,000. *8,000—MOCA. #MEA is established with a gap in navigation signal coverage.

Section 95.6428 *VOR Federal airway 428* is amended by adding:

Blorka Island, Alaska, VOR; Sisters Island, Alaska, VOR; *7,000. *6,000—MOCA.

Sisters Island, Alaska, VOR; Haines, Alaska, LF/RBN; *10,000. *8,600—MOCA.

Haines, Alaska, LF/RBN; Whitehorse, Yukon Territory, Canada, *10,000. *9,600—MOCA. #For that airspace over U.S. territory.

Section 95.6440 *VOR Federal airway 440* is amended to read in part:

Middleton Island, Alaska, VOR; Hope INT, Alaska; *10,000. *8,500—MOCA.

Section 95.7045 *Jet route No. 45* is amended by adding:

From: To: MEA; and MAA

Biscayne Bay, Fla., VORTAC; Vero Beach, Fla., VORTAC; 18,000; 45,000.

Vero Beach, Fla., VORTAC; Ormond Beach, Fla., VORTAC; 18,000; 45,000.

Ormond Beach, Fla., VORTAC; Jacksonville, Fla., VORTAC; 18,000; 45,000.

Section 95.7077 *Jet route No. 77* is amended to read:

Wilmington, N.C., VORTAC; Gordonsville, Va., VORTAC; 18,000; 45,000.

Gordonsville, Va., VORTAC; Westminster, Md., VORTAC; 18,000; 45,000.

Westminster, Md., VORTAC; Huguenot, N.Y., VORTAC; 18,000; 45,000.

Huguenot, N.Y., VORTAC; Boston, Mass., VORTAC; 18,000; 45,000.

Section 95.7121 *Jet route No. 121* is amended by adding:

Charleston, S.C., VORTAC; Norfolk, Va., VORTAC; #20,000; 45,000. #MEA is established with a gap in navigation signal coverage.

Jacksonville, Fla., VORTAC; Charleston, S.C., VORTAC; 18,000; 45,000.

Section 95.7160 *Jet route No. 160* is amended by adding:

Fort Yukon, Alaska, VORTAC; Komakuk, Yukon Territory, Canada; #18,000; 45,000.

#For that airspace over U.S. territory.

Section 95.7165 *Jet route No. 165* is added to read:

Charleston, S.C., VORTAC; Richmond, Va., VORTAC; 18,000; 45,000.

Section 95.7515 *Jet route No. 515* is amended by adding:

Bettles, Alaska, VORTAC; Barrow, Alaska, VORTAC; #18,000; 45,000. #MEA is established with a gap in navigation signal coverage.

Section 95.7515 *Jet route No. 515* is amended to delete:

Bettles, Alaska, VOR; Chip River LF INT, Alaska; 18,000; 45,000.

Chip River LF INT, Alaska; Browerville, Alaska, LF/RBN; 18,000; 45,000.

2. By amending Sub-part D as follows:
Section 95.8003 *VOR Federal airway changeover points.*

From; to; changeover point distance from
V-440 is amended by adding:

Middleton Island, Alaska, VOR; Anchorage, Alaska, VOR; 63, Anchorage.

V-100 is amended to delete:
Northbrook, Ill., VOR; Keeler, Mich., VOR; 47, Northbrook.

V-172 is amended to read in part:
Polo, Ill., VOR; Chicago O'Hare, Ill., VOR; 30, Chicago O'Hare.

V-428 is amended by adding:
Biorka Island, Alaska, VOR; Sisters Island, Alaska, VOR; 50, Biorka Island.

Sisters Island, Alaska, VOR; Haines, Alaska; LF/RBN; 25, Sisters Island.

Haines, Alaska, LF/RBN; Whitehorse, Yukon Territory, Canada, VORTAC; 19, Haines.

V-307 is amended to delete:
Biorka Island, Alaska, VOR; Sisters Island, Alaska, VOR; 50, Biorka Island.

V-160 is amended by adding:
Fort Yukon, Alaska, VORTAC; Komakuk, Yukon Territory, Canada; 130, Fort Yukon.

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

Issued in Washington, D.C., on June 5, 1974.

JAMES M. VINES,
Chief,

Aircraft Programs Division.

[FR Doc.74-13286 Filed 6-11-74; 8:45 am]

[Docket No. 13588; Amdt. No. 121-109]

PART 121—CERTIFICATION AND OPERATIONS: DOMESTIC FLAG, AND SUPPLEMENTAL AIR CARRIERS AND COMMERCIAL OPERATORS OF LARGE AIRCRAFT

Appendix A—First-Aid Kits

The purpose of this amendment to Appendix A of Part 121 of the Federal Aviation regulations is to extend the effective date of Amendment 121-107, which will amend the requirements for first-aid kits specified in Appendix A to Part 121.

Amendment 121-107 (published in 38 FR 35233) was prescribed with an effective date of June 24, 1974. However, the FAA has determined that Appendix A, as amended, will not permit non-inflatable splints to be stowed nearby a first-aid kit where size precludes stowage within the first-aid kit, nor do all of the Appendix A quantity and content requirements comply with certain federal specifications. Moreover, petitions received from certain Part 121 certificate

holders indicate that the June 24, 1974, effective date for compliance is impractical because it does not permit sufficient lead time to accomplish the engineering, planning, scheduling, and installation of the new and additional first-aid kits for each aircraft type and configuration.

Since the FAA intends to issue a notice of proposed rulemaking and propose appropriate changes to the requirements for first-aid kits adopted in Amendment 121-107, the FAA considers it appropriate to extend until January 1, 1975, the effective date for compliance with the installation of first-aid kits requirements adopted in Amendment 121-107.

Since this amendment extends the effective date for compliance with Amendment 121-107, grants relief, and does not impose any additional burden on any person, I find that public notice and procedure hereon unnecessary, and that good cause exist for making this amendment effective on less than 30 days notice.

This amendment is made under the authority of sections 313(a), 601, and 604 of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1354(a), 1421, and 1424), and section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

In consideration of the foregoing, Part 121 of the Federal Aviation regulations is amended, effective June 12, 1974, by deleting the June 24, 1974, effective date prescribed in Amendment 121-107 (published in the FEDERAL REGISTER December 26, 1973; 38 FR 35233), and by substituting in lieu thereof January 1, 1975, as the effective date of that amendment.

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

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.74-13374 Filed 6-11-74; 8:45 am]

[Docket No. 13545; Amdt. No. 152-2]

PART 152—AIRPORT AID PROGRAM

Revised Requirements for Administration

Correction

In FR Doc. 74-12435 appearing at page 19348 in the issue for Friday, May 31, 1974, the penultimate sentence of § 152.69(c) on page 19351 should read as follows:

"In determining the amount of a partial grant payment, those project costs that the Administrator considers to be of questionable allowability are deducted both from the amount of project costs incurred and from the amount of the estimated total project cost."

Title 18—Conservation of Power and Water Resources

CHAPTER VI—WATER RESOURCES COUNCIL

PART 701—COUNCIL ORGANIZATION

Revision of Regulations

In accordance with the provisions of section 402, 79 Stat. 244; 42 U.S.C. 1962d-1, Part 701—Council Organization is hereby revised as follows, effective June 12, 1974.

Subpart A—Introduction

- Sec. 701.1 General.
- 701.2 Creation and basic authority.
- 701.3 Purpose of the Water Resources Council.
- 701.4 Functions.
- 701.5 Organization pattern.
- 701.6 Location of office.
- 701.7-701.50 [Reserved]

Subpart B—Headquarters Organization

- 701.51 The Council.
- 701.52 Definitions.
- 701.53 Council decisions by Members.
- 701.54 Council decisions by Representatives.
- 701.55 Associate Members.
- 701.56 Observers.
- 701.57 Official decisions of the Council.
- 701.58 Subordinate groups at headquarters.
- 701.59 Advisory committees.
- 701.60-701.70 [Reserved]
- 701.71 The Chairman.
- 701.72-701.75 [Reserved]
- 701.76 The Water Resources Council Staff.
- 701.77 Director—duties and responsibilities.
- 701.78 Director—delegation of authorities.
- 701.79 Selection policy for professional personnel.
- 701.80-701.99 [Reserved]

Subpart C—Field Organization

- 701.100 Field directors.
- 701.101 Field committees.
- 701.102 Existing committees.

AUTHORITY: Sec. 402, 79 Stat. 244; (42 U.S.C. 1962d-1).

Subpart A—Introduction

§ 701.1 General.

This part describes the organization established by the Water Resources Council in discharging its duties and responsibilities. The organization is designed to assure that Council Members will meet at least quarterly and consider and decide major matters before the Council. It provides that Representatives of Council Members together with the Director can take action when necessary and appropriate and, after consideration, submit recommendations to the Council Members on matters requiring their action. It also provides that the Council Members shall be continuously advised of the actions of their representatives and the Council staff. Council Members expect to participate personally in the work of the Council.

§ 701.2 Creation and basic authority.

The Water Resources Council was established by the Water Resources Planning Act (42 U.S.C. 1962-1962d-5). The rules and regulations of this part are promulgated under section 402 of the Act (42 U.S.C. 1962d-1).

§ 701.3 Purpose of the Water Resources Council.

It is the purpose of the Water Resources Council to effectuate the policy of the United States in the Water Resources Planning Act (hereinafter the Act) to encourage the conservation, development, and utilization of water and related land resources of the United States on a comprehensive and coordinated basis by the Federal Government, States, localities, and private enterprise.

with the cooperation of all affected Federal agencies, States, local governments, individuals, corporations, business enterprises, and others concerned, within the limitations set forth in section 3 of the Act (42 U.S.C. 1962-1).

§ 701.4 Functions.

The functions of the Water Resources Council are:

(a) To maintain a continuing study and prepare periodically an assessment of the adequacy of supplies of water necessary to meet the water requirements in each water resource region in the United States and of the national interest therein.

(b) To maintain a continuing study of the relation of regional or river basin plans and programs to the requirements of larger regions of the Nation.

(c) To appraise the adequacy of administrative and statutory means for coordination and implementation of the water and related land resources policies and programs of the several Federal agencies and to make recommendations to the President with respect to Federal policies and programs.

(d) To establish, after consultation with appropriate interested Federal and non-Federal entities, and with the approval of the President, principles, standards, and procedures for Federal participation in the preparation of comprehensive regional or river basin plans and for the formulation and evaluation of Federal water and related land resources projects, including primary direct navigation benefits as defined by section 7a, P.L. 89-670.

(e) To coordinate schedules, budgets, and programs of Federal agencies in comprehensive interagency regional or river basin planning.

(f) To carry out its responsibilities under title II of the Act with regard to the creation, operation, and termination of Federal-State river basin commissions.

(g) To receive plans or revisions thereof submitted by river basin commissions in accordance with section 204(3) of the Act (42 U.S.C. 1962b(3)), and to review and transmit them, together with its recommendations, to the President in accordance with section 104 of the Act (42 U.S.C. 1962a-3).

(h) To assist the States financially in developing and participating in the development of comprehensive water and related land resources plans in accordance with title III of the Act.

(i) To perform such other functions as the Council may be authorized by law, executive orders, regulations, or other appropriate instructions to perform.

(j) To take such actions as are necessary and proper to implement the Act and to carry out the functions enumerated herein.

§ 701.5 Organization pattern.

(a) The Office of the Water Resources Council is composed of the Water Resources Council, the Chairman of the Water Resources Council, the Water Resources Council Staff headed by a

Director, and Field Organizations within its jurisdiction.

(b) The Water Resources Council consists of the following members: The Secretary of the Interior, the Secretary of Agriculture, the Secretary of the Army, the Secretary of Health, Education, and Welfare, the Secretary of Transportation (pursuant to section 7a, P.L. 89-670), the Chairman of the Federal Power Commission, and the heads of such other agencies as may be added by statute.

(c) The Chairman of the Council is designated by the President.

(d) The Water Resources Council staff is employed, assigned duties and responsibilities, and supervised by the Director.

(e) Administrative consultative and technical committees are established and assigned duties and responsibilities by the Council and are supervised by the Director.

(f) Field organizations are established by or operate under the Council and include field committees formerly under the Inter-Agency Committee on Water Resources and the offices of the Chairmen of Federal-State River Basin Commissions established under title II of the Act.

§ 701.6 Location of office.

The Headquarters is located in the Washington, D.C. area.

§§ 701.7-701.50 [Reserved]

Subpart B—Headquarters Organization

§ 701.51 The Council.

Decisions of the Council are made as hereinafter described in §§ 701.53 and 701.54.

§ 701.52 Definitions.

(a) As used in this part the term "Member" means the Secretary of the Interior, the Secretary of Agriculture, the Secretary of the Army, the Secretary of Health, Education, and Welfare, the Secretary of Transportation, the Chairman of the Federal Power Commission, or Alternates appointed in accordance with § 701.53(a) when the Alternate is acting for one of the above-named.

(b) As used in this part the term "Representative" means an individual authorized by a "Member" to act for such member pursuant to § 701.54.

§ 701.53 Council decisions by Members.

Council decisions by Members with respect to the purpose stated in § 701.3 and the functions listed in § 701.4 are determined by majority vote of Members present except that decisions affecting the authority or responsibility of a Member, within the meaning of section 3(b) of the Act (42 U.S.C. 1962-1(b)), can be made only with his concurrence. In exceptional cases a Council decision may be made by written communication. Such decision requires unanimous approval of the Members.

(a) Each of the Secretaries named in § 701.5 and the Chairman of the Federal Power Commission shall designate in writing those individuals who may act as his Alternate in fulfilling his duties as a Member.

(b) A quorum for the transaction of business consists of four or more Members.

(c) Each Member has equal responsibility and authority in all decisions and actions of the Council and each Member and Associate Member shall have full access to all information relating to the performance of his duties and responsibilities.

(d) No vote shall be taken until each Member and Associate Member shall have had full opportunity to express his views.

(e) Members shall meet regularly at least quarterly, upon the call of the Chairman, or when requested by a majority of Members.

(f) The agenda and related documents for such meetings will be distributed to Members at least 7 days in advance.

(g) Matters specifically reserved for Council decision by Members are:

(1) Actions requiring Presidential action or approval.

(2) Approval of Annual Budget requests and the Annual Operating Program of the Office of the Water Resources Council.

(3) Decisions involving substantial policy issues.

(4) Delegations of authority.

(5) Determination that testimony taken or evidence received shall be taken under oath.

(6) Issuance of invitations to become Associate Members or Observers.

(7) Appointment and termination of the appointment of the Director.

§ 701.54 Council decisions by Representatives.

Council decisions may be made by Representatives except for matters specifically reserved in § 701.53(g) for Council decision by Members. Only one Representative of a Member shall participate officially in a Council decision by Representatives, but up to four individuals may be authorized to act as Representatives of a Member. Council decisions by Representatives shall be by unanimous agreement of the Representatives and the Director, or in his absence the Acting Director. In exceptional cases, a decision may be made by written communication.

(a) The Representatives and the Director shall work to coordinate the water and related land activities for which the Council Members are responsible.

(b) Each Representative and the Director has equal responsibility and authority for Council decisions and shall have full access to all information relating to the performance of his duties and responsibilities.

(c) The Director shall serve as Chairman of meetings of Representatives. The Acting Director, designated in accordance with § 701.77(b), shall serve as Chairman in the absence or disability of the Director or vacancy in that office.

(d) Regular meetings for the transaction of business shall be the second Wednesday of each month, and special meetings shall be at the call of the Di-

rector or when requested by the Representatives of two Members. The Director will arrange, after consultation with the Representatives, the agenda of items for consideration; shall distribute the agenda for regular meetings and related documents to Representatives at least 7 days in advance of the meeting and as expeditiously as possible for special meetings; and shall insure that all matters within the purpose and scope of the functions of the Water Resources Council are presented for consideration. The Director shall include on the agenda for a regular meeting any matter proposed by any Representative. When items on the agenda have not been fully considered they shall take precedence, in the same order, over other matters to be placed on the agenda for the next regular meeting. The Director or a Representative may introduce matters not on the agenda or change the order of business at a particular meeting with the concurrence of a simple majority of the Representatives present.

(e) A quorum for the transaction of business consists of at least four Representatives of different Members and the Director or in his absence the Acting Director.

(f) Except for the appointment and tenure of the Director, matters specifically reserved for Council decision by Members should be considered by Representatives and the Director and proposals and recommendations formulated and presented at Council meetings of Members. The Council Members shall be advised of minority views, if any, on such proposals and recommendations.

(g) If unanimity of Representatives and the Director is not achieved, after full opportunity for expression of views and reasonable consideration, the Director shall upon his own initiative or upon the request of a Representative present the issue for consideration at the next meeting of Members of the Council. Presentation of the issue shall include a statement of the conflicting positions and recommendations for resolution.

(h) Upon the declaration by any Representative or the Director that an issue involves "substantial policy" (see § 701.53 (3)), it shall be referred with recommendations to a subsequent meeting of Council Members for decision.

§ 701.55 Associate Members.

(a) The Chairman, with concurrence of the Council, may invite the heads of other Federal agencies having authorities and responsibilities relating to the work of the Council to become Associate Members. Associate Members, on the same terms and conditions as Members, may designate persons to serve for them as Associate Members and to act for them as Associate Representatives.

(b) Associate Members and their Associate Representatives may participate with Members and Representatives in consideration of all matters relating to their areas of responsibility, except that their concurrence in a decision of the Council is not required. Where such

decision affects the authority and responsibility of any non-Member agency within the meaning of section 3(b) of the Act, the Council shall request such agency to take concurrent action along the basis of the Council recommendations.

§ 701.56 Observers.

(a) Chairmen of River Basin Commissions established under title II of the Act shall be Observers.

(b) The Chairman, with the concurrence of the Council, may invite the heads of offices or other officials of the Executive Office of the President or other Federal agencies to become Observers.

(c) Observers may designate persons to attend Council meetings of Members and Representatives. Observers and their representatives will be furnished agenda and other materials on the same basis as Associate Members.

§ 701.57 Official decisions of the Council.

Official decisions of the Council shall be of record. Decisions of record shall be recorded in accepted minutes of duly called regular or special meetings or set forth in resolutions, memoranda, or other documents approved by Members or by Representatives and the Director. Decisions which would affect the authority and responsibilities of heads of other Federal agencies, including Associate Members, within the meaning of section 3(b) of the Act, shall only be made during a regular or special meeting of Members and recorded in the minutes thereof.

§ 701.58 Subordinate groups at headquarters.

The Council may establish administrative, consultative and technical committees. Task Forces; Hearing Panels; and other appropriate subordinate groups to aid in the performance of its work.

(a) Membership on each such group shall be decided by the Council. Members representing Federal agencies shall be named by such agencies. Others shall be named as the Council shall decide.

(b) The Council shall determine the Chairmanship of each such group.

(c) All such subordinate groups shall report regularly to the Council upon their own initiative, or as the Council may direct. In any event, they shall prepare a final report on their assignments prior to termination.

(d) The Director, in consultation with the Representatives, may establish task forces and other subordinate groups to aid in the performance of his duties and responsibilities. The Director shall decide the chairmanship and membership of such groups. Members representing Federal agencies shall be named by such agencies.

(e) Subordinate groups shall be appointed for specific periods and termination dates shall be set forth in establishing documents.

(f) Each duly constituted subordinate group will be provided administrative and secretarial support by the Water Re-

sources Council Staff to the extent possible, directly or through arrangements with other Federal agencies.

§ 701.59 Advisory committees.

The Council may establish standing and ad hoc advisory committees. The establishment, operation, and termination of such committees shall be in accordance with the Federal Advisory Committee Act (PL 92-463) and other pertinent law and directives.

§§ 701.60-701.70 [Reserved]

§ 701.71 The Chairman.

(a) The Chairman shall preside at Council meetings of Members.

(b) The Chairman is the official spokesman of the Council and represents it in its relations with the Congress, the States, Federal agencies, persons, or the public. He shall from time to time report, on behalf of the Council, to the President. He shall keep the Council apprised of his actions under this section.

(c) The Chairman shall request the heads of other Federal agencies to participate with the Council when matters affecting their responsibilities are considered by the Council.

(d) In the case of absence, disability, or vacancy, the acting Chairman shall be, in order of precedence, as designated (1) by the President (2) by the Chairman from among the Members, or (3) by the Council from among the Members.

§§ 701.72-701.75 [Reserved]

§ 701.76 The Water Resources Council Staff.

The Water Resources Council Staff (hereinafter the Staff) serves the Council and the Chairman in the performance of their functions and in the exercise of their authorities in accordance with the Act, the rules and regulations and other decisions of the Council, and all other laws, rules, regulations, and orders applicable to the Water Resources Council, and will be organized in accordance with a structure approved by the Council.

§ 701.77 Director—duties and responsibilities.

In addition to his role as Chairman of Representatives in Council meetings, the Director acts as the principal executive officer for the Council and head of the staff. He shall see to the faithful execution of the policies, programs, and decisions of the Council; report thereon to the Council from time to time or as the Council may direct; administer the office and staff of the Council within the limits of the Annual Budget and the Annual Operating Program related thereto; make recommendations to the Council and the Chairman relating to the performance of their functions and the exercise of their authorities; and facilitate the work of the Council and the Chairman. His duties and responsibilities include, but are not limited to, the following:

(a) Acting for the Chairman, represents the Council in its relations with the Congress, States, Federal agencies, per-

sons, or the public under the general supervision and direction of the Council.

(b) Establishes the line of succession as Acting Director among the other officers of the Council below the Deputy Director.

(c) Directs the Staff in its service to the Council and the Chairman in the performance of their functions and in the exercise of their authorities. The Director is responsible to the Council for the organization of the Staff, employment and discharge of personnel, training and personnel development program, assignment of duties and responsibilities, and the conduct of its work.

(d) Insures that the quality of the work of the Staff in its studies, reports, and in other assignments is high, that the professional integrity of its personnel is respected, and that its overall perspective and independence of judgment with regard to water and related land resources matters is approximately maintained within the context of the inter-agency, intergovernmental, and other staff collaboration that is both necessary and desirable in the fulfillment of the purpose of the Council as set forth in § 701.3.

(e) Prepares and recommends reports on legislation, Executive orders, and other documents requested of the Council.

(f) Prepares and recommends an Annual Budget request in accordance with policies, rules, and regulations applicable thereto. During its consideration by the Office of Management and Budget the President and the Congress, the Director shall seek acceptance of the proposed Annual Budget by every appropriate means. On behalf of the Council, he is authorized in his discretion to make appeals and agree to adjustments. However, to the extent that time and circumstances permit, he shall consult with and obtain the approval of the Council on all substantial appeals and adjustments.

(g) Prepares and recommends the Annual Operating Program to carry out the work of the Council, within the appropriations provided by the Congress and allowances approved by the Office of Management and Budget.

(h) Prepares and recommends proposed rules and regulations, including proposed delegations of authority, for carrying out the provisions of the Act, or other provisions of law which are administered by the Council.

(i) Prepares and recommends reports and materials for public information that are explanatory of the work and accomplishments of the Council.

(j) Appoints representatives of the Staff on Subordinate Groups established by the Council on which the Staff has membership. (See § 701.59.)

(k) Establishes and enforces administrative rules and regulations pertaining to the Staff consistent with applicable laws, Executive orders, Budget Circulars, and other regulations and orders.

§ 701.78 Director—delegation of authorities.

(a) Under the authority of section 403 of the Act (42 U.S.C. 1962d-2), the Director is delegated authority to—

(1) Hold hearings, sit and act at such times and places, take such testimony, receive such evidence, and print or otherwise reproduce and distribute so much of its proceedings and reprints thereon as he may deem advisable.

(2) Acquire, furnish, and equip such office space as is necessary.

(3) Use the U.S. mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(4) Employ and fix the compensation of such personnel below the grade of GS-16 as he deems advisable and after consultation with the Representatives such personnel of GS-16 and above in accordance with the civil service laws and the Classification Act of 1949, as amended; assign duties and responsibilities among such personnel and supervise personnel so employed.

(5) Procure services as authorized by section 15 of the Act of August 2, 1946 (5 U.S.C. 3109, at rates not to exceed \$100 per diem for individuals).

(6) Purchase, hire, operate, and maintain passenger motor vehicles.

(7) Utilize and expend such funds as are deemed advisable for proper administration of the authorities delegated herein. However, contracts and individual modifications thereof in excess of \$25,000 shall be submitted to the Council for approval before execution.

(8) Request any Federal department or agency (i) to furnish to the Council such information as may be necessary for carrying out its functions and as may be available to or procurable by such department or agency, and (ii) to detail personnel to temporary duty with the Council on a reimbursable basis.

(9) Make available for public inspection during ordinary office hours all appropriate records and papers of the Council.

(10) Compute and certify for payment funds to the States in accordance with standards and formula approved by the Council, and perform related functions of the Council contained in section 305 of the Act.

(11) Serve as a duly authorized representative of the Chairman of the Council for the purpose of audit and examination of any pertinent books, documents, papers, and records of the recipient of a grant under title III of the Act, and recommend to the Chairman the appointment of further representatives as may be necessary for such function.

(12) Review, for compliance, State programs approved under title III; conduct full inquiries as the Council may direct; and recommend for Council decision such withholding or reinstatement of payments as is appropriate and authorized by section 304 of the Act.

(b) The authorities delegated in this section may be redelegated by the Director to the extent determined by him to be necessary and desirable for proper administration.

§ 701.79 Selection policy for professional personnel.

In the selection for employment of the professional staff as a whole, the Director shall be guided by the following criteria:

(a) Outstanding character and competence—both personal and professional.

(b) Spread and balance of training and experience in the several relevant professions—ecology; economics; economic geography; engineering; fish and wildlife biology; forestry; hydrology; irrigation; landscape architecture; law; political science; recreation; sanitary engineering; soil conservation; urban and other land planning; etc.

(c) Diversity of prior identification and experience, both planning and operating in Washington and in the field; including personnel with prior identification and experience with Federal, State, or local government, private enterprise, or university teaching and research.

§§ 701.80-701.99 [Reserved]

Subpart C—Field Organization

§ 701.100 Field Directors.

The Council may employ as professional staff Field Directors who shall be designated as chairman of committees or groups established by the Council to develop and prepare regional or river basin assessments or plans. Such Field Directors shall perform their official functions at locations established by the Council.

§ 701.101 Field committees.

The Council may establish or continue already established regional committees to carry out assigned functions at field level.

701.102 Existing committees.

Field Committees operating under the Water Resources Council (formerly under the Inter-Agency Committee on Water Resources) are as follows:

Pacific Southwest Inter-Agency Committee
Arkansas-White-Red Inter-Agency Committee
Southeast Basins Inter-Agency Committee

WARREN D. FAIRCHILD,
Director.

[FR Doc. 74-13419 Filed 6-11-74; 8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

SUBCHAPTER C—DRUGS

PART 135e—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

Lincomycin, Monensin Sodium, 3-Nitro-4-Hydroxyphenylarsonic Acid, Robenidine Hydrochloride

The Commissioner of Food and Drugs has evaluated the following new animal drug applications filed by The Upjohn Co., Kalamazoo, MI 49001:

1. Supplemental application No. 92-482V proposing safe use of 2 grams per ton of lincomycin combined with monensin sodium at a level of 110 grams per ton as monensic acid activity for improved

feed efficiency in floor-raised broiler chickens.

2. New animal drug application No. 93-106V proposed safe use of 2 grams per ton of lincomycin combined with 30 grams per ton of robenidine hydrochloride for use in chicken feed.

3. New animal drug application No. 92-522V proposing safe use of 2 grams per ton of lincomycin combined with 15 to 45 grams per ton of 3-nitro-4-hydroxyphenylarsonic acid combined with monensin sodium equivalent to 110 grams per ton monensinic acid activity in chicken feed. The applications are approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(1)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 121 and 135e are amended as follows:

1. In § 121.262(c) by adding a new item 1.23 to Table 1, as follows:

§ 121.262 3-Nitro-4-hydroxyphenylarsonic acid.

(c) * * *

TABLE 1.—3-Nitro-4-hydroxyphenylarsonic acid in complete chicken and turkey feed

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1.23-4-Nitro-4-hydroxyphenylarsonic acid.	15-45	Monensin sodium. + Lincomycin.	110 (as monensinic acid activity).	For floor-raised broiler chickens; do not feed to laying chickens; feed continuously as the sole ration; withdraw 5 days before slaughter; as sole source of organic arsenic; 3-nitro-4-hydroxyphenylarsonic acid as provided by code No. 031, § 135.501(c) of this chapter; monensin sodium as provided by code No. 014, § 135.501(c) of this chapter; Lincomycin as provided by code No. 037, § 135.501(c) of this chapter; approval for this combination granted to firm No. 037 as identified in § 135.501(c) of this chapter.	For increase in rate of weight gain; as an aid in the prevention of coccidiosis caused by <i>E. necatrix</i> , <i>E. tenella</i> , <i>E. acervulina</i> , <i>E. brunetti</i> , <i>E. muelleri</i> , and <i>E. maxima</i> .

2. In § 135e.49 by adding a new paragraph (e) (2) (viii) and (ix) to read as follows:

§ 135e.49 Lincomycin.

(e) * * *

(2) * * *

(viii) Robenidine hydrochloride in accordance with § 135e.66.

(ix) 3-Nitro-4-hydroxyphenylarsonic acid, monensin sodium in accordance with § 121.262 of this chapter and § 135e.50.

3. In § 135e.50(f) by revising the text under the "Indications for use" column for item 5 and by adding a new item 6 to the table as follows:

§ 135e.50 Monensin; monensinic sodium.

(f) * * *

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
5. Monensin sodium.	...	...	...	...	For increase in rate of weight gain; improved feed efficiency and as an aid in the prevention of coccidiosis caused by <i>E. necatrix</i> , <i>E. tenella</i> , <i>E. acervulina</i> , <i>E. brunetti</i> , <i>E. muelleri</i> , and <i>E. maxima</i> .
6. Monensin sodium.	110 (as monensinic acid activity).	Lincomycin.	...	...	...
		3-Nitro-4-hydroxyphenylarsonic acid.	15-45	§ 121.262 of this chapter, Table 1, item 1.23.	§ 121.262 of this chapter, Table 1, item 1.23.

4. In § 135e.66(f) by revising the table as follows:

§ 135e.66 Robenidine hydrochloride.

(f) * * *

Principal ingredient	Grams per ton	Combined with—	Grams per ton	Limitations	Indications for use
1. Robenidine hydrochloride.	30 (0.0033%)	...	...	For broiler or fryer chickens only; do not feed to layers; feed continuously as the sole ration; withdraw 5 days prior to slaughter.	As an aid in the prevention of coccidiosis caused by <i>E. mermeri</i> , <i>E. brunetti</i> , <i>E. tenella</i> , <i>E. acervulina</i> , <i>E. maxima</i> and <i>E. necatrix</i> .
2. Robenidine hydrochloride.	30 (0.0033%)	Lincomycin.	2	For floor-raised broiler or fryer chickens only; do not feed to laying hens; feed continuously as the sole ration; withdraw 5 days before slaughter; lincomycin as provided by code No. 037, § 135.501(c) of this chapter; approval for this combination granted to firm No. 037 as identified in § 135.501(c) of this chapter.	For increase in rate of gain and improved feed efficiency and as an aid in the prevention of coccidiosis caused by <i>E. mermeri</i> , <i>E. brunetti</i> , <i>E. tenella</i> , <i>E. acervulina</i> , <i>E. maxima</i> and <i>E. necatrix</i> .

Effective date. This order shall be effective June 12, 1974.

(Sec. 512(i), 82 Stat. 347; 21 U.S.C. 360b(1).)

Dated: June 5, 1974.

C. D. VAN HOUWELING,
Director,
Bureau of Veterinary Medicine.
[FR Doc. 74-13303 Filed 6-11-74; 8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

Subpart D—Administration of Educational Benefits; 38 U.S.C. Chapters 34, 35 and 36

PAYMENT OF BENEFITS DURING EMERGENCY CLOSING OF SCHOOL

Section 21.4205(c) (1) provides for continued payment of educational benefits within a certified period of enrollment during which the school is closed due to Executive order of the President or for any emergency situation so authorized by Public Law 93-208, effective December 28, 1973. A minor editorial change, unrelated to the substantive change, is being made in § 21.4206(c) designed to reflect agency policy to avoid any appearance of seeming to preclude benefits for female veterans.

It is found that it is impracticable and contrary to the public interest to give preliminary notice in the FEDERAL REGISTER (§ 1.12 of this chapter) because of the need for an immediate liberalization of the requirements for awarding educational assistance for veterans and eligible persons.

1. In § 21.4205, paragraph (c) (1) is amended to read as follows:

§ 21.4205 Absences.

(c) *Reporting.* (1) Veterans and eligible persons must report each full day of absence from scheduled attendance as well as days when the school was closed for local and school holidays and, if reported enrollment was on an ordinary school year basis, intervals between terms, quarters or semesters. When the school is closed for the weekend, those days will not be reported. However, if classes are normally scheduled for Saturday and Sunday, absences must be reported. At the discretion of the Administrator, days of absence will not be reported for days of nonattendance within a certified period of enrollment during which the school is closed under an established policy based upon an Executive order of the President or due to an emergency situation.

2. In § 21.4206, paragraph (c) is amended to read as follows:

§ 21.4206 Reporting fee.

(c) An additional \$1 will be paid to those institutions who have delivered to the veteran or eligible person at registration the educational assistance check representing the advance payment. In order to receive this fee, the institution shall submit to the Veterans Administration a certification of delivery of the check. If the check is not delivered within 30 days after commencement of the student's program, the check is to be re-

turned to the Veterans Administration. (38 U.S.C. 1784)

(72 Stat. 1114; 38 U.S.C. 210)

Section 21.4205(c) (1) is effective December 28, 1973.

Approved: June 5, 1974.

By direction of the Administrator.

[SEAL]

R. L. ROUDEBUSH,
Deputy Administrator.

[FR Doc. 74-13373 Filed 6-11-74; 8:45 am]

Title 39—Postal Service

CHAPTER I—U.S. POSTAL SERVICE

SUBCHAPTER C—POST OFFICE SERVICES [DOMESTIC MAIL]

PART 111—GENERAL INFORMATION ON POSTAL SERVICE

The purpose of this document is to incorporate by reference Chapter I of the Postal Service Manual pursuant to the policy and provisions of 5 U.S.C. 552(a) relating to material deemed published in the FEDERAL REGISTER when the material is readily available to the public. Chapter I of the Manual contains provisions which are substantially identical to the present Subchapter C of 39 CFR Chapter I concerning domestic mail service; therefore, this document involves no substantive change in the regulations.

Chapter I of the Manual is and will remain readily available to all users of the U.S. Postal Service at all United States Post Offices and classified stations and branches during normal business hours. The Postal Service also issues a publication entitled Instructions for Mailers, which reproduces Chapter I of the Manual almost in its entirety, omitting merely a handful of sections containing procedures of interest only to postal employees. This publication is sold in looseleaf, subscription form by the Superintendent of Documents for \$5.00. The entire Postal Service Manual, comprising six chapters, may also be purchased in looseleaf, subscription form for \$33.00 from the Superintendent of Documents, Washington, DC 20402. The entire Manual may be examined during normal business hours at any of the more than 31,000 United States Post Offices.

All amendments to Chapter I of the Manual will be noticed by publication in the FEDERAL REGISTER and filed at the Office of the Federal Register as they occur. Each notice will recite the issuance of a numbered and dated Transmittal Letter, and will describe the amendments made to particular sections of Chapter I of the Manual. The amended sections will be listed in the daily List of Parts Affected and in the monthly and annual List of CFR Sections Affected. This should assure proper access to these regulations through the finding aids of the Federal Register system. In addition, the Postal Service maintains a subject-matter index to the Manual for the convenience of users, which will be filed at the Office of the Federal Register and periodically updated. For an indefinite period, the initial subscription price of the Manual will entitle subscribers to receive copies of all

amendments (including amendments of Chapter I) when issued.

This change in the manner of publication of Postal Service regulations governing domestic mail service establishes a more efficient and economical means of making the material available to the mailing public. It will greatly reduce the amount of duplication of published material appearing in the Manual, the FEDERAL REGISTER and the Code of Federal Regulations. The Postal Service believes this can be accomplished without any impairment to the value of the Federal Register system. Indeed, the usefulness of the FEDERAL REGISTER system will be enhanced because the time between the issuance of a change to Chapter I of the Manual and notice of the change in the FEDERAL REGISTER will be shortened. This would come about in part through the elimination of time-consuming preparation of documents for printing in the FEDERAL REGISTER, whose format and internal paragraphing system differs from that of the Manual.

Soon after the effective date of this document users of the Code of Federal Regulations will have the 1974 volume of the Code of Federal Regulations. Each amendment of Subchapter C of the 1974 volume will appear only in the form of a "notice of amendment" of specified sections of Chapter I of the Manual. The Manual sections correspond to the sections in the 1974 volume.

The Postal Service is exempt from the provisions of 5 U.S.C. 553 by reason of 39 U.S.C. 410(a). However, in the spirit of those provisions and notwithstanding the immediate effectiveness of this document, the Postal Service invites public comment upon the effects of this approach to postal regulations and of their availability to the mailing public.

There will be almost one year's experience with this new system before the basic material in the 1974 volume of CFR would be dropped. Accordingly, during this period the Postal Service will receive public comments concerning the new format for postal regulations and information and the experience of working with this system. Comments should identify this document as the basis for communication and be directed to: W. Allen Sanders, Assistant General Counsel, Legislative Division, Law Department, Room 9112, 475 L'Enfant Plaza West, SW., Washington, D.C. 20260.

(5 U.S.C. 552(a), 39 U.S.C. 401, 404, 407, 408, 3001-3011, 3201-18, 3403-05, 3601, 3621, and 50 U.S.C. 1463-64.)

ROGER P. CRAIG,
Deputy General Counsel.

Accordingly, effective July 1, 1974, Subchapter C is amended by adding Part 111 to read as follows:

Sec.

- 111.1 Postal Service Manual; incorporation by reference of general information on postal services.
- 111.2 Availability of Chapter I of the Postal Service Manual.
- 111.3 Amendments to Chapter I of the Postal Service Manual.
- 111.4 Approval of the Director of the Federal Register.
- 111.5 Contents of Chapter I of the Postal Service Manual.

AUTHORITY: 5 U.S.C. 552(a), (39 U.S.C. 401, 404, 407, 408, 3001-3011, 3201-18, 3403-3405, 3601, 3621; 50 U.S.C. 1463, 1464.)

§ 111.1 Postal Service Manual; incorporation by reference of general information on postal services.

Section 452(a) of title 5, United States Code, relating to the public information requirements of the Administrative Procedure Act, provides in pertinent part that " * * * matter reasonably available to the class of persons affected thereby is deemed published in the FEDERAL REGISTER when incorporated by reference therein with the approval of the Director of the Federal Register." In conformity with that provision, and with 39 U.S.C. section 410(b) (1), and as provided in this part, the United States Postal Service hereby incorporates by reference in this part, Chapter I of its Postal Service Manual, a looseleaf publication published and maintained by the U.S. Postal Service, Washington, DC, 20260.

§ 111.2 Availability of Chapter I of the Postal Service Manual.

(a) Copies of Chapter I of the Postal Service Manual are available for reference and inspection upon request at the National Headquarters and regional offices of the U.S. Postal Service and at all United States Post Offices and classified stations and branches during normal business hours. Regional offices are located in New York, Philadelphia, Memphis, Chicago, and San Francisco.

(b) A copy of Chapter I of the Postal Service Manual, together with each amendment of it, is on file with the Director, Office of the Federal Register, National Archives and Records Service, General Services Administration, at 1100 "L" Street, NW., Room 8401, Washington, D.C., 20408.

(c) Copies of the entire Postal Service Manual may be purchased from the Superintendent of Documents, Washington, D.C., 20402 for \$33.00. This price includes entitlement to receive, for an indefinite period, changes in the Postal Service Manual which may be published from time to time. A companion publication entitled Instructions for Mailers excerpts all portions of Chapter I which are directed to the mailing public. This publication is sold to the public on a subscription basis for \$5.00 by the Superintendent of Documents.

§ 111.3 Amendments to Chapter I of Postal Service Manual.

Notices of changes made in Chapter I of the Postal Service Manual will periodically be published in the FEDERAL REGISTER. The text of such changes will be filed with the Director, Office of the Federal Register. Subscribers to the Postal Service Manual will automatically receive the amendments from the Government Printing Office.

§ 111.4 Approval of the Director of the Federal Register.

(a) Incorporation by reference of Chapter I of the Postal Service Manual

was approved by the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR Part 51.

(b) This approval was granted on June 7, 1974 for the period of one year at the conclusion of which it will expire without further action unless renewed and extended by the Director upon application by the U.S. Postal Service.

§ 111.5 Contents of Chapter I of Postal Service Manual.

Chapter I of the Postal Service Manual contains the following parts:

(a) Subchapter 110—General Information on Postal Service.

- (1) Part 111—What this chapter covers.
- (2) Part 112—Domestic mail service.
- (3) Part 113—Service in post offices.
- (4) Part 114—Complaints.
- (5) Part 115—Mail treated in confidence.

(b) Subchapter 120—Preparation for mailing.

- (1) Part 121—Packaging.
- (2) Part 122—Addresses.
- (3) Part 123—Nonmailable matter.
- (4) Part 124—Matter mailable under special rules.

(5) Part 125—Second-class bulk mailings.

(6) Part 126—Mail addressed to military post offices overseas.

(7) Part 127—Mail sent via Department of State to U.S. foreign service personnel abroad.

(c) Subchapter 130—Mail classification and rates.

- (1) Part 131—First class.
- (2) Part 132—Second class.
- (3) Part 133—Controlled circulation publications.
- (4) Part 134—Third class.
- (5) Part 135—Fourth class.
- (6) Part 136—Air and priority mail.
- (7) Part 137—Official mail.
- (8) Part 138—For the blind and other handicapped persons.

(9) Part 139—Mixed classes.

(d) Subchapter 140—Postage.

- (1) Part 141—Envelopes, postal cards, aerogrammes.
- (2) Part 142—Stamps (adhesive).
- (3) Part 143—Precanceled stamps.
- (4) Part 144—Postage meters and meter stamps.

(5) Part 145—Permit imprints.

(6) Part 146—Prepayment and postage due.

(7) Part 147—Exchanges and refunds.

(8) Part 148—Revenue deficiencies developed by audit.

(e) Subchapter 150—Collection and delivery.

- (1) Part 151—General.
- (2) Part 152—Who may carry letters.
- (3) Part 153—Mail deposit and collection.
- (4) Part 154—Conditions of delivery.
- (5) Part 155—City delivery.
- (6) Part 156—Rural service.
- (7) Part 157—Star route box delivery service.

(8) Part 158—Forwarding mail.

(9) Part 159—Undeliverable mail.

(f) Subchapter 160—Special mail services.

- (1) Part 161—Registered mail.
- (2) Part 162—Insured mail.
- (3) Part 163—COD mail.
- (4) Part 164—Indemnity claims.
- (5) Part 165—Certificates of mailing.
- (6) Part 166—Special delivery.
- (7) Part 167—Special handling.
- (8) Part 168—Certified mail.
- (9) Part 169—Post office boxes.

(g) Subchapter 170—Nonmail services.

- (1) Part 171—Money orders.

(2) Part 172—Nonpostal stamps and bonds.

(3) Part 173—Postal savings.

[FR Doc.74-13453 Filed 6-11-74; 8:45 am]

Title 40—Protection of Environment
CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY
SUBCHAPTER C—AIR PROGRAMS
PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Utah Plan; Correction

On June 22, 1973 (38 FR 16568), a disapproval of Utah's implementation plan for the State's failure to meet the requirements of § 51.20 was entered in the FEDERAL REGISTER. The notice was incorrect in that a previously revoked section (§ 52.2329) was amended by adding a paragraph (b). To correct this error, the disapproval notice for Utah is republished below in the proper format.

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

Dated: June 6, 1974.

ROGER STRELOW,
*Acting Assistant Administrator
for Air and Waste Management.*

Subpart TT is amended by adding § 52.2329 to read as follows:

§ 52.2329 Resources.

(a) The requirements of § 51.20 of this chapter are not met because the transportation control plan does not contain a sufficient description of resources available to the State and local agencies and of additional resources needed to carry out the plan during the 5-year period following submittal.

[FR Doc.74-13538 Filed 6-11-74; 8:45 am]

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

Carbofuran

Two petitions (PPs 1F1163 and 2F1283) were filed by FMC Corp., 100 Niagara Street, Middleport, NY 14105, in accordance with provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 346a), proposing establishment of tolerances for combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranyl N-methylcarbamate) and its metabolites 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-N-methylcarbamate in or on the raw agricultural commodities sugar beet tops at 1 part per million and sugar beet roots at 0.1 part per million (PP 1F1163) and sorghum fodder and forage at 0.5 part per million and sorghum grain at 0.1 part per million (PP 2F1283).

Subsequently, the petitioner amended the petitions by proposing that:

- a. The existing regulation (§ 180.254) be expanded to include the phenolic metabolites of carbofuran (2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-di-

hydro-2,2-dimethyl-3-oxo-7-benzofuranol and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol).

b. The established tolerance of 20 parts per million for residues in or on alfalfa hay be increased to 40 parts per million (of which no more than 20 parts per million are carbamates).

c. The established tolerance of 5 parts per million for residues in or on corn fodder and forage be increased to 25 parts per million (of which no more than 5 parts per million are carbamates).

d. The established tolerance of 5 parts per million for residues in or on alfalfa (fresh) be increased to 10 parts per million (of which no more than 5 parts per million are carbamates).

e. The established tolerance of 1 part per million for residues in or on peanut hulls be increased to 5 parts per million (of which no more than 1 part per million is carbamates).

f. The proposed tolerance of 1 part per million for residues in or on sugar beet tops (PP 1F1163) be increased to 2 parts per million (of which not more than 1 part per million is carbamates).

g. The proposed tolerance of 0.5 part per million for residues in or on sorghum fodder and forage (PP 2F1283) be increased to 3 parts per million (of which no more than 0.5 part per million is carbamates).

h. The established tolerance of 0.2 part per million for residues in or on rice straw be increased to 1 part per million (of which no more than 0.2 part per million is carbamates).

i. The established tolerance of 0.02 part per million (negligible residue) for residues in milk be increased to 0.1 part per million (of which no more than 0.02 part per million (negligible residue) is carbamates).

j. The established tolerances of 0.1 part per million for residues in or on corn grain and peanuts be increased to 0.2 part per million (of which no more than 0.1 part per million is carbamates).

k. The proposed tolerance of 0.1 part per million in or on sugar beet roots be changed to read "0.1 part per million in or on sugar beets."

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

1. The insecticide is useful for the purpose for which the tolerances are being established.

2. There is no reasonable expectation of residues in eggs or poultry and § 180.6 (a)(3) applies. Established tolerances for residues in meat and the proposed tolerance for residues in milk are adequate to cover residues resulting from the established and proposed uses and § 180.6(a)(2) and (1) apply respectively to meat and milk.

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

4. The tolerances listed in § 180.254a for carbofuran and its metabolites should be combined with the tolerances established by this order.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408(d)(2), 68 Stat. 512; 21 U.S.C. 346a(d)(2)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (39 FR 18805), Part 180 is amended as follows:

§ 180.254a [Deleted]

1. By deleting § 180.254a *Carbofuran and its metabolites (including phenolic metabolites); tolerances for residues.*

2. By revising § 180.254 to read as follows:

§ 180.254 Carbofuran; tolerances for residues.

Tolerances are established for combined residues of the insecticide carbofuran (2,3-dihydro-2,2-dimethyl-benzofuranyl-N-methylcarbamate), its carbamate metabolite 2,3-dihydro-2,2-dimethyl-3-hydroxy-7-benzofuranyl-N-methylcarbamate, and its phenolic metabolites 2,3-dihydro-2,2-dimethyl-7-benzofuranol, 2,3-dihydro-2,2-dimethyl-3-oxo-7-benzofuranol, and 2,3-dihydro-2,2-dimethyl-3,7-benzofurandiol in or on the following raw agricultural commodities:

40 parts per million in or on alfalfa hay (of which no more than 20 parts per million are carbamates).

25 parts per million in or on corn fodder and forage (of which no more than 5 parts per million are carbamates).

10 parts per million in or on alfalfa (fresh) (of which no more than 5 parts per million are carbamates).

5 parts per million in or on peanut hulls (of which no more than 1 part per million is carbamates).

3 parts per million in or on sorghum fodder and forage (of which no more than 0.5 part per million is carbamates).

2 parts per million in or on sugar beet tops (of which no more than 1 part per million is carbamates).

1 part per million in or on peppers, potatoes (of which no more than 0.1 part per million is carbamates), and rice straw (of which no more than 0.2 part per million is carbamates).

0.2 part per million in or on corn grain and peanuts (of each, no more than 0.1 part per million is carbamates) and rice.

0.1 part per million in milk (of which no more than 0.02 part per million (negligible residue) is carbamates).

0.1 part per million in or on bananas (negligible residue), sorghum grain, sugar beets, and sugarcane.

0.05 part per million in the fat, meat, and meat byproducts of cattle, goats, hogs, horses, and sheep (of which no more than 0.02 part per million (negligible residue) is carbamates).

Any person who will be adversely affected by the foregoing order may at any time on or before July 12, 1974 file with the Hearing Clerk, Environmental

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

Effective date. This order shall become effective June 12, 1974.

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

Dated: June 7, 1974.

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

[FR Doc.74-13540 Filed 6-11-74;8:45 am]

SUBCHAPTER N—EFFLUENT GUIDELINES AND STANDARDS

PART 414—ORGANIC CHEMICALS MANUFACTURING POINT SOURCE CATEGORY

Corrections

In FR Doc. 74-9355 appearing at 39 FR 14676-14683 of the FEDERAL REGISTER of April 25, 1974, the Environmental Protection Agency published final effluent guidelines, and standards of performance and pretreatment standards for new sources, for the major organic products segment of the organic chemicals manufacturing point source category. As published, the final rules contained several errors. Accordingly, in order to correct those errors, the following changes are made, effective immediately.

1. Page 14676, column 1, first paragraph, fifth line, after the word "effluent", delete the comma.

2. Page 14677, column 3, first paragraph, line 12, delete the comma after "BATEA" and insert a period.

3. Page 14678, column 2, section F, sixth line, after the word "Organic", delete the word "Chemicals".

§ 414.20 [Amended]

4. Page 14679, column 3, in the table under the heading "B2-process descriptions", change the word "n-butane" in "Oxidative-dehydrogenation of n-butane" to "butylene".

§ 414.22 [Amended]

5. Page 14680, column 1, last paragraph (b), change the word "n-butane" in "oxidative-dehydrogenation of n-butane" to "butylene".

§ 414.23 [Amended]

6. Page 14680, column 2, last paragraph (b), change the word "n-butane"

in "oxidative-dehydrogenation of n-butane" to "butylene".

§ 414.25 [Amended]

7. Page 14680, column 3, last paragraph (b), change the word "n-butane" in "oxidative-dehydrogenation of n-butane" to "butylene".

8. Page 14680, column 3, § 414.25(b), in the table under the heading "English units (pounds per 1,000 of product)" in the line beginning "TSS----", delete the number ".23" in the second column and substitute therefor ".32".

§ 414.35 [Amended]

9. Page 14683, column 1, § 414.35(a), in the table under the heading "Metric units (kilograms per 1,000 kg of product)", in the line beginning "TSS----", delete the number ".94" in the second column and substitute therefor ".094".

10. Page 14683, column 1, § 414.35(a), in the table under the heading "English units (pounds per 1,000 lb of product)", in the line beginning "TSS----", delete the number ".94" in the second column and substitute therefor ".094".

Dated: June 6, 1974.

JOHN QUARLES,
Acting Administrator.

[FR Doc.74-13539 Filed 6-11-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 3—DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

PART 3-7—CONTRACT CLAUSES

Subpart 3-7.50—Special Contract Clauses

CONFIDENTIALITY OF INFORMATION

Chapter 3, Title 41, Code of Federal Regulations, is amended as set forth below. Section 3-7.5010 is being revised to state the purpose of the Government's review of the data submitted by the contractor under the terms of the "Confidentiality of Information" clause.

It is the general policy of the Department of Health, Education, and Welfare to allow time for interested parties to participate in the rule making process. However, since the revision is being made in response to a letter from a member of the general public and the clause was previously published in the FEDERAL REGISTER, the public rule making process is deemed unnecessary in this instance.

1. Section 3-7.5010, Confidentiality of information is hereby deleted and the following is substituted in lieu thereof:

§ 3-7.5010 Confidentiality of information.

The clause set forth below shall be used in all contracts where the contractor shall have access to or is expected to generate information which relates to individual person(s) or institution(s). In accordance with the terms of the clause, the contracting officer must designate such information in the contract.

CONFIDENTIALITY OF INFORMATION

The contracting officer may, from time to time, identify elsewhere in this contract any confidential data that the Government will furnish to the contractor or that the contractor is expected to generate.

The contractor shall not disclose any confidential information obtained in the performance of this contract. Any presentation of any statistical or analytical material or reports based on information obtained from the studies covered by this contract will be subject to review by the Government's project officer before publication or dissemination in order to determine whether safeguards of privacy have been observed.

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

Effective date. These amendments shall become effective June 12, 1974.

Dated: June 6, 1974.

JOHN OTTINA,
Assistant Secretary for Administration and Management.

[FR Doc.74-13515 Filed 6-11-74;8:45 am]

CHAPTER 5A—FEDERAL SUPPLY SERVICE, GENERAL SERVICES ADMINISTRATION

PART 5A-2—PROCUREMENT BY FORMAL ADVERTISING

Subpart 5A-2.2—Solicitation of Bids

UNSOLICITED SAMPLES, DESCRIPTIVE LITERATURE OR BRAND NAME REFERENCES

This change to the General Services Administration Procurement Regulations (GSPR) provides for a notice entitled "Notice Concerning Unsolicited Samples, Descriptive Literature, or Brand Name References" which emphasizes that the Government is not responsible for determining whether or not unsolicited material offered with a bid meets the requirements of the specifications.

Section 5A-2.202-70 is revised as follows:

§ 5A-2.202-70 Unsolicited samples, descriptive literature, or brand name references.

(a) The following provision (Article 25 of GSA Form 1424) shall be inserted in each invitation for bids:

UNSOLICITED SAMPLES, DESCRIPTIVE LITERATURE OR BRAND NAME REFERENCES

Where procurement is effected under specifications or purchase descriptions (other than "brand name or equal") and the Government does not specifically request bid samples, descriptive literature, or references to brand names, models, or part numbers as an integral part of the bid, bids which are accompanied by any of the foregoing will be rejected unless it is clear from the bid or accompanying papers that the samples, descriptive literature, or references to brand names, models, or part numbers are not intended to qualify the bid and that the bidder proposes to furnish items fully in accordance with the specifications or purchase descriptions. Where offers contain unsolicited material such as samples, descriptive literature, or references to brand names, models, or part numbers, the Government will not be responsible in any way for determining

whether the items which are offered meet the Government's requirements set forth in the applicable specifications or purchase descriptions.

(b) The following notice shall be included in GSA Form 1602, Notice to Prospective Bidders:

NOTICE CONCERNING UNSOLICITED SAMPLES, DESCRIPTIVE LITERATURE, OR BRAND NAME REFERENCES

Bidders are cautioned that submission of unsolicited material may result in rejection of bids under the provisions of this solicitation (see Article 25 of GSA Form 1424). It is also emphasized that the Government will not be responsible for determining if unsolicited material offered meets the requirements of the specifications or purchase description of the solicitation.

(c) The following clause shall be included in Solicitations for Offers:

UNSOLICITED SAMPLES

Bidders are cautioned that the submission of unsolicited material will result in rejection of bids under the provisions of this solicitation unless it is clear from the bid or accompanying papers that the samples, descriptive literature, or references to brand names, models, or part numbers are not intended to qualify the bid and that the bidder proposes to furnish items fully in accordance with the specifications or purchase descriptions (see Article 25 of GSA Form 1424). It is also emphasized that the Government will not be responsible for determining if unsolicited material offered meets the requirements of the specifications or purchase description of the solicitation.

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

Effective date. This regulation is effective on the date shown below.

Dated: May 30, 1974.

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

[FR Doc.74-13463 Filed 6-11-74;8:45 am]

CHAPTER 101—FEDERAL PROPERTY MANAGEMENT REGULATIONS

SUBCHAPTER E—SUPPLY AND PROCUREMENT [FFMR Amdt. E-142]

PART 101-26—PROCUREMENT SOURCES AND PROGRAMS

Additional Supply Support To Federal Agencies

This amendment provides policy relating to the use by civil agencies of the inventory control points of the Military Departments as sources of supply, the acquisition by civil agencies of commodities in addition to petroleum products and electronic items from the Defense Supply Agency, and the purchase by all executive agencies of goods and services from the workshops of the blind and other severely handicapped persons.

The table of contents for Part 101-26 is amended as follows:

Subpart 101-26.6—Procurements Sources of the Department of Defense

101-26.601 [Reserved]
101-26.604 [Reserved]

- Sec.
101-26.605 Items other than petroleum products and electronic items available from the Defense Supply Agency.
101-26.606 Supply support available from the inventory control points of the Military Departments.

Subpart 101-26.7—Procurement Sources Other Than GSA and the Department of Defense

- 101-26.700 Scope and applicability of subpart.
101-26.701 Purchase of products and services from the blind and other severely handicapped persons.
101-26.702 Purchase of products manufactured by the Federal Prison Industries, Inc.
101-26.703 Marginally punched continuous forms.

Subparts 101-26.8—101-26.47 [Reserved]

Subpart 101-26.6 is amended as follows:

Subpart 101-26—Procurement Sources of the Department of Defense

1. Section 101-26.600 is revised to read as follows:

§ 101-26.600 Scope and applicability of subpart.

This subpart prescribes the policies, procedures, and limitations relating to civil agency use of procurement sources of the Department of Defense (DOD), which include the Defense Supply Centers of the Defense Supply Agency (DSA) and the inventory control points of the Military Departments. The provisions of this Subpart 101-26.6 are applicable to executive agencies unless otherwise specifically indicated. Other Federal agencies are encouraged to obtain their requirements in the same manner.

§ 101-26.601 [Reserved]

2. Section 101-26.601 is reserved.

3. Section 101-26.602-2 is amended as follows:

§ 101-26.602-2 Procurement of packaged petroleum products.

(a) Packaged petroleum products listed in Federal Supply Catalog C 2510-9999 CA shall be obtained by submitting requisitions prepared in accordance with the FEDSTRIP Operating Guide (§ 101-26.2) to the Defense General Supply Center (DGSC), Richmond, VA 23219, using routing identifier code S9G. Federal Supply Catalog C 2510-9999 CA may be obtained, upon written request, from the Commander, Defense Logistics Services Center, Attn: DLSC-T, Battle Creek, MI 49016. Requisitions for packaged petroleum items not in this catalog and not otherwise included in Defense Fuel Supply Center (DFSC) procurements under the provisions of § 101-26.602-1 may be submitted to DGSC. DGSC will supply the items from inventory or will refer the requisitions to DFSC for purchase and direct delivery to the requisitioner. Packaged petroleum items may be obtained from other Federal activities by agreement with the activity concerned or by local purchase when such action is authorized under the provisions of the

DSA local purchases policy contained in subparagraph (b), below.

(d) Billings will be rendered at least monthly on Standard Form 1080 Voucher for Transfers Between Appropriations and/or Funds (Disbursement), supported by a mechanically prepared listing of documents including identification of requisitions and the related punch cards reflecting appropriate data pertaining to the gross sale, the retail loss allowance, and any credits for adjustments applicable to prior billings or for material returned. In addition, an accessorial charge will be made on shipments destined for overseas to cover expenses incident to overseas packing, handling, and transportation. DGSC shall be provided with a continental U.S. billing address for requisitioning activities requiring overseas shipments.

(e) Payments are expected to be made within 15 days of receipt of Standard Form 1080 from DGSC. Payment shall not be deferred until receipt of shipment or withheld pending resolution of adjustments.

(f) Requests for billing adjustments will be submitted to DGSC in accordance with instructions contained in the FEDSTRIP Operating Guide.

4. Section 101-26.603 is revised to read as follows:

§ 101-26.603 Electronic items available from the Defense Supply Agency.

Executive agencies shall obtain their requirements for electronic items listed in Federal Supply Catalog C 2510-9999 CA (FSC group 59, except classes 5940, 5970, 5975, 5977, and 5995) from the Defense Electronic Supply Center (DESC), DSA. Requisitions shall be prepared in accordance with the FEDSTRIP Operating Guide and submitted to DESC, 1507 Wilmington Pike, Dayton, OH 45401, using routing identifier code S9E. Electronic items may be obtained from local purchase sources when such action is authorized under the provisions of § 101-26.602-2(b). DESC may return requisitions for local purchase under the same conditions governing the return of requisitions by DGSC set forth in § 101-26.602-2(c).

§ 101-26.604 [Reserved]

5. Section 101-26.604 is reserved.

6. Sections 101-26.605 and 101-26.606 are added as follows:

§ 101-26.605 Items other than petroleum products and electronic items available from the Defense Supply Agency.

Agencies required to use GSA sources may obtain, on an optional basis, a variety of items available from Defense supply centers (DSC) of DSA, provided the items are not listed in the GSA Supply Catalog or Federal Supply Schedules. A listing of items available is included in Federal Supply Catalog C 2510-9999 CA. A list of DSC's and their corresponding commodity areas along with instructions for obtaining items from

these sources are in the FEDSTRIP Operating Guide.

§ 101-26.606 Supply support available from the inventory control points of the Military Departments.

Federal civil agencies may obtain items of supply which are procured and managed by the inventory control points (ICP) of the Army, Navy, and Air Force and are available in the United States, provided that a Federal stock number has been assigned to the items. A list of ICP's and their corresponding commodity areas is in the FEDSTRIP Operating Guide. Agencies should also refer to the FEDSTRIP Operating Guide for additional information concerning supply support from the ICP's and for instructions on obtaining items from these sources.

7. Subpart 101-26.7 is added to read as follows:

Subpart 101-26.7—Procurement Sources Other Than GSA and the Department of Defense

§ 101-26.700 Scope and applicability of subpart.

This subpart prescribes policy and procedures relating to procurement sources other than those of GSA and the Department of Defense. The provisions of this Subpart 101-26.7 are applicable to executive agencies unless otherwise indicated. Other Federal agencies are encouraged to obtain their requirements in the same manner.

§ 101-26.701 Purchase of products and services from the blind and other severely handicapped persons.

(a) Purchases by executive agencies of products produced by workshops of the blind or other severely handicapped persons which are carried in GSA supply distribution facilities must be made as provided in Subpart 101-26.3.

(b) Purchases by all Federal agencies of products and services offered for sale by workshops of the blind or other severely handicapped persons which are not carried in GSA supply distribution facilities, and purchases by executive agencies under exceptions set forth in § 101-26.301, must be made in accordance with the procurement list published by the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped. Products and services offered by the blind shall be given precedence over those offered by other severely handicapped persons. (See § 101-26.702(d) for priority accorded to products manufactured by Federal Prison Industries, Inc.)

(c) Products produced by workshops of the blind or other severely handicapped persons available from GSA supply distribution facilities are identified by Federal stock numbers in the Procurement List identified in paragraph (b), of this section.

§ 101-26.702 Purchase of products manufactured by the Federal Prison Industries, Inc.

(a) Purchases by executive agencies of prison-made products carried in GSA supply distribution facilities must be made as provided in Subpart 101-26.3.

(b) Purchases by all Federal agencies of prison-made products not carried in GSA supply distribution facilities, or supply items procured under exceptions set forth in § 101-26.301, must be made in accordance with the provisions in the Schedule of Products Made in Federal Penal and Correctional Institutions.

(c) Prison-made products available from GSA supply distribution facilities are identified by Federal stock numbers in the product schedule referred to in (b), above.

(d) Products available from Federal Prison Industries, Inc., shall be accorded priority over products offered for sale by the workshops of the blind and other severely handicapped persons.

§ 101-26.703 Marginally punched continuous forms.

GSA has delegated authority to the U.S. Government Printing Office (GPO) to procure all marginally punched continuous forms for use by Federal agencies except those procured by GSA for stock. Therefore, all Federal agencies shall submit their requirements for such forms in accordance with the provisions of this § 101-26.703.

(a) Except for those marginally punched continuous forms which GSA procures for stock, all requirements for such forms shall be ordered from GPO contracts or other established GPO sources. If an item is available from GSA stock, acquisition shall be from this source.

(b) Requirements for marginally punched continuous forms which are not available from GPO or GSA sources or which exceed the maximum monetary limitations of the GPO contract shall be submitted to GPO for appropriate action. If requirements are less than the minimum orders/shipment limitations of the GPO contract, agencies may procure them directly from commercial sources.

Subparts 101-26.8—101-26.47

[Reserved]

8. Subparts 101-26.8—101-26.47 are reserved.

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

Effective date. This regulation is effective June 12, 1974.

Dated: June 4, 1974.

ARTHUR F. SAMPSON,
Administrator of
General Services.

[FR Doc. 74-13462 Filed 6-11-74; 8:45 am]

**Title 47—Telecommunication
CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION**

[Docket No. 19939; FCC 74-550; RM-2222.]

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

Signaling Communications

In re the Amendment of Part 21 of rules and regulations, applicable to Domestic Public Land Mobile Radio Service to Allow "Signaling Communications" by Sub-Audible Means of Information Intended for Reception at Multi-point Mobile and/or Fixed Points.

1. On February 19, 1974, the Commission released a Notice of Proposed Rule Making in the above-referenced proceeding (FCC 74-149, 45 FCC 2d 290). Since that time the petitioner, CSA Applications, Inc., has changed its name to Laser Credit Control, Inc. (Hereinafter "LCC"). The basic purpose of this rule making was set out in paragraph 2 of our Notice:

Using facilities leased from mobile common carriers, CSA, which is a communications system corporation, seeks to offer one-way delivery of a "package" of digital information to a large number of mobile and/or fixed points. The digital information "package" is intended to be received at many hundreds of retail locations in a given metropolitan area by an "extremely low-cost" combination of a receiver and miniature computer designed and developed by CSA. This miniature computer can carry out simple "inquiry and response" functions necessary in ordinary retail transactions such as credit card verification.

We also set out our reaction to the proposal in paragraph 14 of the Notice:

Since the service proposed by CSA could apparently be accommodated with no increased use of the radio spectrum, we find it is in the public interest to issue this Notice of Proposed Rule Making.

Provision was made for Comments to be filed on March 29, 1974, and Reply Comments on April 10, 1974.

2. Comments were filed by LCC, Airsignal International, Inc., Airways Communications, Autophone Company, GT&E Service Corporation, the National Association of Radiotelephone Systems (NARS) and RAM Broadcasting Company. Most of these comments need not be summarized in detail, since all favored the proposal and pointed out that it would provide a useful service without requiring any new frequency allocation.

3. While all comments were favorable, some points raised should be mentioned. First, NARS stated that the question it had raised in a previous comment had been answered to its satisfaction by LCC.

4. Next, Airsignal International, Inc., noted its earlier comments in support of LCC's Petition for Rule Making and its

"active interest" in LCC's proposed service. Airsignal further stated that it had "reviewed with approval" the developmental report relating to LCC's service submitted, on behalf of LCC, by United Telephone Company of Ohio. Although Airsignal indicated that its "more detailed comments" would be reserved until "a thorough study of (LCC's) further particularization of its proposal," Airsignal commented that "it clearly wishes to indicate its continuing support of the (LCC) proposal".

5. Finally, the GTE Service Corporation (GT&E), commenting on behalf of the telephone operating companies of the General System, also expressed its support for the proposed amendments of Part 21. GT&E stated that "the proposed rules, if adopted, would not only provide for the establishment of a useful communications service, but would do so without taking valuable spectrum space from existing radio services." If sufficient safeguards are incorporated in the new service, GT&E noted, the proposed digital information service would be offered without interference with sub-audible paging service. GT&E further noted that common carriers must know what equipment will be required "for the appropriate interface of the service with the various mobile services they now provide, such as IMTS, MTS and one-way paging." GT&E further suggested that the amended rules should "include a specific bit rate and time requirement for updating of remote terminals, and the determination of whether only one channel will be utilized or whether the proposed (LCC) receivers will be capable of idle channel hunting." GT&E stated its belief that, with the suggested modifications, "the Commission should adopt the proposed Rules . . ."

6. Reply comments were filed by Airsignal and LCC. Airsignal stated that its problems had been answered by LCC and it now fully supported the proposal. LCC, in its reply, focused primarily on the GT&E comments.

7. With reference to GT&E's comments which request data about the appropriate interface of LCC's service with existing mobile services, LCC noted that the transfer to the IMTS, MTS or one-way paging transmitters would be at the same impedance level as presently used paging tone inputs. As to specifying a bit rate requirement for updating receiver-terminals, LCC believed that this matter is an operational decision and should be determined by radio station operators. It stated that during its tests using United Telephone of Ohio's IMTS facilities, LCC used a single tone with phase reversal keying to provide the digital format; and it used a bit rate of 110Hz. However, other sub-audible frequencies such as 112Hz, 115Hz and so forth could be used

equally well, it believed. As noted above, LCC submitted that the bit rate need not—and should not—be specified in the rules but should, as an operational matter, be determined by the station operator.

8. LCC further believed that no time requirement for updating need be specified in the proposed amendments to Part 21, as urged by GT&E, because of the interruptible character of LCC's proposed service in the event the sub-audible channel is required for paging. Further, digital transmission would normally take place in low demand periods such as after midnight. In view of the likely variations in the time necessary for updating and the ability of LCC's service to operate without interference with existing services, LCC submitted that no time requirements for the proposed service need be incorporated in the proposed amendments.

9. LCC concluded that, "after consideration of these operational characteristics of LCC's proposed service, GT&E has indicated to LCC that no modifications are required in the proposed amendments to Part 21. GT&E has authorized LCC to state that it now urges the adoption of the amendments to Part 21 as proposed by the Commission."

10. We agree with LCC that purely operational requirements are not necessary in the amended rules. The carriers who provide this service are under an obligation to maintain control of this

operation to operate without interference to their primary operations, and we will make this explicit in the rule adopted herein. From the information contained in the developmental report submitted by United Telephone Company of Ohio, February 14, 1974, concerning their test programming of an LCC system, it appears that this is practicable. Thus we find that the operation proposed is feasible, will benefit the public, and will not require any frequency allocation. In view of this finding, we have concluded that the LCC proposal should be allowed and the rules amended as set out in the Appendix.

11. Authority for the action taken herein is contained in Sections 4 and 303 of the Communications Act of 1934, as amended.

12. Accordingly, *It is ordered*, That effective July 12, 1974 Sections 21.1 and 21.509(e) of the Commission's Rules are amended as set forth below.

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

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

Adopted: May 28, 1974.

Released: June 4, 1974.

FEDERAL COMMUNICATIONS
COMMISSION

[SEAL] VINCENT J. MULLINS,
Secretary.

The specific amendments adopted are as follows:

1. In Part 21, Subpart A, § 21.1 the definition of "signaling communications" is amended to read as follows:

§ 21.1 Definitions.

Signaling communication. One-way communications from a base station to a mobile receiver or to multipoint mobile and/or fixed locations by subaudible means for the purpose of actuating a signaling device in the mobile unit, for communicating information to the desired mobile unit or for communicating information for reception at multipoint mobile and/or fixed locations.

2. Section 21.509(e) is amended to change present paragraph (e) to paragraph (e)(1) and to add a new paragraph (e)(2) as follows:

§ 21.509 Permissible communications.

(e)(1) * * *

(2) Base stations in this service may also be authorized to render one-way signaling communications service by subaudible means to multipoint mobile and/or fixed locations for purposes of communicating information intended for reception at multipoint mobile and/or fixed locations, provided that this does not interfere with normal communications.

[FR Doc.74-13450 Filed 6-11-74; 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 LABOR

Occupational Safety and Health Administration

[29 CFR Part 1926]

[S-74-7]

SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION

Change in Location of Public Hearing

In the matter of the hearing for tunnels and shafts, illumination, scaffolding, motor vehicles, seat belts, pneumatic-tired earthmoving haulage equipment, excavation, cofferdams, and surface transportation of explosives.

On March 18, 1974 a notice was published in the FEDERAL REGISTER (39 FR 10216) that oral data, views and arguments will be received at a public hearing on June 26 and 27, 1974, in the Departmental Auditorium, Constitution Avenue between 14th and 12th Streets NW, Washington, D.C.

The location has been changed to:

June 26, 1974—Department of Commerce Auditorium, 14th Street Between Constitution Avenue and E Street, NW.

June 27, 1974—Council Chamber, Room 500, District Building, 14th and E Streets, NW, Washington, D.C.

Signed at Washington, D.C., this 7th day of June 1974.

JOHN STENDER,
Assistant Secretary
of Labor.

[FR Doc.74-13487 Filed 6-11-74; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 3]

2-MERCAPTOIMIDAZOLINE

Use in Closures and Product Delivery Systems for Drugs and Cosmetics and in Components of Medical Devices; Extension of Time for Comments

A notice of proposed rulemaking published in the FEDERAL REGISTER of May 2, 1974 (39 FR 15306), as amended by a correction published in the FEDERAL REGISTER of May 29, 1974 (39 FR 18660), proposed regulations with regard to discontinuing the use of 2-mercaptoimidazole in container closures and product delivery systems for drugs and cosmetics and in components of medical devices.

The Commissioner of Foods and Drugs has been requested to extend the time for filing comments on the grounds that additional time is required to obtain data necessary to prepare and file responsive, meaningful comments to the proposal,

such as information on safety of 2-mercaptoimidazole, the extent of its use in the manufacturing process, assessment of available literature to ascertain the extent of conversion to ethylenethiourea as well as extent of dissemination of the material, if any, from containers, manner and levels in which 2-mercaptoimidazole is used, product types involved, availability of alternatives for use as a curing agent, time needed for transition to alternatives and degree of human risk, if any, from inhalation or dermal exposure to 2-mercaptoimidazole when used as a curing agent in the neoprene gasket sealer of aerosol products. Accordingly, having found good reason, the Commissioner hereby extends the time for submitting comments on this proposal and will consider all comments received not later than close of business August 12, 1974.

This action is taken pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 201, 501, 505, 512, 701, 52 Stat. 1041, 1049, 1052-1053, 1055, 82 Stat. 347; 21 U.S.C. 321, 351, 355, 360b, 371), the Public Health Service Act (sec. 351, 58 Stat. 702, as amended; 42 U.S.C. 262), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: June 6, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.74-13459 Filed 6-11-74; 8:45 am]

Office of the Secretary

[41 CFR Part 3-50]

DISCLOSURE OF INFORMATION UNDER THE FREEDOM OF INFORMATION ACT

Notice of Proposed Rulemaking

Notice is hereby given in accordance with the administrative provisions in 5 U.S.C. 553, that pursuant to the Federal Property and Administrative Services Act of 1949, as amended, the Office of the Secretary is considering an amendment to 41 CFR, Chapter 3, by adding a new Subpart 3-50.8, Disclosure of Information Under the Freedom of Information Act.

This amendment would provide procurement personnel with a policy and procedure for responding to requests for information from the general public, with particular regard as to how such requests are affected by the provisions of the Freedom of Information Act.

Any person who wishes to submit written data, views, or objections pertaining to the proposed amendment may do so by filing them with the Deputy Assistant Secretary for Grants and Procurement Management, OASAM, Room 2038, HEW

Switzer Building, 330 C Street SW, Washington, D.C. 20201, on or before July 12, 1974. All comments submitted pursuant to this notice will be available for inspection during regular business hours in the Office of Grants and Procurement Management.

Dated: June 5, 1974.

JOHN OTTINA,
Assistant Secretary for
Administration and Management.

As proposed, the new Subpart 3-50.8 would read as follows:

Subpart 3-50.8—Disclosure of Information under the Freedom of Information Act

Sec.	
3-50.800	Scope.
3-50.801	General.
3-50.802	Release of procurement information.
3-50.803	Denial of requests for information.
3-50.804	Resolution of doubtful cases.
3-50.805	Fees.

Subpart 3-50.8—Disclosure of Information under the Freedom of Information Act

§ 3-50.800 Scope.

This subpart provides policy and procedures pertaining to the release of procurement information to the public in accordance with the provisions of the "Freedom of Information Act" (5 U.S.C. 552).

§ 3-50.801 General.

The "Freedom of Information Act" provides that certain Government records shall be made available to the public upon request. This Act has been implemented by the Department in 45 CFR Part 5 (this material also appears in Exhibit 1-120-1 of the General Administration Manual). The Department's policy is one of the fullest responsible disclosure limited only by the obligations of confidentiality and administrative necessities recognized by the Act. Any record requested and properly identified by any member of the public will be made available unless it is exempt from public disclosure. Neither the fact that the person making the request does not have a particular interest in its subject matter, nor that he does not provide justification for the request, is a basis for denying his request.

§ 3-50.802 Release of procurement information.

It is anticipated that the majority of requests for information from the public may be handled by procurement offices in accordance with the following guidelines.

(a) Information generally available.

- (1) Name of contractor, subject matter, date, and amount of contract.
- (2) Contract performance review report.
- (3) Deficiency report.
- (4) Final report.
- (b) *Information generally not available.* (1) Trade secrets.
- (2) Confidential pricing data contained in a contract proposal if in the contracting officer's judgment it is properly so designated by the offeror.
- (3) Proprietary technical data contained in a contract proposal if in the contracting officer's judgment it is properly so designated by the offeror.

- (4) Confidential financial information.
- (5) Draft of proposed final report submitted for comment prior to acceptance.
- (6) Research protocol, design, processing, and other technical information to the extent proprietary or of a confidential nature, including proprietary contents of unsolicited proposals.
- (7) Proposals on which no award is made.

§ 3-50.803 Denial of requests for information.

- (a) Written requests for inspection or copying of records shall be denied only by the following officials:

Office of the Secretary-----
Health Services Administration, Center for Disease Control, Health Resources Administration, and National Institutes of Health.
Food and Drug Administration-----
Office of Education-----
Social Security Administration-----
Social and Rehabilitation Service-----
National Institute of Education-----

Director of Public Services, Department Information Center Officer, or Regional Public Affairs Officers.
Director of Public Services, Department Information Center Officer.
Assistant Commissioner for Public Affairs.
Do.
Do.
Assistant Administrator for Public Affairs.
Assistant to the Director for Public Affairs.

In those instances where a contracting officer considers it necessary to deny a written request for information, a statement justifying denial shall be prepared and the concurrence of the Business and Administrative Law Division, Office of General Counsel or cognizant regional attorney shall be obtained. A copy of the request and of the justification for denial shall then be forwarded to the appropriate duly authorized officer for his consideration.

(b) *Oral requests.* Oral requests may be dealt with orally, but if the requester is dissatisfied with the disposition of such a request he shall be asked to put the request in writing.

§ 3-50.804 Resolution of doubtful cases.

Whenever a contracting officer entertains a reasonable doubt as to whether records requested are or may be exempt from disclosure, he shall promptly request a determination from the Business and Administrative Law Division, Office of General Counsel or from the cognizant regional attorney, and the appropriate public affairs officer.

§ 3-50.805 Fees.

(a) *Policy.* Routine information shall be provided to the general public without charge. Special information services involving a benefit that does not accrue to the general public shall be subject to the payment of fees, which shall be fixed in such amounts as to recover the cost to the Government of providing such services. Fees will be charged for the following special services: (1) Reproduction, duplication, or copying of records; (2) certification or authentication of records; (3) searches of or for records.

(b) *Fee schedules.* Fee schedules of the various components of the Department are set forth in 45 CFR Part 5.

[FR Doc.74-13516 Filed 6-11-74; 8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 243]

[Economic Regs.; Docket No. 26770; EDR-271]

REPORT OF CHARTER SERVICES PERFORMED FOR THE MILITARY AIRLIFT COMMAND

Proposed Standard Allocation Procedures and Reporting of Additional Data

JUNE 4, 1974.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to Part 243 of the Economic Regulations which would establish standard allocation procedures for allocating investment and expenses to Military Airlift Command charter contracts, and require the reporting of additional data on CAB Form 243 "Report of Charter Services Performed for the Military Airlift Command."

The principal features of the proposed amendment are described in the attached Explanatory Statement, and the proposed amendment is set forth in the proposed rule. The amendment is proposed under the authority of sections 204(a) and 407 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rulemaking through submission of twelve (12) copies of written data, views, or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before July 15, 1974, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut

cut Avenue, NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

Dated: June 4, 1974.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

On June 5, 1973, by notice of proposed rulemaking EDR-249/PSDR-35 (38 FR 15368), the Board proposed, in addition to other amendments to Part 288 of the Economic Regulations (14 CFR Part 288) and Part 399—Statements of General Policy (14 CFR Part 399), the establishment of interim final minimum rates applied prospectively to certain foreign and overseas air transportation services for the Department of Defense (DOD) through procurement by the Military Airlift Command (MAC). This modification of MAC ratemaking procedure, subsequently adopted in ER-819, August 28, 1973, is based on an expedited analysis of available reported results and other related data. The interim final rates determined are to be effective prospectively and shall not be subject to retroactive adjustment. Moreover, the analyses are to be updated periodically for the latest available data to determine whether or not the interim final rates established should be further adjusted prospectively.

The primary source data for interim final rate analyses are the Form 243 reports submitted by the carriers to the Board covering MAC charter contract operations, which served as the base for the interim rate determinations adopted by the Board in ER-819. DOD comments in response to the Notice took issue with the validity of the carrier reports, pointing out a number of discrepancies in the results reported within and between the carriers. While our review of the DOD comments revealed most of the items raised were not substantive and the reports at that time were reasonably acceptable for the interim rate determinations therein, we are nonetheless concerned about maintaining the reliability of these reported data, particularly in view of the procedural modification for interim final rate determinations. In this connection, a study of the Form 243 reports and related procedures was made which indicates that the inconsistencies and deficiencies in the reporting noted by the DOD are primarily due to the inability under the present regulation to relate the assigned MAC operational investment and cost elements with those reported for these same elements as they are reflected in the Form 41 reports for the system operations. Moreover, the present regulation does not prescribe the bases for assignment and allocation of investment and expenses to MAC operations. Rather, each carrier has been permitted to assign investment and expenses on its own bases, subject to the filing of policy statements for its methodologies. While the carrier allocations have been reasonably acceptable, the fact remains that the variations in methodologies reduced their usefulness for

analytical purposes. Accordingly, on the basis of the foregoing, and since the services provided for MAC are to a large extent standardized and the rates are fixed on a class basis, we conclude that:

(1) Form 243 reporting for such services performed would be improved through prescription of standard allocation methods¹ to be employed in this reporting by all of the participating carriers; and, (2) that an enlargement of the reported data base is required for administration of the recently adopted modification of MAC ratemaking procedure.

Therefore, we are proposing herein additional reporting and standardization of investment and cost assignments for the MAC operations, as reported on the Form 243 directed towards significantly enhancing the reliability of these reports as an analytical base for expedited monitoring and processing of MAC rates. Due to a limited statistical reporting currently required of the supplemental carriers under Part 241, we cannot accomplish complete standardization at this time. However, upgrading of reporting for the supplemental carriers is under consideration, and it is contemplated that in the near future all of the carriers reporting on Form 243 will have a standard Form 41 data base. In the interim, in order to achieve a major part of our objective herein, the assignment bases for operations by supplemental carriers which are not mutually reported with the route operations will temporarily be keyed to what are considered the best bases currently available. At such time as the Form 41 reporting for the supplementals provides data comparable to that now provided by the route carriers, we intend to convert the supplemental carrier assignment standards for MAC services on Form 243 reports to be compatible with those being proposed for the route carriers. We believe that the proposed amendments to Form 243 reporting will strengthen the tie-in to the system data reported on the Form 41, improve the reliability and the consistency of reporting both within and between the carriers, and provide for better cost perspectives relating to the equipment types utilized by all of the participating carriers in the various classes of services performed for MAC. We are very much aware that our proposed amendments to Part 243 will impose an added reporting burden upon the carriers. This was duly considered and weighed against the benefits, which are anticipated to be derived, in reaching our conclusion to issue this Notice. Diligence was extended to keep the report revisions to a minimum. As for the added data requirements, particularly Schedules D-2 (b) and (c), we have closely aligned the format of these reports with the related schedules for similar data submissions.

¹ The standards for the proposed cost assignments are based primarily on the allocations which were employed by the Board in its cost analyses made for the Domestic Passenger-Fare Investigation, Docket 21866. (DPFI).

for the Form 41 system reports, which we expect will facilitate their preparation—especially if performed through automated data processing.

ADDITIONAL DATA

A. *Investment.* Schedule D-1, Summary of Invested Capital, would be amended to provide separate reporting of assigned investment related to passenger, cargo and mixed traffic services performed under MAC charter contracts during the report period. In addition, we will require memorandum reporting for the net valuation of assigned leased equipment, pursuant to regulatory provisions. The foregoing, coupled with the standard methods for assignment, should provide us with more direct information detail for the carriers' capital costs as they pertain to the different MAC services performed which underlie our rate determinations.

B. *Operating revenues and expenses.*

1. Schedule D-2, Summary of Financial Results of Operations, would be amended to provide separate reporting for passenger, cargo and mixed traffic services. We will also require the carriers to submit a 12-months-to-date summary of these results commencing with the fourth quarter of reporting under this rule. During the first year that the regulation is in effect, the reporting carriers will report the totals to date, each quarter, and use the to-date summaries in lieu of the computations required on an annual basis. For example, after six months' effectiveness in cases where the base for assignment is required on all or one-twelfth of the annual data, the assignment would be made on the basis of all or one-sixth of the six-month totals as is appropriate—etc., all or one-ninth of the nine-month totals. It should also be noted that the reporting of revenues and expenses related to commercial backhaul services is being deleted from this report. This is consistent with the treatment accorded to the results of this service by the Board in ER-819 for the determination of the interim final rates adopted therein.

2. Supplemental Schedules D-2(a), D-2(b) and D-2(c) are added to provide memorandum reports covering out-of-period adjustment entries reflected within the reported data, objective account reporting of direct operating expenses, and objective account reporting for indirect expenses, respectively. We feel that this cost breakdown is necessary for two reasons: (1) To enable the carriers to comply with the standard cost assignments being prescribed herein; and, (2) to provide adequate reported data detail so as to permit analytical focus on selected cost areas which come to the forefront in expedited rate reviews and monitoring.

C. *Service and traffic.* Schedule D-3, Summary of Operating Statistics and Aircraft Utilization, would also be amended to provide separate reporting for passenger, cargo and mixed traffic services performed quarterly and 12 months to date beginning with the fourth

quarter after this amendment is effective. During the first year, totals will be accumulated to date. The commercial backhaul miles have been eliminated consistent with the deletion of revenues and expenses for this service. The assignment of aircraft days to MAC services has been specifically defined in the proposed rule. For cost assignment purposes, revenue passengers enplaned, revenue passenger-miles and departures performed have been added to this report. Further, gallons of fuel consumed, reflecting purchases from military and commercial sources, have also been included in the report which we consider a relevant information item for analytical purposes.

STANDARD ALLOCATIONS

The proposed rule sets out in detail the standard allocations, specified where necessary for the different methods to be used by route and supplemental carriers, which are to be applied to the system results in order to obtain the investment and expenses related to MAC contract charter services. Revenues will be reported on Form 243 as directly derived from the performance of MAC operations. The prescribed allocation standards reach to each element of the reported investment and to each expense function and sub-function reporting required herein.

It is proposed to amend Part 243 of the Economic Regulations (14 CFR Part 243) as follows:

1. Amend the Table of Contents by revising the title of § 243.4, changing the present § 243.8 to § 243.11, and adding new §§ 243.8, 243.9, and 243.10. As amended, the table of contents will read:

Sec.

243.4	Standard allocation procedures.
243.8	Schedule D-2(a)—Notes to Summary of Financial Results of Operations—MAC Charter Contracts.
243.9	Schedule D-2(b)—Summary of Direct Expenses—MAC Charter Contracts.
243.10	Schedule D-2(c)—Summary of Indirect Expenses—MAC Charter Contracts.
243.11	Schedule D-3—Summary of Operating Statistics and Aircraft Utilization—MAC Charter Contracts.

§ 243.1 [Amended]

2. Amend § 243.1 by deleting the definition for Category X charter services.

3. Amend § 243.2 by revising paragraphs (a) and (c) to read:

§ 243.2 Applicability of CAB Form 243 requirements.

(a) This part applies only to certificated air carriers performing Category B, Logair, or Quicktrans charter services under fiscal year contracts with the Military Airlift Command.

(c) List of Schedules in CAB Form 243 report.

Schedule No.	Schedule title	Filing frequency	Due dates
	Certification.....	Quarterly.....	June 1, Sept. 1, Dec. 1, Mar. 30.
D-1.....	Summary of Invested Capital—MAC Charter Contracts.....	do.....	Do.
D-2.....	Summary of Financial Results of Operations—MAC Charter Contracts.....	do.....	Do.
D-2(a).....	Notes to Summary of Financial Results of Operations—MAC Charter Contracts.....	do.....	Do.
D-2(b).....	Summary of Direct Expenses—MAC Charter Contracts.....	do.....	Do.
D-2(c).....	Summary of Indirect Expenses—MAC Charter Contracts.....	do.....	Do.
D-3.....	Summary of Operating Statistics and Aircraft Utilization—MAC Charter Contracts.....	do.....	May 10, Aug. 10, Nov. 10, Feb. 10.

Due dates falling on a Saturday, Sunday, or national holiday will become effective the first following working day.

4. Revise § 243.4 to read as follows:

§ 243.4 Standard allocation procedures.

(a) Balance sheet, revenue, and expense classifications shall be allocated in accordance with the standard allocation procedures set forth in the subsequent paragraphs of this section.

(b) Standard allocation procedures for Schedule D-1—Summary of Invested Capital—MAC Charter Contracts.

(1) Working capital—one month's cash operating expenses determined from the expenses reported by type of MAC charter contract, type of service, and type of aircraft on Schedule D-2 shall be reported by similar groupings as working capital on this schedule. In each instance, one month's cash operating expenses shall be determined by multiplying the related 12-months-to-date cash operating expenses reported on Schedule D-2 by one-twelfth.

(2) Flight equipment costs and reserves for depreciation—costs and depreciation reserves for those aircraft types used in MAC operations included in the system amounts reported on CAB Form 41 (column 7—Costs, column 8—Regulatory Reserves for Depreciation, and column 10—Total Reserves for Depreciation of Schedule B-5 for route air carriers; and Account 1609—Flight Equipment Cost and Account 1619—Reserves for Depreciation of Schedule B-1, and the Regulatory Reserves for Depreciation shown on Schedule B-2.1 for supplemental air carriers) shall be allocated to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the basis of the ratios of the related "aircraft days assigned to service—carrier's equipment" reported on line 19 of Schedule D-3 to the respective aircraft type system "aircraft days assigned to service—carrier's equipment" reported on CAB Form 41 Schedule T-2 (b) or Schedule T-3.1.

(3) Ground equipment costs and reserves for depreciation—costs and depreciation reserves reported on CAB Form 41 Schedule B-1 shall be allocated to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the following bases:

(i) Route air carriers—costs of ground equipment at stations operated solely for MAC charter services shall be directly assigned to MAC operations, and costs of

ground equipment at stations operated for both MAC charter services and other services shall be allocated on the basis of the ratios of the related MAC charter aircraft departures to the total aircraft departures by respective type reported for the station on CAB Form 41 Schedules T-3(b) and T-3(c). Ground equipment reserves for depreciation shall be allocated on the basis of the ratios of the ground equipment costs allocated to MAC operations on this schedule to the system ground equipment costs.

(ii) Supplemental air carriers—costs of ground equipment at stations operated solely for MAC charter services shall be directly assigned to MAC operations, and costs of ground equipment at stations operated for both MAC charter services and other services shall be allocated on the basis of the ratios of the related MAC charter airborne aircraft hours flown reported on line 18 of Schedule D-3 to the respective aircraft type system revenue airborne aircraft hours flown reported on CAB Form 41 Schedule T-3.1. System reserves for depreciation shall be allocated on the basis of the ratios of the ground equipment costs allocated to MAC operations on this schedule to the system ground equipment costs.

(4) Developmental and preoperating costs—unamortized costs applicable to aircraft utilized in MAC operations included in the system amounts reported in column 6 of CAB Form 41 Schedule B-10 (Account 1830 of CAB Form 41 Schedule B-1 for Group I supplemental air carriers) shall be allocated to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the basis of the ratios developed for allocating the related flight equipment costs and reserves for depreciation (§ 243.4(b)(2)).

(5) Other—with respect to capital items for which no allocation basis is otherwise prescribed herein, the carrier shall provide a description of each investment item, the amounts capitalized for each in the MAC services investment, and an explanation of the allocation method utilized. In those instances where the item is related to one of the foregoing investment items listed above, the allocation should be made on the same basis as prescribed for the related items.

(6) Constructive asset value of leased flight equipment—costs and depreciation accumulations for those aircraft types used in MAC operations included in the system amounts reported on CAB Form 41 Schedule B-14 (columns 3 and 4) shall be reported as memorandum items and

allocated to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the basis of the ratios developed for allocating related owned flight equipment costs and reserves for depreciation (§ 243.4(b)(2)). If type of equipment is totally leased, costs and depreciation accumulations included in system amounts reported on CAB Form 41 Schedule B-14 (columns 3 and 4) shall be allocated to MAC operations on the basis of ratios developed in accordance with the provisions of § 243.4(b)(2).

(c) Standard allocation procedures for Schedule D-2—Summary of Financial Results of Operations—MAC Charter Contracts.

(1) Operating revenues—actual revenues shall be reported by type of MAC charter contract, type of service, and type of aircraft.

(2) Operating expenses—totals of operating expenses reported on Schedules D-2(b) and D-2(c) shall be reported on this schedule by type of MAC charter contract, type of service, and type of aircraft. Expenses not allocated to MAC operations on Schedules D-2(b) and D-2(c) shall be allocated to MAC operations as follows:

(i) Flight equipment rentals—rental expenses for those aircraft types used in MAC operations included in the system amounts reported on CAB Form 41 Schedule P-5.1 (Group I air carriers) or Schedule P-5.2 (Groups II and III air carriers) shall be allocated to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the basis of the ratios developed for allocating the constructive asset value of the related leased flight equipment (§ 243.4(b)(6)).

(ii) Form 41 components of flight equipment depreciation—depreciation expenses for those aircraft types used in MAC operations included in the system amounts reported on CAB Form 41 Schedule P-5.1 (Group I air carriers) or Schedule P-5.2 (Groups II and III air carriers) shall be allocated by objective account to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the basis of the ratios developed for allocating flight equipment costs and reserves for depreciation (§ 243.4(b)(2)).

(iii) Developmental and preoperating expenses—expenses applicable to those aircraft types utilized in MAC operations included in the system amounts reported on CAB Form 41 Schedule P-3 (all route air carriers) or Schedule B-10—column 5 (Group II supplemental air carriers) shall be allocated to MAC operations by types of MAC charter contract, type of service, and type of aircraft on the basis of the ratios developed for allocating developmental and preoperating costs (§ 243.4(b)(4)). Group I supplemental air carriers shall also allocate expenses of aircraft types used in MAC operations on the same basis as the other carriers and, because these carriers do not report these expenses on CAB Form 41, shall indicate the respective

system expenses in the notes section of this Schedule D-2.

(iv) Interest—system interest expenses reported on CAB Form 41 Schedule P-3 (accounts 87.1, 87.2, and 87.3) shall be allocated to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the basis of the ratios developed for allocating flight equipment costs and reserves for depreciation (§ 243.4(b)(2)).

(v) Income taxes—income taxes shall be allocated to MAC operations by type of MAC charter contract, type of service, and type of aircraft by multiplying the income before income taxes reported on line 12 of this schedule by the current tax rates.

(d) Standard allocation procedures for Schedule D-2(b)—Summary of Direct Expenses—MAC Charter Contracts.

(1) Flying operations—except for the direct assignment of the actual costs of aircraft fuels acquired from DOD and commercial sources to MAC operations by type of MAC charter contract, type of service, and type of aircraft, system expenses reported on CAB Form 41 Schedule P-5.1 (Group I air carriers) or Schedule P-5.2 (Groups II and III air carriers) shall be allocated by objective account to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the following bases:

(i) Route air carriers—ratios of the related MAC charter ramp-to-ramp aircraft hours flown reported on line 22 of Schedule D-3 to the respective aircraft type system ramp-to-ramp aircraft hours flown reported on CAB Form 41 Schedule T-2(b).

(ii) Supplemental air carriers—ratios of the related MAC charter airborne aircraft hours flown reported on line 18 of Schedule D-3 to the respective aircraft type system revenue airborne aircraft hours flown reported on CAB Form 41 Schedule T-3.1.

(2) Direct maintenance—flight equipment—except for applied maintenance burden (account 79.6), system expenses reported on CAB Form 41 Schedule P-5.1 (Group I air carriers) or Schedule P-5.2 (Groups II and III air carriers) shall be allocated by objective account to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the basis of the ratios developed for allocating flying operation expenses (§ 243.4(d)(1)). Maintenance burden costs already allocated by type of MAC charter contract, type of service, and type of aircraft on Schedule D-2(c) (§ 243.4(e)(2)) shall be allocated to account 79.6 on the basis of direct labor incurred under this function.

(3) Regulatory components of flight equipment depreciation—system expenses reported on CAB Form 41 Schedule P-5(a) shall be allocated by objective account to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the basis of the

ratios developed for allocating flight equipment costs and reserves for depreciation (§ 243.4(b)(2)).

(4) Obsolescence and deterioration—expendable parts—system expenses reported on CAB Form 41 Schedule P-5.1 (Group I air carriers) or Schedule P-5.2 (Groups II and III air carriers) shall be allocated by objective account to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the basis of the ratios developed for allocating flight equipment costs and reserves for depreciation (§ 243.4(b)(2)).

(e) Standard allocation procedures for Schedule D-2(c)—Summary of Indirect Expenses—MAC Charter Contracts.

(1) Direct maintenance—ground equipment—except for applied maintenance burden (account 79.8), system expenses reported on CAB Form 41 Schedule P-6 shall be allocated by objective account to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the basis of the ratios developed for allocating flying operation expenses (§ 243.4(d)(1)). Maintenance burden expenses already allocated by type of MAC charter contract, type of service, and type of aircraft on this schedule (§ 243.4(e)(2)) shall be allocated to account 79.8 on the basis of direct labor incurred under this function.

(2) Maintenance burden—system expenses reported on CAB Form 41 Schedule P-6 shall be allocated by objective account to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the basis of the ratios developed for allocating flying operation expenses (§ 243.4(d)(1)).

(3) Passenger service—system expenses reported on CAB Form 41 Schedule P-6 (Groups II and III air carriers) shall be allocated by objective account to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the following basis:

(i) Route air carriers—ratios of the related MAC revenue passenger-miles flown reported on line 23 of Schedule D-3 to the respective aircraft type system revenue passenger-miles flown reported on CAB Form 41 Schedule T-2(b).

(ii) Supplemental air carriers—ratios developed for allocating flying operation expenses (§ 243.4(d)(1)(ii)).

(4) Aircraft servicing—system expenses reported on CAB Form 41 Schedule P-7 (Group III route air carriers) shall be allocated by objective account to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the basis of the ratios of the related MAC departures (weighted by the standard maximum landing weight) reported on line 21 of Schedule D-3 to the respective aircraft type system departures (weighted by the standard maximum landing weight) reported on CAB Form 41 Schedules T-3(b) and T-3(c). The standard maximum landing weights to be used in weighting departures are as follows:

Aircraft Type	Standard Maximum Landing Weight (Tons)
B-747A	282
B-747B	282
B-707-300C	123.5
B-707-321B	107.5
B-707-331/351B	103.5
DC-10-30CF	205.5
DC-8-50F	120
DC-8-61F	229
DC-8-62	120
DC-8-62F	125
DC-8-63/F	137.5
B-727/QC	68.75
L-188C	47.825
L-100-20	65.000
DC-9-30F	44.500

(5) Traffic servicing—system expenses reported on CAB Form 41 Schedule P-8 (Group III route air carriers) shall be allocated by objective account to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the basis of the ratios of the related MAC revenue ton-miles flown reported on line 26 of Schedule D-3 to the respective aircraft type system revenue ton-miles flown reported on CAB Form Schedule T-2(b).

(6) Servicing administration—system expenses reported on CAB Form 41 Schedule P-8 (Group III route air carriers) shall be allocated by objective account to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the basis of the ratios developed for allocating traffic servicing expenses (§ 243.4(e)(5)).

(7) Aircraft and traffic servicing—system expenses reported on a combined basis (also includes servicing administration expenses) on CAB Form 41 Schedule P-7 (Group II air carriers) shall be allocated by objective account to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the following bases:

(i) Route air carriers—ratios of the related MAC revenue ton-miles flown reported on line 26 of Schedule D-3 to the respective aircraft type system revenue ton-miles flown reported on CAB Form 41 Schedule T-2(b).

(ii) Supplemental air carriers—ratios developed for allocating flying operation expenses (§ 243.4(d)(1)(ii)).

(8) General and administrative—system expenses reported on CAB Form 41 Schedule P-6 (Group I air carriers)¹ or Schedule P-7 (Groups II and III air carriers) shall be allocated by objective account to MAC operations by type of MAC charter contract, type of service, and type of aircraft on the basis of the ratios

¹ Classified as general services and administration, functional account 6900, on this schedule, and expenses reported are for the passenger service, aircraft and traffic servicing, promotion and sales, and general and administrative functions. Nonrecognized MAC expenses (advertising and promotion, accounts 6960 and 6962) shall not be allocated to MAC operations.

of the related MAC cash operating expenses² reported on Schedule D-2 to total system cash operating expenses² reported on CAB Form 41 Schedule P-1.1 (Group I air carriers) or Schedule P-1.2 (Groups II and III air carriers).

5. Amend § 243.6 by deleting paragraph (e-1) and revising paragraphs (c) and (e) to read:

§ 243.6 Schedule D-1—Summary of invested capital—MAC charter contracts.

(c) Each indicated balance sheet classification shall be allocated in accordance with the standard allocation procedures in § 243.4(b), and reported by type of MAC charter contract, type of service, and type of aircraft.

(e) The flight equipment depreciation reserve shown on line 3a, "Form 41 components," represents a memorandum entry only, and is not to be considered in the computation of line 4, "Net flight equipment."

(e-1) [Deleted]

6. Amend § 243.7 by deleting paragraphs (c-1) and (g-1) and revising paragraphs (a), (c), (d), (f), (g), and (h) to read:

§ 243.7 Schedule D-2—Summary of financial results of operations—MAC charter contracts.

(a) This schedule shall be prepared for both the current calendar quarter and the 12-month period ended with the current quarter.

(c) Each indicated revenue classification, representing actual revenue earned, shall be reported by type of MAC charter contract, type of service, and type of aircraft.

(c-1) [Deleted]

(d) Each indicated expense classification shall be allocated in accordance with the standard allocation procedures in § 243.4(c), and reported by type of MAC charter contract, type of service, and type of aircraft.

(f) "Operating expenses" shall include all expenses incurred in empty backhauls to one-way MAC charters, consistent with mileages reported on Schedule D-3.

(g) The flight equipment depreciation shown on line 7d(1), "Form 41 components," represents a memorandum entry only, and is not to be considered in the computation of line 9, "Total operating expenses."

²For purposes of this regulation, cash operating expenses for Group I air carriers are flying operation and maintenance expenses; and cash operating expenses for Groups II and III air carriers are the total operating expenses less: depreciation, amortization, and general and administrative expenses.

(g-1) [Deleted]

(h) Group III air carriers shall report expenses of aircraft servicing, traffic servicing, and servicing administration functions separately on lines 8d(1), (2), and (3). Group II air carriers shall report expenses of combined aircraft and traffic servicing function on line 8d.

7. Revise § 243.8 to read:

§ 243.8 Schedule D-2(a)—Notes to Summary of financial results of operations—MAC charter contracts.

(a) This schedule shall be prepared each calendar quarter.

(b) All substantive matters, such as out-of-period adjustments, included in the data reported on Schedules D-2, D-2(b) and D-2(c) which affect the conclusions to be drawn from the reported data shall be disclosed on this schedule and cross-referenced to the affected schedules by applicable quarter and amounts related to each quarter.

8. Add new § 243.9 to read:

§ 243.9 Schedule D-2(b)—Summary of direct expenses—MAC charter contracts.

(a) This schedule shall be prepared for both the current calendar quarter and the 12-month period ended with the current quarter.

(b) Data reported on this schedule shall conform with the instructions pertaining to expense classifications within Part 241 of the economic regulations in this chapter and the pertinent regulatory policies within Part 399—Statements of General Policy of this chapter.

(c) This paragraph applies only to those carriers whose contracts specify Category B charter services. Long-haul or short-haul operations shall be indicated on the schedule under aircraft type. Therefore, carriers utilizing a single aircraft type to perform both long-haul and short-haul Category B charter services, shall report the respective cost data separately on the schedule.

(d) Each indicated objective account shall be allocated in accordance with the standard allocation procedures in § 243.4(d), and reported by type of MAC charter contract, type of service, and type of aircraft.

(e) Regulatory components, not Form 41 components, of flight equipment depreciation are to be reported on this schedule.

9. Add new § 243.10 to read:

§ 243.10 Schedule D-2(c)—Summary of indirect expenses—MAC charter contracts.

(a) This schedule shall be prepared for both the current calendar quarter and the 12-month period ended with the current quarter.

(b) Data reported on this schedule shall conform with the instructions pertaining to expense classifications within Part 241 of the economic regulations and the pertinent regulatory policies within Part 399—Statements of General Policy.

(c) This paragraph applies only to those carriers whose contracts specify

Category B charter services. Long-haul or short-haul operations shall be indicated on the schedule under aircraft type. Therefore, carriers utilizing a single aircraft type to perform both long-haul and short-haul Category B charter services shall report the respective cost data separately on the schedule.

(d) Each indicated objective account shall be allocated in accordance with the standard allocation procedures in § 243.4(e), and reported by type of MAC charter contract, type of service, and type of aircraft.

(e) All air carriers shall follow CAB Form 41 functional reporting requirements when reporting on this schedule, as follows:

(1) Group I air carriers—report expenses separately for direct maintenance—ground equipment, maintenance burden, and general and administrative³ functions.

(2) Group II air carriers—report expenses separately for direct maintenance—ground equipment, maintenance burden, passenger service, and general and administrative functions; and report combined aircraft and traffic servicing expenses under the aircraft servicing function.

(3) Group III air carriers—report expenses separately for each function on the schedule.

10. Add new § 243.11 (supersedes present § 243.8) to read:

§ 243.11 Schedule D-3—Summary of operating statistics and aircraft utilization—MAC charter contracts.

(a) This schedule shall be prepared for both the current calendar quarter and the 12-month period ended with the current quarter.

(b) This paragraph applies only to those carriers whose contracts specify Category B charter services. Long-haul or short-haul operations shall be indicated on the schedule under aircraft type. Therefore, carriers utilizing a single aircraft type to perform both long-haul and short-haul Category B charter services, shall report the respective operating statistics separately on the schedule.

(c) Data shall be reported by type of MAC charter contract, type of service, and type of aircraft.

(d) Miles flown in Category B, Logair, and Quicktrans charters shall be reported on the basis of the great-circle distance, in statute miles, between airports served. Line 10, "Total revenue aircraft miles flown," shall reflect the total miles flown under MAC contracts and service orders.

(e) Line 9, "Paid ferry miles," shall reflect ferry miles flown in the course of round-trip charters and paid for by MAC as required by § 288.9 of the Economic Regulations.

(f) On trips designated "convertible" by MAC, the miles flown with passengers

³Classified as general services and administration on CAB Form 41 Schedule P-6. See footnote 2 to § 243.4(e) (8).

shall be reported on line 7 and not included on line 2; and the miles flown with cargo shall be reported on line 8 and not included on line 4.

(g) Line 11, "Total MAC pay miles" for Category B services shall be the miles which are used with the current rates specified in Part 288 to compute the compensation due the carriers from MAC for the routings specified in the MAC contracts and service orders. For Logair and Quicktrans "Total MAC pay miles" shall be the course-flown statute miles as specified in MAC contracts and service orders.

(h) "Revenue passengers enplaned" reported on line 15 shall reflect the number of revenue passengers who boarded aircraft used in MAC charter operations.

(i) "Available seat-miles flown (passenger)" reported on line 16 shall reflect the aircraft miles flown under each MAC charter contract by aircraft type multiplied by the minimum aircraft load set forth in § 288.8.

(j) "Available ton-miles flown (cargo)" reported on line 17 shall reflect the aircraft miles flown under each MAC charter contract by aircraft type multiplied by the minimum aircraft load set forth in § 288.8.

(k) Line 18, "MAC charter aircraft hours flown (airborne)" shall reflect all hours that relate to "Total revenue aircraft miles flown" (line 10) and "Total empty backhaul miles flown" (line 14).

(l) Line 19, "Aircraft days assigned to service—carrier's equipment" shall be based on aircraft owned and/or acquired through rental or lease as they are actually used in the carrier's MAC charter operations. It shall represent the cumulative number of days or fractions thereof during the report period for MAC services performed by each aircraft, reflecting the time from dispatch of the aircraft to MAC services to the time the aircraft is dispatched for return to commercial air transport operations.

(m) Line 20, "MAC charter hours per aircraft day" shall be determined by dividing line 19, "Aircraft days assigned to service—carrier's equipment" into line 18, "MAC charter aircraft hours flown (airborne)".

(n) "Departures" reported on line 21 shall reflect the number of departures performed in MAC charter operations.

(o) Line 22, "MAC charter aircraft hours flown (ramp-to-ramp/block hours)" shall reflect all hours that relate to "Total revenue aircraft miles flown" (line 10) and "Total empty backhaul miles flown" (line 14).

(p) "MAC revenue passenger-miles flown" reported on line 23 shall reflect the aircraft miles flown under each MAC charter contract multiplied by the number of passengers transported.

(q) "MAC revenue ton-miles flown (passenger)" reported on line 24 shall reflect the aircraft miles flown under each MAC charter contract multiplied by the passenger-tons transported. A standard weight of 200 pounds per passenger shall be used for determining the passenger-tons transported.

(r) "MAC revenue ton-miles flown (cargo)" reported on line 25 shall reflect the aircraft miles flown under each MAC charter contract multiplied by the cargo-tons transported.

(s) "MAC revenue ton-miles flown (total)" reported on line 26 shall represent the total of the ton-miles reported on lines 24 and 25.

(t) "Gallons of fuel—DOD" reported on line 27 shall reflect the number of gallons of fuel obtained from DOD sources for MAC charter operations.

(u) "Gallons of fuel—commercial" reported on line 28 shall reflect the number of gallons of fuel obtained from commercial sources for MAC charter operations.

11. Amend CAB Form 243 by deleting old Schedules D-1, D-2, D-3, D-4, and D-4(a), and by adding new Schedules D-1, D-2, D-2(a), D-2(b), D-2(c), and D-3, as shown in Exhibits A, B, C, D, E, and F which are filed as part of original document.

[FR Doc. 74-13250 Filed 6-11-74; 8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 20071; RM-2179]

FM BROADCAST STATIONS IN PORTLAND, MAINE

Table of Assignments; Notice of Proposed Rulemaking

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations (Portland, Maine).

1. On March 6, 1973, Aurovideo, Inc. (Aurovideo), licensee of full-time AM Station WLOB, Portland, Maine, filed a petition proposing the assignment of Class B FM Channel 226 to Portland, Maine. Portland (population 65,116),¹ is the seat of Cumberland County (population 192,528) and the largest city in Maine. It has one daytime-only and three full-time AM stations and three Class B FM stations (Channels 250, 270 and 275). Westbrook (population 14,444), an adjoining community and part of the Portland Urbanized Area, has a daytime-only AM station and Channel 265A assigned (two pending applications). Channel 226 could be assigned to Portland in conformance with the Commission's minimum mileage separation rule and without affecting any other assignment in the FM Table of Assignments. The proposal is subject to Canadian clearance.

2. In support of its proposal, Aurovideo asserts that Portland, with a population of 65,116 persons, has three FM assignments which are all occupied, and would qualify under FCC criteria for a fourth assignment. It points out that unlimited-time AM Station WLOB, of which it is the licensee, is the only AM station licensee without at least one companion facility, i.e., either an FM station, a TV station, or a daily newspaper and that

¹ All population figures are from the 1970 U.S. Census unless otherwise indicated.

it is competitively disadvantaged even as to co-owned AM-FM facilities in neighboring communities. However, petitioner has not shown in his pleadings that the proposed assignment would be in the public interest. Therefore Aurovideo in its comments should submit information as to economic, sociological and governmental activities to demonstrate the importance of the community and the need for additional service. (See Docket No. 19512, re: Adrian, Michigan, FCC 72-430 and F.C.C. 2d 1021 (1972).) It should also submit information as to whether the proposed operation would provide any area and population with a first or second aural service and a first or second FM service based upon the Roanoke Rapids-Goldsboro, N.C. criteria as to FM service. (Docket No. 19161, re: Anamosa and Iowa City, Iowa, FCC 74-409, adopted April 16, 1974, published May 2, 1974, 39 FR 1234.)

3. The proposed assignment would foreclose future assignment only on Channel 226 in the area of Portland. There would be no preclusion on any of the six pertinent adjacent channels.

4. Although additional information is required to show whether the requested assignment would be in the public interest, we believe that a Notice of Proposed Rule Making should be issued to explore the possibility of making such an assignment. We are therefore inviting comments from all interested persons on the proposal to assign Channel 226 to Portland, Maine.

5. Showings required. Comments are invited on the proposal set forth and discussed above. Proponents are expected to answer questions raised in this Notice and other questions that may be presented in the initial comments. The proponents are expected to state their intentions to apply for the channel, if assigned, and if authorized to promptly build the station. Failure to make these showings may result in denial of the petition.

6. Cut-off procedures. The following procedures will govern the consideration of filings in this proceeding:

(a) Counterproposals advanced in this proceeding itself will be considered, if advanced in initial comments, so that parties may comment on them in reply comments.

(b) With respect to petitions for rule making which conflict with the proposal in this Notice, they will be considered as comments in the proceeding, and Public Notice to this effect will be given, as long as they are filed before the date for filing initial comments herein. If filed later than that, they will not be considered in connection with the decision in this docket.

7. In view of the foregoing and pursuant to authority contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended, and § 0.281(b) (6) of the Commission's Rules, it is proposed to amend the FM Table of Assignments (§ 73.202(b)) as follows:

City	Channel No.	
	Present	Proposed
Portland, Maine.....	250, 270, 275	226, 250, 270, 275

8. Pursuant to applicable procedures set out in Section 1.415 of the Commission's Rules and Regulations, interested parties may file comments on or before July 18, 1974, and reply comments on or before August 6, 1974. All submissions by parties to this proceeding or persons acting on behalf of such parties must be made in written comments, reply comments, or other appropriate pleadings.

9. In accordance with the provisions of § 1.419 of the Commission's rules and regulations, an original and 14 copies of all comments, pleadings, briefs, or other documents shall be furnished to the Commission.

10. All filings made in this proceeding will be available for examination by interested parties during regular business hours in the Commission's Public Reference Room at its headquarters in Washington, D.C. (1919 M Street NW.).

Adopted: June 4, 1974.

Released: June 5, 1974.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] WALLACE E. JOHNSON,
Chief, Broadcast Bureau.

[FR Doc.74-13451 Filed 6-11-74; 8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 230, 239]

[Securities Act Release No. 33-5499]

EXEMPTION FOR CLOSELY HELD ISSUERS

Notice of Proposed Rule, Form and Amendment

The Securities and Exchange Commission today published for comment a proposed Rule 240 (17 CFR 230.240) and related Form 240 (17 CFR 239.240) under the Securities Act of 1933 ("Act"), "Exemption of Certain Limited Offers and Sales by Closely Held Issuers," which would provide under Section 3(b) of the Act an exemption from registration for limited offers and sales of small dollar amounts of securities to a limited number of purchasers by an issuer that after the transaction pursuant to the rule would continue to have a small number of beneficial owners of its securities. The purpose of the proposed rule is to provide an exemption from the registration, but not the anti-fraud, provisions of the Act for offers and sales that take place in raising of capital by small businesses where, because of the size of the offering and the limited number of persons involved, the public benefits of registration are too remote. The proposed rule is available for issuers only; it is not available for resales. In connection with the proposal to adopt Rule 240 and Form 240, the Commission is proposing an amendment to Rule 144 (17 CFR 230.144) under the Act which would specify that secu-

rities sold pursuant to Rule 240 would be deemed to be "restricted securities" for the purpose of Rule 144 and could, therefore, be resold pursuant to its provisions.

PROPOSED RULE 240 AND FORM 240

This release contains a general discussion of the background, purpose and general effect of the proposed rule to assist in a better understanding of its provisions. A brief synopsis of each paragraph of the proposed rule is also included. However, attention is directed to the proposed rule itself for a more complete understanding.

BACKGROUND AND PURPOSE

Congress, in enacting the federal securities laws, created a continuous disclosure system designed to protect investors and to assure the maintenance of fair and honest securities markets. The Commission, in administering and implementing these laws, has sought to coordinate and integrate this disclosure system with the exemptive provisions provided by such laws. Proposed Rule 240 is a further effort in this direction.

The legislative history of the Securities Act of 1933 indicates that the main concern of Congress was to provide full and fair disclosure in connection with the offer and sale of securities. However, Congress recognized that there were certain situations in which the protections afforded by the registration provisions of the Act were not necessary. Concerning those specified exemptions from the Act, the House Report stated that "The Act carefully exempts from its application certain types of * * * securities transactions where there is no practical need for its application or where the public benefits are too remote."¹

Section 3(b) of the Act provides that the Commission may by rules, and subject to such terms and conditions as it may prescribe, "add any class of securities to the securities exempted as provided in this section [Section 3 of the Act], if it finds that the enforcement of this title with respect to such securities is not necessary in the public interest and for the protection of investors by reason of the small amount involved or the limited character of the public offering." The Commission believes that offers and sales to a limited number of persons of limited dollar amounts of securities by an issuer that has few beneficial owners of its securities both before and after the offers and sales pursuant to the rule are of such limited character and of such small amount that enforcement of the registration provisions of the Act with respect to such transactions may not be necessary in the public interest or for the protection of investors. Notwithstanding the proposed exemption from registration, however, the anti-fraud provisions of the federal securities laws, and the state securities laws, continue to apply to such transactions.

The Commission recognizes that situa-

¹ H.R. Rep. No. 85, 73rd Cong., 1st Sess. 5 (1933).

tions exist that represent in many cases a legitimate method of raising capital for small businesses where in view of the size and limited nature of the transaction the federal interest in registration may be remote, particularly in light of the applicability of most state securities laws to such transactions. The states are often in a better position to deal with such transactions. In such cases, the full registration process is uneconomical and unnecessary, and the exemptions from registration offered by sections 3(a) (11) and 4(2) of the Act may not be available because of the nature of the issuer or the nature of the investors. The proposed rule would not be available for offers and sales of interests in limited partnerships, however, because the Commission is presently unaware of any need for such an exemption with regard to limited partnerships and it believes that the potential for abuse in such cases may be great.

GENERAL DESCRIPTION

In brief, the proposed rule provides that offers and sales of securities of the issuer by an issuer are exempt from registration if all the conditions of the rule are met. These conditions relate to the manner of offering, limitations on payment for solicitation of buyers, the aggregate sales price of all securities of the issuer within a consecutive twelve month period, the number of purchasers and beneficial owners, limitations on resales of the securities, and a notice of sales.

The conditions are intended to assure that the offering is indeed one in which the dollar amount involved is small, and in which the persons affected are limited in number. The Commission is also considering the desirability of adding a condition restricting the availability of the proposed rule to securities with a minimum offering price, such as \$1 or \$5, in order to avoid the possibility of widespread distributions of "penny stock" sold pursuant to the rule. Comment is specifically invited on this point.

The proposed rule would only be available to issuers of securities and would not be available to affiliates of the issuer or other persons for sales of the issuer's securities. The proposed rule provides an exemption for the issuer transaction only, not for the securities themselves. Persons who would acquire securities from issuers in transactions complying with the rule would acquire securities that would be unregistered and that could only be reoffered and resold if registered or pursuant to an exemption from the registration provisions of the Act. In this connection, the proposed amendment to Rule 144 would make Rule 144 explicitly available for resales of securities acquired pursuant to Rule 240, assuming all the conditions of Rule 144 were met.

SYNOPSIS OF THE PROVISIONS OF RULE 240

Preliminary Notes. The Preliminary Notes to the proposed rule are intended to call to the attention of persons using the rule certain restraints outside the

rule. The first preliminary note reminds issuers that proposed Rule 240 would provide an exemption from registration only, and not from the anti-fraud or other provisions of the federal securities laws. The second note reminds issuers that state law also applies to transactions under the proposed rule and that the proposed rule does not relieve the issuer from compliance with such law. The third note makes clear that the proposed rule would be available to issuers only and is a transactional exemption, and the fourth restates the Commission's position, as with respect to Rules 144, 146 (17 CFR 230.146) and 147 (17 CFR 230.147), that the proposed rule would not be available to any issuer with respect to any transactions which, although in technical compliance with the rule, were part of a plan or scheme to evade the registration provisions of the Act. In such cases, registration pursuant to the Act would be required.

Definitions: Securities of the issuer. Proposed Rule 240(a)(1). The term "securities of the issuer" is defined for purposes of the proposed rule to mean all securities of the issuer, its predecessors and its affiliates. Thus, securities of all classes of the issuer would be considered in applying the conditions of the rule, as well as securities of affiliated or predecessor corporation or other entities.

Definitions: Affiliate. Proposed Rule 240(a)(2). The term "affiliate" of or "affiliated" with a person is defined, as it is in Rules 144 and 146 under the Act, to be a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with such person.

Definitions: Predecessor. Proposed Rule 240(a)(3). The term "predecessor" is defined in the same manner as in Rule 405 under the Act to include persons a major portion of whose business or assets has been acquired by another person.

Proposed Rule 240(b): Use of the rule. Paragraph (b) provides that the rule is not available for the offer or sale of interests in limited partnerships, whether such offers or sales are made prior or subsequent to the formation of the partnership.

Proposed Rule 240(c): Conditions to be met. This paragraph of the proposed rule provides that transactions by an issuer involving the offer or sale of its securities in accordance with all the terms and conditions of the rule would be exempt from registration under the Act pursuant to section 3(b). The proposed rule thus applies to individual transactions in securities, and not to "offerings."

Proposed Rule 240(d): Manner of offering. The proposed rule provides that the securities cannot be offered or sold by any means of general advertising or general solicitation. The intention of this provision is that the offers and sales generally be made through individual contact between persons who have some knowledge of each other, or some reason to know about each other, and not through newspapers, advertisements or

other means of general advertising. Where such means are used, it is difficult to justify an exemption on the basis of the "limited character" of the offering.

Proposed Rule 240(e): Remuneration paid for solicitation. Another condition of the proposed rule is that there be no commission or similar remuneration paid for solicitation of prospective buyers or in connection with the selling of the securities. This provision is based on similar ones in many state securities statutes and is intended to assure that securities are not offered or sold using high pressure tactics or otherwise through organized securities distribution media. The object of the proposed rule is to provide an exemption from registration for informal small business capital raising, not for organized and orchestrated sales efforts.

Proposed Rule 240(f): Aggregate sales price. In order to assure that only a limited quantity of securities is sold, the proposed rule provides as a condition that the aggregate sales price of all securities of the issuer sold by the issuer, its predecessors, or any affiliated issuers in reliance on the rule or otherwise without registration under the Act, during any consecutive twelve month period cannot exceed \$100,000. This means that any sales pursuant to section 3 or 4 of the Act during the twelve month period would be included in computing the dollar maximum. The proposed rule does specifically exclude from the computation of the dollar amount two types of securities: notes or similar evidences of indebtedness issued to a commercial bank, and securities issued to 100 percent owned subsidiaries, or to a 100 percent parent of the issuer.

Proposed Rule 240(g): Number of purchasers. The proposed rule contains a limitation on the number of persons who purchase securities (other than registered securities) from the issuer, its predecessors or any affiliated issuers in any twelve month period in order to assure the limited character of any offering. As proposed, the rule limits the number of such purchasers to 25 in any consecutive twelve month period. The proposed rule contains special provisions for computing the number of purchasers, but basically, the computation is made in terms of the number of beneficial owners except in certain instances involving family relationships and where the purchaser is a corporation or trust (unless the entity was formed for the specific purpose of buying the securities). In addition, commercial banks that purchase or hold only notes or similar evidences of indebtedness of the issuer would be excluded, as would 100 percent owned subsidiaries or a 100 percent parent of the issuer.

Proposed Rule 240(h): Number of beneficial owners. The proposed rule provides that immediately before and after any sale pursuant to the rule, there can be no more than 50 beneficial owners of the securities of the issuer. The number of beneficial owners is computed in the

same manner as set forth in paragraph (g) for the number of purchasers. The purpose of this condition is to make the rule available only to issuers with a limited number of beneficial owners where the public interest in registration appears to be remote.

Proposed Rule 240(i): Limitations on resale. The condition relating to resale in the proposed rule makes clear that the securities acquired pursuant to the rule are unregistered securities and that they can be resold only with registration under the Act or pursuant to an exemption therefrom. The proposed rule requires that the issuer legend the securities. Actions such as stop transfer instructions and investment letters would, of course, also be in the best interest of issuers to protect them from the consequences of a deferred distribution. The proposed rule also requires that the issuer inform each purchaser of the restrictions on resale.*

In connection with such restrictions, the Commission is proposing to amend Rule 144 to provide that Rule 144 would be available for resales of securities acquired pursuant to Rule 240, since such securities would not be "restricted" securities within the existing definition of that term in Rule 144.

Proposed Rule 240(j): Notice of sales. The rule as proposed requires that an issuer proposing to sell securities pursuant to the rule file a notice on Form 240 with the appropriate Regional Office of the Commission at least 10 days before its first sale pursuant to the rule.

PROPOSED FORM 240

The proposed Form 240 is in effect a notice to be filed with the appropriate Regional Office of the Commission before any sales are made pursuant to the rule. The Form is very brief and requires information about the issuer's name, address and telephone number, its officers, directors and principal stockholders and the proposed sales.

OPERATION OF PROPOSED RULE 240

If adopted, the rule would operate prospectively only since there is now no similar exemption under section 3(b) and such an exemption would not exist until such time as the rule was actually adopted. The staff would issue interpretive letters to assist persons in complying with the rule. As to resales of securities, the staff would continue its present policy of not issuing no-action letters in section 4(1) situations, as set forth in the release accompanying the adoption of Rule 144 (Securities Act Release No. 5223, January 11, 1972) (37 FR 596).

In view of the objectives and policies underlying the Act, the proposed rule would not be available to any issuer with

*In this regard see Securities Act Release No. 5226 (January 10, 1972) (37 FR 600) relating to the applicability of the anti-fraud provisions of the securities laws to disclosure of the restrictions on resale of securities offered pursuant to Section 4(2) of the Act. That release would also be applicable to securities sold in reliance on Rule 240.

respect to any transaction which, although in technical compliance with the provisions of the rule, was part of a plan or scheme to evade the registration provisions of the Act. In such cases, registration would be required.

Proposed Rule 240 would relate only to transactions exempted by the rule from registration pursuant to section 3(b) of the Act. It would not provide an exemption from the anti-fraud provisions of section 12(2) of the Act or other provisions of the federal or state securities laws.

The proposed rule would be available only to the issuer of the securities and not to affiliates or other persons wanting to resell or otherwise dispose of securities of the issuer. Such disposition would have to be made in compliance with the registration provisions of the Act unless an exemption from such provisions was available. Also, the proposed rule would not relieve issuers of their obligations under relevant state laws.

Commission action: Pursuant to sections 3(b), 4(1) and 19(a) of the Act, the Securities and Exchange Commission proposes to amend Parts 230 and 239 of the Code of Federal Regulations by (1) adding thereunder new § 230.240, (2) amending § 230.144(a)(3), and (3) adding new § 239.240, as set forth below:

1. A new § 230.240 is added as follows:

§ 230.240 Exemption of certain limited offers and sales by closely held issuers.

PRELIMINARY NOTES

1. Rule 240 relates to transactions exempted from section 5 of the Act by section 3(b) of the Act. It does not provide an exemption from the anti-fraud provisions of the federal securities laws or from the civil liability provisions of section 12(2) of the Act or other provisions of the federal securities laws.

2. Nothing in this rule obviates the need for compliance with any applicable state law relating to the offer and sale of securities.

3. This rule is available only to the issuer of the securities and is not available to affiliates or other persons for resales of the issuer's securities. The rule provides an exemption only for the transactions in which the securities are offered or sold by the issuer, not for the securities themselves.

4. In view of the objectives of the rule and the purposes and policies underlying the Act, the rule is not available to any issuer with respect to any transactions which, although in technical compliance with the rule, are part of a plan or scheme to evade the registration provisions of the Act. In such cases registration pursuant to the Act is required.

(a) **Definitions.** For the purposes of the rule only, the following definitions shall apply.

(1) **Securities of the issuer.** The term "securities of the issuer" shall include all securities issued by the issuer and by any predecessor or affiliates of the issuer.

(2) **Affiliate.** The term "affiliate" or "affiliated" with a person means a person that directly, or indirectly through

one or more intermediaries, controls, or is controlled by, or is under common control with such person.

(3) **Predecessor.** The term "predecessor" means a person the major portion of the business and assets of which another person acquired in a single succession or in a series of related successions in each of which the acquiring person acquired the major portion of the business and assets of the acquired person.

(b) **Use of the rule.** The rule is not available for offers or sales of any interests in a limited partnership, whether such interests are offered or sold prior or subsequent to the formation of the partnership.

(c) **Conditions to be met.** Transactions by an issuer involving the offer and sale of its securities in accordance with all the terms and conditions of this rule shall be exempt from registration under the Act pursuant to section 3(b) of the Act.

(d) **Manner of offering.** The securities shall not be offered, offered for sale or sold by any means of general advertising or general solicitation.

(e) **Remuneration paid for solicitation.** No commission or other remuneration shall be paid or given directly or indirectly for soliciting any prospective buyer or for selling any of the securities.

(f) **Aggregate sales price.** The aggregate sales price of all securities of the issuer sold by the issuer, its predecessors, or any affiliated issuer in reliance upon this rule or otherwise without registration under the Act during any consecutive twelve month period shall not exceed \$100,000. For purposes of computing the price of securities sold, the following shall be excluded:

(1) Notes or similar evidences of indebtedness issued to a commercial bank;

(2) Securities sold to any 100 percent owned subsidiary of the issuer or to any 100 percent parent of the issuer.

(g) **Number of purchasers.** There shall be no more than twenty-five persons who purchase from the issuer, its predecessors or any affiliated issuer securities of the issuer sold by the issuer, its predecessors or any affiliated issuer in reliance upon this rule or otherwise without registration under the Act during any consecutive twelve month period. For purposes of computing the number of persons, each person who is, immediately after the purchase, a beneficial owner of the securities shall count as one, except that:

(1) the following shall be deemed to count as one with any person:

(i) any relative or spouse of a person and any relative of such spouse, who has the same home as such person; and

(ii) any trust or estate in which a person or any of the persons related to him as specified in paragraph (g)(1)(i) or (iii) of this section collectively have 100 percent of the beneficial interest (excluding contingent interests); and

(iii) any corporation or other organization of which a person or any of the persons related to him as specified in paragraph (g)(1)(i) or (ii) of this sec-

tion collectively are the beneficial owners of all of the equity securities (excluding directors' qualifying shares) or equity interests;

(2) there shall be counted as one person and one beneficial owner any corporation or trust, except that if such entity was organized for the specific purpose of acquiring the securities offered, each beneficial owner of equity interest or equity securities in such entity shall count as a separate person and separate beneficial owner; and

(3) there shall be excluded from the computation:

(i) commercial banks which purchase or hold only notes or similar evidences of indebtedness of the issuer; and

(ii) any 100 percent owned subsidiary of the issuer and any 100 percent parent of the issuer.

(h) **Number of beneficial owners.** Immediately before and after any sale pursuant to the rule, the securities of the issuer shall be beneficially owned by 50 or fewer persons. The number of persons who are beneficial owners shall be computed in the manner set forth in paragraph (g).

(i) **Limitation on resale.** Securities sold in reliance on this rule cannot be resold without registration under the Act or exemption therefrom and the issuer shall so inform each person who purchases the securities and shall so legend the securities sold.

(j) **Filing of notice of sales.** At least ten days (Saturdays, Sundays and holidays excluded) prior to the first sale of securities pursuant to this rule, there shall be filed with the Regional Office of the Commission for the region in which the issuer's principal office is located three copies of a notice on Form 240 which shall be signed by a duly authorized officer of the issuer or by a person acting in a similar capacity for a noncorporate issuer.

2. Section 230.144 is amended as follows:

§ 230.144 Persons deemed not to be engaged in a distribution and therefore not underwriters.

(a) * * *

(3) The term "restricted securities" means securities acquired directly or indirectly from the issuer thereof, or from an affiliate of such issuer, in a transaction or chain of transactions not involving any public offering or from the issuer in a transaction in reliance on Rule 240 under the Act.

2. New § 239.240 is added as follows:

§ 239.240 Form 240, report by issuer of sales of securities pursuant to § 230.240 of this chapter.

This form shall be filed by the issuer with the appropriate Regional Office of the Commission not less than ten days, excluding Saturdays, Sundays and holidays, prior to the first sale pursuant to Rule 240.

NOTE.—Copies of proposed Form 240 have been filed with the Office of the Federal Register as part of this document. Additional copies will be available on request

from the Securities and Exchange Commission, Washington, D.C. 20549.

(Secs. 3(b), 4(1), 19(a), 48 Stat. 75, 77, 85; sec. 209, 48 Stat. 908; 59 Stat. 167; sec. 12, 78 Stat. 580; 84 Stat. 1480; 15 U.S.C. 77c(b), 77d(1), 77s(a)).

All interested persons are invited to submit their views and comments on the foregoing proposals to George A. Fitzsimmons, Secretary, Securities and Exchange Commission, Washington, D.C. 20549 on or before August 2, 1974. Such communications should refer to File No. S7-525. All such communications will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

JUNE 3, 1974.

[FR Doc.74-13514 Filed 6-11-74; 8:45 am]

WATER RESOURCES COUNCIL

[18 CFR Part 703]

GRANTS TO STATES FOR COMPREHENSIVE WATER AND RELATED LAND RESOURCES PLANNING

Grant Formula

Notice is hereby given that the Water Resources Council, under the authority contained in section 402 of the Water Resources Planning Act, 79 Stat. 244, 42 USC 1962d-1, proposes to revise §§ 703.3 and 703.5, of 18 CFR, Chapter VI as set forth below.

Part 703 establishes rules and regulations under which States may apply for grants from the Water Resources Council to carry out comprehensive water and related land resources planning.

In the revised § 703.5, below, a change in the formula for computing the grant is proposed. This change is based on the Council experience with its grant program under Title III of the Water Resources Planning Act, 79 Stat. 244, 42 U.S.C. 1962c. The Council believes that these proposed changes will improve the program by providing priority consideration to allocate funds on the basis of participating in regional and river basin planning and the development of State water and related land resources plans.

Interested persons are invited to submit written comments, suggestions, or objections regarding this proposal to amend Part 703, to the Director, Water Resources Council, 2120 L Street NW., Suite 800, Washington, D.C. 20037, on or before July 12, 1974.

(Catalog of Federal Domestic Assistance Program No. 65.001.)

Dated: June 6, 1974.

WARREN D. FAIRCHILD,
Director.

In § 703.3 paragraph (b) is amended and paragraphs (c) and (d) are revised to read as follows:

§ 703.3 Allotments.

(b) * * *

(1) Seven and a half percent of the funds in the ratio that the population of each State bears to the population of all States,

(2) Seven and a half percent of the funds in the ratio that the land area of each State bears to the land area of all the States,

(3) Fifteen percent of the funds in the ratio that the reciprocal of all per capita income of a State bears to the sum of the reciprocals for all States, and

(4) Seventy percent of the funds according to need for comprehensive water and related land resources planning programs in each State as determined by the Council.

(c) In determining the need of a State for comprehensive water and related land resources planning as specified in paragraph (b)(4) of this section, the Council shall consider the following:

(1) The participation in and contribution to regional and river basin planning for water and related land resource use and development,

(2) Progress in the development of a comprehensive State water plan or components of a State plan,

(3) The complexity and immediacy of the water and related land resources problems, and

(4) Other factors determined to be relevant in specific instances, such as training of personnel to carry out State contribution to comprehensive planning related to paragraphs (c) (1) and (2).

(d) Within 30 days after publication of the President's Budget each year, the Council shall publish a tabulation showing the tentative distribution of funds to each State of the amounts computed under paragraphs (b) (1), (2), and (3) of this section. This computation is based on the appropriation requested by the President for the next fiscal year. This publication does not confer entitlement to such funds; it is simply a preliminary figure that can be used by the States for budgetary planning purposes.

Paragraph (h) of § 703.5 is revised to read as follows:

§ 703.5 Contents of applications.

(h) Need for augmented planning: Include statements on at least the criteria set forth in § 703.0(c) (1), (2), (3), and (4) to assist the Council in appraising the need for comprehensive water and related land resources planning among the States for the purpose of allotting the 70 percent of Federal Title III funds available for distribution on the basis of planning need.

[FR Doc.74-13418 Filed 6-11-74; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Chapter I]

[Docket No. 13817; Notice No. 74-20]

RESTRICTED AREA AND CONTINENTAL OPERATIONS RANGE SEGMENTS

Advanced Notice of Proposed Rulemaking

NOTE: This document was published in error as a notice document on May 31, 1974 at 39 FR 19252 and errors were made on pages 19252 and 19253. It is correctly republished

here in full as an advanced notice of proposed rulemaking.

The Federal Aviation Administration has received a proposal from the Department of the Air Force that would designate a new restricted area and two new areas where special air traffic rules would apply. These new areas are located adjacent to existing restricted areas located generally north of Nellis AFB near Las Vegas, Nevada. In addition, the Air Force proposal would restructure restricted area R-4807 into three separate areas and would redesignate it and restricted areas R-4806 and R-4809 as joint use airspace.

This advance notice of proposed rule making is being issued in accordance with the FAA's policy for early institution of public proceedings in actions related to rule making. An "advance" notice is issued to invite early public participation in the identification and selection of a course or alternate courses of action with respect to a particular rule making action.

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket, AGC-24, 800 Independence Avenue SW, Washington, D.C. 20591. All communications received on or before August 2, 1974, will be considered by the Administrator before taking action with respect to the subject matter. All comments will be available, both before and after the closing date for comments, in the Rules Docket, for examination by interested persons. Copies of comments will also be available for examination at the Office of the Chief, Airspace and Procedures Branch, Air Traffic Division, Federal Aviation Administration, 15000 S. Aviation Boulevard, Lawndale, California 90261.

Informal meetings to present the Air Force's airspace proposal, together with question and answer sessions, will be held during the comment period in order that interested persons may avail themselves of all aspects and present their views. These meetings are scheduled for June 25, 1974, at 1:00 p.m., and 7:30 p.m., Room 1, Las Vegas Convention Center, Las Vegas, Nevada.

The newly designated areas proposed by the Air Force are part of an overall program entitled a Continental Operations Range (COR), for the operational testing and evaluation of aircraft weapons systems. The COR encompasses an area describing approximately a triangle having corners at Reno, Nevada; Salt Lake City, Utah; and Las Vegas, Nevada. Designation of airspace for the COR program is limited to the one new restricted area and two special use areas described in this notice.

The Air Force proposal envisions a three phase development for the near-term, mid-term, and far-term requirements. The three steps, as planned by the Air Force, cover the development pe-

riods from the present through June, 1975, the mid-term through June, 1978, and the far-term through June, 1983. The mid-term and far-term requirements are not projected to include additional airspace. It is anticipated that restricted airspace will be reduced.

The Continental Operations Range is required by the Air Force to develop a realistic operational environment for simulating combat conditions with the capability to test and evaluate air crew effectiveness in the delivery of airborne munitions and performance of combat tactics. Specifically, the military activity to be scheduled within the special rule areas and the new restricted area would include the following: air-to-air combat maneuvering; air-to-ground attack maneuvering; simulated combat search and rescue; simulated combat tactical airlift; reconnaissance missions at low and intermediate altitudes at varying speeds; tests of remotely piloted vehicles; and simulated strategic bombing missions. Activities will be conducted through individual aircraft missions, small formations and, on occasion, large scale exercises.

The two new segments of airspace, requested by the Air Force and identified as "COR North" and "COR East," wherein special air traffic rules apply, would be used for operational testing under simulated combat conditions. The maneuvers would include both high speed, subsonic low altitude and vertical movement tactics. To accommodate this

activity, with safety, an area as free as possible from population density and air traffic density is desired. The proposed area was selected on this basis.

The Air Force request for the new restricted area is based upon a need for an area adjacent to existing restricted areas for delivery of weapons that will impact within existing restricted area R-4807. Since flight within the new restricted area could be potentially hazardous to other aircraft, and since there is not adequate radar surveillance within the area to provide separation and insure safety, the new restricted area is considered necessary by the Air Force. This restricted area would be designated joint use, that is, available to the public when not in use by the Air Force. When adequate radar surveillance and control become available, the new restricted area would be revoked and the airspace would become part of the eastern COR airspace.

The Air Force plans to provide extensive instrumentation and communication capability, including expanded radar surveillance. These facilities, although primarily oriented to support the military activity, will be employed also to enhance the safe transit of all aircraft.

The FAA and the Air Force wish to minimize the burden of the Continental Operations Range on nonparticipating aircraft and request public comment concerning alternate airspace options

and regulatory concepts that may be available.

Every effort will be made consistent with safety to allow flight through the COR area. Accordingly, visual flight rules (VFR) flight corridors are planned along commonly flown east-west and north-south routes. Although communications are encouraged to aid in providing separation, flight through these corridors would be permitted without radio communication or prior permission. An east-west corridor is proposed as being along V-244 from 1,500 feet AGL up to 12,500 feet MSL. North-south corridors, as shown in the diagram, are proposed for the same altitudes and are generally located above highways for easy identification.

In order to cause the least amount of inconvenience to transiting pilots, existing restricted areas R-4807 and R-4806, which form part of the COR, R-4809, and the new restricted area identified as R-4817, would all be designated as joint use areas. This would provide for release of this airspace for public use when it is not needed by the using agency.

The following diagram describes the Air Force proposal for the COR including restricted areas R-4817, the proposed realignment of restricted area R-4807, R-4808, R-4809, the proposed special rule areas, COR-North and COR-East, and the proposed VFR Flight corridors.

The details of the areas shown on the diagram would be as follows:

1. R-4817 Tonopah, Nevada (as proposed).

Boundaries. Bounded on the E by longitude 115°18'00" W.; on the S, W., and N. by a line from latitude 37°17'00" N., longitude 115°18'00" W.; via latitude 37°17'00" N., longitude 115°35'00" W.; latitude 37°33'00" N., longitude 115°53'00" W.; latitude 37°42'00" N., longitude 115°53'00" W.; latitude 37°42'00" N., longitude 116°11'00" W.; latitude 37°42'00" N., longitude 116°11'00" W.; latitude 37°53'25" N., longitude 116°38'20" W.; latitude 37°59'55" N., longitude 116°38'10" W.; latitude 38°00'10" N., longitude 116°33'30" W.; latitude 38°00'30" N., longitude 116°33'45" W.; latitude 38°01'50" N., longitude 116°19'45" W.; latitude 38°01'40" N., longitude 115°58'40" W.; latitude 38°06'00" N., longitude 115°28'00" W.; to latitude 38°07'00" N., longitude 115°18'00" W.

Altitude. 200 feet AGL to but not including FL 180.

Time. Continuous.

Controlling agency. Los Angeles ARTC Center.

Using agency. Commander, Continental Operations Range, Nellis AFB, Nevada.

2. R-4807 Tonopah, Nevada, would be redesignated as R-4807 A, B, and C.

(a) R-4807A Tonopah, Nevada.

Boundaries. Beginning at latitude 37°53'00" N., longitude 116°30'00" W.; via latitude 37°42'00" N., longitude 116°11'00" W.; latitude 37°42'00" N., longitude 116°11'00" W.; latitude 37°42'00" N., longitude 116°11'00" W.; latitude 37°42'00" N., longitude 116°11'00" W.; latitude 37°42'00" N., longitude 116°11'00" W.; to the point of beginning.

Altitude. Unlimited.

Time. Continuous.

Controlling agency. Los Angeles ARTC Center.

Using agency. Commander, Continental Operations Range, Nellis AFB, Nevada.

(b) R-4807B Tonopah, Nevada.

Boundaries. Bounded on the N. by latitude 37°33'00" N.; on the E. by longitude 116°00'00" W.; on the S. by latitude 37°16'00" N.; on the W. by longitude 116°30'00" W.

Altitude. Unlimited.

Time. Continuous.

Controlling agency. Los Angeles ARTC Center.

Using agency. Commander, Continental Operations Range, Nellis AFB, Nevada.

(c) R-4807C Tonopah, Nevada.

Boundaries. Bounded on the N. by latitude 37°33'00" N.; on the E. by longitude 116°30'00" W.; on the S. and W. by a line from latitude 36°51'00" N., longitude 116°30'00" W.; via latitude 36°51'00" N., longitude 116°33'30" W.; latitude 37°26'30" N., longitude 117°04'30" W.; to latitude 37°33'00" N., longitude 117°03'40" W.

Altitude. Unlimited.

Time. Continuous.

Controlling agency. Los Angeles ARTC Center.

Using agency. Commander, Continental Operations Range, Nellis AFB, Nevada.

3. Special Rule Airspace.

Description of area. (a) Continental Operations Range North (COR-North).

Boundaries. Beginning at latitude 37°59'55" N., longitude 116°38'10" W.; via latitude 38°00'00" N., longitude 116°34'00" W.; latitude 38°01'00" N., longitude 116°33'00" W.; latitude 38°01'50" N., longitude 116°19'45" W.; latitude 38°01'40" N., longitude 115°58'40" W.; to the point of beginning.

00" W.; latitude 38°06'00" N., longitude 115°28'00" W.; latitude 38°07'00" N., longitude 115°18'00" W.; latitude 38°10'50" N., longitude 114°24'40" W.; latitude 38°11'50" N., longitude 114°27'30" W.; latitude 38°30'00" N., longitude 114°35'15" W.; latitude 38°30'00" N., longitude 116°38'00" W.; to the point of beginning.

Altitude. 100 feet to but not including FL 180.

Time. Continuous.

Controlling agency. Salt Lake City ARTC Center.

Using agency. Commander, Continental Operations Range, Nellis AFB, Nevada.

(b) Continental Operations Range East (COR-East).

Boundaries. Beginning at latitude 38°07'00" N., longitude 115°18'00" W.; via latitude 37°17'00" N., longitude 115°18'00" W.; latitude 37°17'00" N., longitude 113°58'45" W.; latitude 37°31'00" N., longitude 113°47'30" W.; latitude 37°36'00" N., longitude 113°44'00" W.; latitude 37°41'00" N., longitude 113°40'00" W.; latitude 37°52'20" N., longitude 113°30'30" W.; latitude 38°11'00" N., longitude 114°24'30" W.; to the point of beginning.

Altitude. 100 feet to but not including FL 180.

Time. Continuous.

Controlling agency. Los Angeles ARTC Center.

Using agency. Commander, Continental Operations Range, Nellis AFB, Nevada.

VFR CORRIDORS

(a) COR-North—Flyway A. Beginning at latitude 38°30'00" N., longitude 115°55'00" W.; thence southwest, one NM on either side of U.S. Highway 6 to latitude 38°08'30" N., longitude 116°38'00" W.

(2) Flyway B. Beginning at latitude 38°30'00" N., longitude 115°37'00" W.; thence southwest, one NM on either side of a direct line to latitude 38°13'00" N., longitude 115°48'00" W.

(3) Flyway C. Beginning at latitude 38°30'00" N., longitude 115°01'30" W.; thence south, one NM on either side of State Highway 38 to latitude 38°16'45" N., longitude 115°01'45" W.

(4) Flyway D. V-244 will serve as a VFR flyway for east/west bound traffic between Tonopah and Wilson Creek, Nevada.

(b) COR-East—(1) Flyway A. Beginning at latitude 37°17'00" N., longitude 115°07'00" W.; thence north one NM on either side of U.S. Highway 93 to latitude 37°31'40" N., longitude 115°13'30" W.; thence northwest one NM on either side of State Highway 25 to latitude 37°32'00" N., longitude 115°14'00" W.; thence north one NM on either side of State Highway 38 to latitude 38°08'30" N., longitude 114°58'05" W.

(2) Flyway B. Beginning at latitude 37°17'00" N., longitude 114°28'25" W.; thence north one NM on either side of the Union Pacific Railroad to Callente, Nevada; thence north one NM on either side of U.S. Highway 93 to latitude 38°10'05" N., longitude 114°35'20" W.

(3) Flyway C. Beginning at latitude 37°47'30" N., longitude 114°24'30" W.; thence east one NM on either side of U.S. Highway 25 to Modena, Utah; thence northeast one NM on either side of the Union Pacific Railroad to latitude 37°54'30" N., longitude 113°37'30" W.

Based on the foregoing, FAA solicits the views of all interested persons concerning the Air Force proposal. The FAA is particularly interested in receiving comments regarding the following aspects of the proposal:

1. The present level of VFR activity in the affected areas.

2. The effect of this proposal on present VFR activity.

3. The effect this proposal would have on existing airports underlying the proposed airspace.

4. The suitability of the proposed VFR flight corridors.

5. The effect of this proposal on Instrument Flight Rule (IFR) traffic in the area.

6. The type of communication such as direct telephone, or radio needed by civil users within the proposed airspace.

7. The regulatory options available to assure safe entry and transit through the area, including the possible need for air traffic control clearances.

8. Possible alternatives to the proposed new restricted area and the proposed special rule areas.

Comments are also invited concerning the potential environmental impact of implementing the actions proposed herein. In this connection, a Notice of Intent to prepare an environmental impact statement with respect to the Continental Operations Range was published by the Air Force in the FEDERAL REGISTER (38 FR 31691) on November 16, 1973. Comments concerning the environmental impact of the military use of the airspace discussed in this Notice should be sent to Dr. Billy E. Welch, Special Assistant for Environmental Quality, Department of the Air Force, Washington, D.C. 20330. Comments concerning other potential environmental impact (such as the affect of the Continental Operations Range on civil aircraft fuel usage) should be included in the comments to the rules docket for this notice.

(Secs. 307 and 313(a), Federal Aviation Act of 1958, 49 U.S.C. 1348, 1354(a); and sec. 6(c), Department of Transportation Act, 49 U.S.C. 1655(c))

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

RAYMOND G. BELANGER,
Director, Air Traffic Service, AAT-1.

[FR Doc. 74-12508 Filed 5-30-74; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 74-SW-31]

ALTERATION OF TRANSITION AREA

Notice of Proposed Rulemaking

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation regulations to alter the Midland, Tex., 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 July 12, 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 Section 71.181 (39 FR 440), the Midland, Tex., transition area is amended to read:

MIDLAND, TEX.

That airspace extending upward from 700 feet above the surface within a 20-mile radius of Midland Regional Air Terminal (latitude 31°56'25" N., longitude 102°12'10" W.) and within a 5-mile radius of Mabey Ranch Airport (latitude 32°12'57" N., longitude 102°09'46" W.).

Alteration of the transition area is to provide controlled airspace for an original RNAV instrument approach procedure to the Mabey Ranch Airport and for radar vectoring by the Midland radar approach control facility down to 1,000 feet above the highest obstruction.

(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, TX., on June 4, 1974.

ALBERT H. THURBURN,
Acting Director, Southwest Region.

[FR Doc. 74-13375 Filed 6-11-74; 8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-WA-49]

ALTERATION OF MIAMI, FLA., TERMINAL CONTROL AREA

Notice of Proposed Rulemaking

The Federal Aviation Administration (FAA) is considering an amendment to Part 71 of the Federal Aviation Regulations that would alter the Miami, Fla., Terminal Control Area (TCA). This proposal would redefine the lateral boundaries and floor altitudes to contain within the TCA the air traffic patterns intended for use by large turbine-powered aircraft arriving/departing the Miami International Airport. It would also delete airspace not needed within the TCA and more properly used by aircraft operating outside the TCA.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Additionally, comments are invited on the potential impacts of this proposal on the quality of the human environment. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal

Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received on or before August 12, 1974, will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Rules Docket, Room 916, 800 Independence Avenue SW., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

As part of this proposal relates to the navigable airspace outside the United States, this notice is submitted in consonance with the ICAO International Standards and Recommended Practices.

Applicability of International Standards and Recommended Practices by the Air Traffic Service, FAA, in areas outside domestic airspace of the United States is governed by Article 12 of and Annex 11 to the Convention on International Civil Aviation, which pertain to the establishment of air navigation facilities and services necessary to promoting the safe, orderly, and expeditious flow of civil air traffic. Their purpose is to insure that civil flying on international air routes is carried out under uniform conditions designed to improve the safety and efficiency of air operations.

The International Standards and Recommended Practices in Annex 11 apply in those parts of the airspace under the jurisdiction of a contracting State, derived from ICAO, wherein air traffic services are provided and also whenever a contracting State accepts the responsibility of providing air traffic services over high seas or in airspace of undetermined sovereignty. A contracting State accepting such responsibility may apply the International Standards and Recommended Practices to civil aircraft in a manner consistent with that adopted for airspace under its domestic jurisdiction.

In accordance with Article 3 of the Convention on International Civil Aviation, Chicago, 1944, state aircraft are exempt from the provisions of Annex 11 and its Standards and Recommended Practices. As a contracting State, the United States agreed by Article 3(d) that its state aircraft will be operated in international airspace with due regard for the safety of civil aircraft.

Since this action involves, in part, the designation of navigable airspace outside the United States, the Administrator has consulted with the Secretary of State and the Secretary of Defense in accordance with the provisions of Executive Order 10854.

Planned changes in the approach systems and procedures used, and a reevaluation of the airspace necessary to contain the large turbine-powered aircraft operating at Miami International Airport within the TCA, have given cause to propose this amendment. It is proposed to reduce the radius boundary of the surface area from 8 and 9 miles to 6 miles, raise the floor of the areas east and west

of the airport between the 10 and 15 mile radii from 2,000 feet to 3,000 feet, lower the floor of the shelves north and south of the airport from 5,000 feet to 3,000 feet, add an additional area to the northwest of the airport between the 15 and 20 mile radii with a floor of 4,000 feet, extend the area between the 15 and 20 mile radii southeast of the airport with a floor of 3,000 feet, raise the floor within the New Tamiami control zone to 2,000 feet and 3,000 feet, and revise the base of the 1,000 feet floor area to 500 feet and 1,500 feet.

The adjustments would accomplish the following:

1. The revisions south and southeast of the airport would provide maneuvering area and final approach airspace for use of the VOR Runway 30 approach by large turbine-powered aircraft.

2. The area northwest of the Miami VORTAC would contain flight paths for transitioning to the VOR Runway 12 approach.

3. Lowering the TCA floor north of Miami International Airport would be for the purpose of containing within rather than beneath TCA airspace, those large turbine-powered aircraft currently operating between Miami and Ft. Lauderdale-Hollywood International Airports, thus reducing the potential of mid-air collision for these passenger carrying aircraft.

4. Raising the TCA floor altitudes beyond 10 miles east and west of the airport, would make more airspace available for aircraft, operating beneath the TCA, using the VFR flyways of Krome Avenue and offshore Miami Beach. The floor altitude over most of the Biscayne Bay would also be raised.

5. Raising the floors within the New Tamiami airport traffic area would provide much needed relief to the aircraft operating at that airport.

The proposal was discussed at FAA Informal Airspace Meeting No. 85, held in Miami on February 13, 1974. The airspace configuration presented at this meeting differed from that now proposed in that the surface extended over Biscayne Bay within a 6-mile radius of the Miami International Airport where it is now 1,000 feet. Objection was made of containing this additional area within the TCA and several persons requested that a floor of at least 500 feet be established. The primary user needs are sea-plane and helicopter operations. A review of the vertical airspace requirements reveals this is possible and this recommendation is contained herein as Area F.

The lowering of the 5,000 foot floor areas, north and south of Miami, to 3,000 feet also received some objection. Lowering the area to the south is primarily to contain the flight paths of aircraft transitioning to the VOR Runway 30 approach. The use of these altitudes is considered to be minimal and should cause little or no interference to current airspace use. Lowering the area to the north received stronger objection. Primarily, this was because VFR flights would not be able to overfly either the Opa Locka or North Perry airport traffic areas and

be able to remain clear beneath the TCA.

It is considered impractical to use a higher en route altitude than 3,000 feet for large turbine-powered aircraft operating between the Miami and Ft. Lauderdale-Hollywood International Airports because of the short distance involved. To have these aircraft continue to operate below the TCA floor does not provide the desired level of protection. Another factor is that nonparticipating aircraft operating beneath TCA floors should be able to expect a greater degree of segregation from these turbine-powered aircraft. Even though an aircraft would not be able to overfly the airport traffic areas, authorization could be obtained from ATC to operate within these areas.

There were no other objections made to the proposed airspace configuration. Except as noted, the consensus was that the proposal was a good compromise of airspace utilization for all users.

In consideration of the foregoing, it is proposed to amend Part 71 of the Federal Aviation Regulations by revising the Miami, Fla., TCA to read as follows:

MIAMI, FLA., TERMINAL CONTROL AREA

Primary Airport. Miami International Airport (Lat. 25°47'34" N., Long. 80°17'10" W.)
Boundaries.—Area A. That airspace ex-

tending upward from the surface to and including 7,000 feet MSL within a 6-mile radius of the Miami International Airport, excluding that airspace that is both northeast of the Miami VORTAC (Lat. 25°57'47" N., Long. 80°27'39" W.) 130° radial and north of Lat. 25°52'02" N. (Northwest 103rd Street/49th Street in the City of Hialeah), and within and underlying Area F described hereinafter.

Area B. That airspace extending upward from 1,500 feet MSL to and including 7,000 feet MSL within a 10-mile radius of Miami International Airport, excluding that airspace that is both northeast of the Miami VORTAC 130° radial and north of Lat. 25°52'02" N., that airspace south of the Biscayne Bay VORTAC (Lat. 25°40'17" N., Long. 80°10'40" W.) 090° and 270° radials, Area A previously described, and within and underlying Areas C and F described hereinafter.

Area C. That airspace extending upward from 2,000 feet MSL to and including 7,000 feet MSL within an area bounded on the northeast by a 5-statute mile radius arc of the New Tamiami Airport (Lat. 25°38'51" N., Long. 80°25'59" W.), on the south by the Biscayne Bay VORTAC 270° radial, and on the southwest by a 10-mile radius arc of the Miami International Airport.

Area D. That airspace extending upward from 3,000 feet MSL to and including 7,000 feet MSL within a 20-mile radius of Miami International Airport, excluding that air-

space beyond a 15-mile radius of Miami International Airport extending clockwise from the Miami VORTAC 270° radial to the Miami VORTAC 090° radial, and extending clockwise from the Biscayne Bay VORTAC 150° radial to the Biscayne Bay VORTAC 270° radial, Areas A, B, and C previously described, and within and underlying Area F described hereinafter.

Area E. That airspace extending upward from 4,000 feet MSL to and including 7,000 feet MSL between the 15-mile and 20-mile radii of the Miami International Airport extending clockwise from the Miami VORTAC 270° radial to the Biscayne Bay VORTAC 331° radial.

Area F. That airspace extending upward from but not including 500 feet MSL to and including 7,000 feet MSL bounded on the east by a 6-mile radius arc of the Miami International Airport, and on the west by the west shoreline of Biscayne Bay.

(Sec. 307(a), 1110 Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1510); Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655 (c))).

Issued in Washington, D.C., on June 6, 1974.

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

[FR Doc.74-13376 Filed 6-11-74; 8:45 am]

WESTERN SLOPE GAS CO. Pipeline Application

JUNE 3, 1974.

Notice is hereby given that, pursuant to section 28 of the Mineral Leasing Act of 1920 (41 Stat. 449), as amended (30 USC 185), Western Slope Gas Company, P.O. Box 840, Denver, Colorado 80201, has applied for a 1,750-foot-long right of way for a four-inch natural gas gathering pipeline across the following lands:

Sixth Principal Meridian, Colorado,
T. 2 N., R. 97 W.,
Section 28: E $\frac{1}{2}$

The pipeline will convey natural gas from the No. 5-Federal-A natural gas well to an existing six-inch pipeline located northwest of Meeker in Rio Blanco County, Colorado.

The purposes of this notice are: to inform the public that the Bureau of Land Management will be proceeding with the preparation of environmental and other analyses necessary for determining whether the application should be approved and, if so, under what terms and conditions; to allow interested parties to comment on the application; and to allow any persons asserting a claim to the lands or having bona fide objections to the proposed pipeline right of way to file their objections in this office. Any person asserting a claim to the lands or filing an objection must include evidence that a copy thereof has been served on the applicant. Any comment, claim, or objections must be filed with the Chief, Branch of Land Operations, Bureau of Land Management, Room 700, Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202, within thirty days from the date of this notice.

EVERETT K. WEEDIN,
Chief,
Branch of Land Operations.

[FR Doc.74-13421 Filed 6-11-74;8:45 am]

Geological Survey GREEN RIVER BASIN, COLORADO Power Site Cancellation 323

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 87 and 93 are hereby canceled to the extent that they affect the following described land:

SIXTH PRINCIPAL MERIDIAN, COLORADO

Power Site Classification 87 of February 14, 1925 (Interpreted 10-13-28 and 10-12-42):

T. 6 N., R. 99 W.,
Sec. 18, lot 6, SE $\frac{1}{4}$ NW $\frac{1}{4}$, and S $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 28, lot 2;
Sec. 29, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
T. 6 N., R. 100 W.,
Sec. 13, S $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 18, lot 5.

T. 6 N., R. 101 W.,
(Unsurveyed) All lands within $\frac{1}{2}$ mile of Yampa River.

T. 6 N., R. 102 W.,
(Unsurveyed) All lands within $\frac{1}{2}$ mile of Yampa River.

T. 6 N., R. 103 W.,
Sec. 1, (unsurveyed) All lands within $\frac{1}{4}$ mile of Yampa River;
Sec. 12, E $\frac{1}{2}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$.

T. 7 N., R. 103 W.,
(Unsurveyed) All lands within $\frac{1}{2}$ mile of Yampa River.

The area described aggregates approximately 17,268 acres.

Power Site Classification 93 of April 16, 1925 (Interpreted 4-16-25 and 4-30-28):

T. 8 N., R. 102 W.,
Every smallest legal subdivision in unsurveyed secs. 5, 6, and 7, and unsurveyed N $\frac{1}{2}$ sec. 8, any portion of which, when surveyed, will lie within the limits of a survey of the Green River made in 1922 by U.S.G.S. in cooperation with the Utah Power and Light Company.

T. 9 N., R. 102 W.,
Sec. 16, lots 5, 7, 14, 15, and 17, W $\frac{1}{2}$ NW $\frac{1}{4}$, and NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 17, lots 1, 3, and 5, N $\frac{1}{2}$, N $\frac{1}{2}$ S $\frac{1}{2}$, and SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 18, NE $\frac{1}{4}$ and E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 19, E $\frac{1}{2}$ E $\frac{1}{2}$;
Sec. 20, lots 2, 4, and 6, NW $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ N $\frac{1}{2}$, and S $\frac{1}{2}$;
Sec. 21, lots 6 and 9, S $\frac{1}{2}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$;
Sec. 29, W $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, and unsurveyed SW $\frac{1}{4}$;
Sec. 30, E $\frac{1}{2}$ NE $\frac{1}{4}$ and unsurveyed E $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 31, (unsurveyed);
Sec. 32, W $\frac{1}{2}$ (unsurveyed).

T. 7 N., R. 103 W.,
Sec. 32, Fractional N $\frac{1}{2}$;
Every smallest legal subdivision in that portion of the township unsurveyed which, when surveyed, will lie within the limits of a survey of Green River made in 1922 by the U.S.G.S. (in cooperation with the Utah Power and Light Company).

T. 8 N., R. 103 W.,
Sec. 26, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and unsurveyed SW $\frac{1}{4}$;
Sec. 35, unsurveyed NW $\frac{1}{4}$ and unsurveyed NW $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 7 N., R. 104 W.,
Sec. 23, lots 9, 10, and 11;
Sec. 24, lot 1, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$;
Sec. 25, lots 1 to 8, inclusive, S $\frac{1}{2}$ N $\frac{1}{2}$, and N $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 26, lots 7, 8, and 9.

The area described aggregates approximately 9,866 acres.

The total area of the land described in this notice aggregates about 27,134 acres.

The land described is subject to a permanent reservation created by a Presidential Proclamation of July 14, 1938 (53 Stat. 2454), establishing the Dinosaur National Monument. Therefore, the Secretary of Interior will not declare any of the land open to location, entry, or selection under the public land laws.

The Federal Power Commission, in DA-499-Colorado, issued October 3, 1973, found that it had no objection to the revocation of Power Site Classifications 87 and 93 insofar as they are described above.

Dated: June 3, 1974.

HENRY W. COULTER,
Acting Director.

[FR Doc.74-13465 Filed 6-11-74;8:45 am]

GREEN RIVER BASIN, UTAH Power Site Cancellation 322

Pursuant to authority under the Act of March 3, 1879 (20 Stat. 394; 43 U.S.C. 31), and 220 Departmental Manual 6.1, Power Site Classification 3 and 60 are hereby canceled to the extent that they affect the following described land:

SALT LAKE MERIDIAN, UTAH

Power Site Classification 3 of May 17, 1921.

T. 4 S., R. 23 E.,
Sec. 24, SE $\frac{1}{4}$.

The area described aggregates 160 acres.

Power Site Classification 60 of February 21, 1924:

T. 3 S., R. 25 E.,
Sec. 23, lots 1 and 2, NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 24, lots 2 to 6, inclusive, and W $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 27, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 29, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 30, lots 1 to 8, inclusive, and N $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 31, lots 1 to 16, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$, and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 32, lots 1 to 14, inclusive, S $\frac{1}{2}$ NE $\frac{1}{4}$, and NE $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 33, S $\frac{1}{2}$ NW $\frac{1}{4}$.

All unsurveyed tracts in secs. 23, 24, 25, 27, any part of which, when surveyed, shall be within a quarter of a mile of the left bank of the Green River.

The area described aggregates approximately 2,021 acres.

The total area of the land described in this notice aggregates about 2,181 acres.

The land described is subject to a permanent reservation created by a Presidential Proclamation of July 14, 1938 (53 Stat. 2454), establishing the Dinosaur National Monument. Therefore, the Secretary of Interior will not declare any of the land open to location, entry, or selection under the public land laws.

The Federal Power Commission, in DA-196-Utah, issued October 3, 1973, found that it had no objection to the revocation of Power Site Classifications 3 and 60 insofar as they are described above.

Dated: June 3, 1974.

HENRY W. COULTER,
Acting Director.

[FR Doc.74-13464 Filed 6-11-74;8:45 am]

National Park Service NORTH ATLANTIC REGIONAL ADVISORY COMMITTEE

Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the North Atlantic Regional Advisory Committee will be held at 9:00 a.m., e.d.t., on June 26, 1974, at the North Atlantic Regional Office, Room 715, 150 Causeway Street, Boston, Massachusetts.

The purpose of the North Atlantic Regional Advisory Committee is to provide for the free exchange of ideas between the National Park Service and the public, and to facilitate the solicitation of advice or other counsel from members of the public on problems and

programs pertinent to the North Atlantic Region of the National Park Service.

The members of the Advisory Committee are as follows:

Mrs. George E. Downing, Providence, Rhode Island.

Dr. Charles H. W. Foster, Needham, Massachusetts.

Mr. Frederick R. Micha, Ontario, New York.

The matters to be discussed at this meeting include:

1. Organization of North Atlantic Regional Advisory Committee.

2. Status of Regional Office.

3. Relationship of regional advisory committee to existing park advisory committees and to the Advisory Board on National Parks, Historic Sites, Buildings and Monuments.

The meeting will be open to the public. However, facilities and space for accommodating members of the public are limited and it is expected that not more than 25 persons will be able to attend the sessions. Any member of the public may file with the committee a written statement concerning the matters to be discussed.

Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact David A. Richie, Deputy Regional Director, North Atlantic Regional Office at 617-223-3769. Minutes of the meeting will be available for public inspection four weeks after the meeting at the office of the North Atlantic Region, 150 Causeway Street, Boston, Massachusetts.

Dated: May 30, 1974.

DAVID A. RICHIE,
Deputy Regional Director.

[FR Doc.74-13547 Filed 6-11-74; 8:45 am]

Office of the Secretary

CAROL M. BENNETT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(1) None.

This statement is made as of April 11, 1974.

Dated: April 30, 1974.

CAROL M. BENNETT.

[FR Doc.74-13436 Filed 6-11-74; 8:45 am]

CAROL M. BENNETT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place

in my financial interests during the past six months:

(1) None.

This statement is made as of November 2, 1973.

Dated: November 2, 1973.

CAROL M. BENNETT.

[FR Doc.74-13437 Filed 6-11-74; 8:45 am]

ERNEST H. HILL

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of May 15, 1974.

Dated: May 15, 1974.

ERNEST H. HILL.

[FR Doc.74-13438 Filed 6-11-74; 8:45 am]

NICHOLAS A. RICCI

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

(2) Delete: Oil Shale Corp. Mortgage Associates. Add: Industrial National Corp.

This statement is made as of May 7, 1974.

Dated: May 7, 1974.

NICHOLAS A. RICCI.

[FR Doc.74-13439 Filed 6-11-74; 8:45 am]

JOHN ROLFING

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b)(6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) No change.
- (2) No change.
- (3) No change.
- (4) No change.

This statement is made as of May 6, 1974.

Dated: May 6, 1974.

JOHN ROLFING.

[FR Doc.74-13440 Filed 6-11-74; 8:45 am]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

[Amendment 10]

SALES OF CERTAIN COMMODITIES

Monthly Sales List (Fiscal Year Ending June 30, 1974)

The CCC Monthly Sales List for the fiscal year ending June 30, 1974, published in 38 FR 19259 is amended as follows:

1. The last sentence of section 1(b) entitled "General" published in 38 FR 19259 as amended in 38 FR 22808 and 26012 and 39 FR 10305 and 16912 is revised to read as follows: Interest at 12½ percent will be charged for delinquent payments on consignment and track sales of grain from the date of sale to the date payment is received.

2. The sixth sentence of section 1(c) entitled "General" published in 38 FR 19259 as amended in 38 FR 22808 and 26102 and 39 FR 10305 and 16912 is revised to read as follows: "Interest to date of payment will be at 12½ percent."

Effective Date: 2:30 p.m. (EDT) May 31, 1974.

Signed at Washington, D.C., on June 5, 1974.

KENNETH E. FRICK,
Executive Vice President,
Commodity Credit Corporation.

[FR Doc.74-13533 Filed 6-11-74; 8:45 am]

Forest Service

ROGUE PLANNING UNIT, SISKIYOU NATIONAL FOREST, OREGON

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 the Rogue Planning Unit, Siskiyou National Forest, Oregon. USDA-FS-R6-DES-(Adm)-74-8.

The environmental statement concerns a proposed land use management plan for the Rogue Planning Unit, Siskiyou National Forest, in Coos and Curry Counties, Oregon. The proposed plan applies to a 27,000 acre roadless area.

This draft environmental statement was transmitted to CEQ on June 5, 1974.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
Pacific Northwest Region
319 SW Pine Street
Portland, Oregon 97204
Siskiyou National Forest
1504 NW 6th Street
Grants Pass, Oregon 97526

A limited number of single copies are available upon request to Regional Forester T. A. Schlappfer, Pacific Northwest

Region, P.O. Box 3623, Portland, Oregon 97208, or Forest Supervisor William P. Ronayne, 1504 NW. 6th Street, Grants Pass, Oregon 97526.

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 requests for additional information should be addressed to responsible official, William P. Ronayne, Forest Supervisor, 1504 NW. 6th Street, Grants Pass, Oregon 97526. Comments must be received by July 22, 1974, in order to be considered in the preparation of the final environmental statement.

C. G. JORGENSEN,
Acting Regional Forester,
Region 6.

JUNE 5, 1974.

[FR Doc.74-13466 Filed 6-11-74; 8:45 am]

**Rural Electrification Administration
CHUGACH ELECTRIC ASSOCIATION, INC.
Final Environmental Statement**

Notice is hereby given that the Rural Electrification Administration has prepared a Final Environmental Statement in accordance with Section 102(2)(C) of the National Environmental Policy Act of 1969, in connection with a loan to Chugach Electric Association, Inc., Box 3518, Anchorage, Alaska 99501. This loan includes financing for an addition to the existing Beluga, Alaska, generating station. The addition will include two new 58.5 MW (nominal rating) natural gas-fired regenerative gas turbines to be known as Unit No. 5 and Unit No. 6.

Additional information may be secured on request, submitted to Mr. David H. Askegaard, Assistant Administrator-Electric, Rural Electrification Administration, U.S. Department of Agriculture, Washington, D.C. 20250. The Final Environmental Statement may be examined during regular business hours at the offices of REA in the South Agriculture Building, 12th Street and Independence Avenue, SW, Washington, D.C., Room 4310 or at the borrower address indicated above.

Final REA action with respect to this matter (including any release of funds) may be taken after thirty (30) days, but only after REA has reached satisfactory conclusions with respect to its environmental effects and after procedural requirements set forth in the National Environmental Policy Act of 1969 have been met.

Dated at Washington, D.C., this 3rd day of June, 1974.

GEORGE P. HERZOG,
Acting Administrator,
Rural Electrification Administration.
[FR Doc.74-13531 Filed 6-11-74; 8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

[Order No. 43-1]

**BUREAU OF INTERNATIONAL COMMERCE
Organization and Functions**

This order effective March 25, 1974 supersedes the material appearing at 38 FR 9319, April 13, 1973.

SECTION 1. *Purpose.* This order delegates authority to the Deputy Assistant Secretary for International Commerce and prescribes the organization and functions of the Bureau.

SEC. 2. *Delegations of authority.* .01 Pursuant to Section 4.03 of Department Organization Order 10-3 of November 11, 1973, the following authorities, delegated to the Assistant Secretary DIB by the Secretary of Commerce, are hereby delegated to the Deputy Assistant Secretary for International Commerce:

a. Such provisions of the Act of February 14, 1903 (15 U.S.C. 1512 et. seq.; 15 U.S.C. 171 et. seq.) as amended, to foster, promote, and develop the foreign commerce of the United States, as are necessary to the performance of the Bureau's functions;

b. The Foreign Assistance Act of 1961, as amended (22 U.S.C. 2151, et. seq.), and section 302 of Executive Order 10973 of November 3, 1961, issued pursuant thereto, relating to drawing the attention of private enterprise to investment opportunities abroad;

c. Such portions as are necessary to the performance of the Bureau's functions of the delegation of authority, dated June 25, 1962, from the United States Information Agency under Sec. 5 (e) of Executive Order 11034 of June 25, 1962, as amended by Executive Order 11380 of November 8, 1967, insofar as said delegation pertains to U.S. participation in trade missions abroad under the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et. seq.);

d. Executive Order 10978 of December 5, 1961 regarding the Presidential "E" Award, "E" Certificate of Service, and "E Star" Award, except final selection of recipients;

e. The Act of October 18, 1962, as amended (46 U.S.C. 1122b), which authorized mobile trade fairs;

f. The China Trade Act of 1922, as amended (15 U.S.C. 141 et. seq.);

g. The Act of October 27, 1972 (Pub. L. 92-598; 84 Stat. 271) relating to the participation of the U.S. in the International Exposition on the Environment to be held in Spokane, Washington in 1974;

h. Other authorities of the Assistant Secretary applicable to performing the functions assigned in this Order.

.02 The Deputy Assistant Secretary may redelegate his authority to any employee of the Bureau of International Commerce or to any other appropriate officer or agency of the Government, subject to such conditions in the exercise of such authority as he may prescribe.

SEC. 3. *Organization and Line of Authority.* .01 The Bureau of International Commerce shall be headed by the Deputy Assistant Secretary for International Commerce who shall also be the Director and who shall report and be responsible to the Assistant Secretary for Domestic and International Business. The Deputy Assistant Secretary shall be assisted by a Deputy Director who shall perform the functions of the Deputy Assistant Secretary during the latter's absence.

.02 The Bureau of International Commerce shall consist of the following principal organizational elements:

Commercial Representation Staff
Office of Market Planning
Office of Export Development
Office of International Marketing

SEC. 4. *Functions.* The Bureau of International Commerce shall perform the following functions:

a. Foster the economic strength and national security of the United States by promoting its foreign commerce;

b. Stimulate the participation of U.S. private enterprise in and its expansion of, international trade and investment by all appropriate means;

c. Recommend programs and procedures to the Assistant Secretary for Domestic and International Business regarding the foreign commerce of the United States;

d. Assist in opening new, and maintaining old, markets for U.S. private enterprise abroad through negotiations with other nations bilaterally or through international organizations and conferences, in cooperation with appropriate agencies of the U.S. Government;

e. Manage export promotion and expansion facilities such as trade fairs, trade missions, trade centers, and sample display centers, and develop other techniques to stimulate non-exporting U.S. business to participate in overseas markets or to enlarge sales for present exporters;

f. Review, approve on behalf of the Secretary, and coordinate national program activities developed by the President's Export Council for execution by the Regional and District Export Councils; and perform coordination and support services for the President's Inter-agency Committee on Export Expansion;

g. Collect, organize, and analyze information obtained from the Foreign Service and other sources and disseminate such information to the business community and other end-users regarding (1) the economic, commercial, industrial and financial structure of countries with which the U.S. maintains trade relations; (2) the identity of overseas importers, exporters and manufacturers of potential interest to U.S. business; (3) the investment opportunities in the United States for potential foreign investors, and opportunities for investment in developing overseas areas for U.S. investors; and (4) overseas trade opportunities developed by Foreign Service commercial officers;

h. Strengthen commercial services and commercial officer representation; and

through full utilization of all available training, exchange and assignment techniques facilitate development and application of commercial skills in cooperation with all government activities supporting U.S. international economic activities;

i. Conduct U.S.-based export development activities designed to increase national awareness of export opportunities, improve Government/business cooperation and assist U.S. firms on specific major export projects; and

j. Carry out the domestic trade fair function including coordination of the Department's participation in domestic trade fairs and arranging of visits to expositions and U.S. businesses by foreign businessmen and government officials.

SEC. 5. *Effect on Other Orders.* This Order supersedes DIBA Organization and Function Order 43-1 of February 22, 1973.

Effective date: March 25, 1974.

TILTON H. DOBBIN,
Assistant Secretary for Domestic
and International Business.

[FR Doc. 74-13428 Filed 6-11-74; 8:45 am]

[Order No. 43-2]

BUREAU OF INTERNATIONAL COMMERCE Organization and Functions

This order effective March 25, 1974 supersedes the material appearing at 38 FR 9320, April 13, 1973.

SECTION 1. *Purpose.* This order prescribes the organization and assignment of Functions within the Bureau of International Commerce.

SEC. 2. *Organization and Structure.* The organization structure and line of authority of the Bureau of International Commerce (the "Bureau") shall be as depicted in the attached organization chart. A copy of the chart is on file with the original of this document in the Office of the Federal Register.

SEC. 3. *Office of the Deputy Assistant Secretary.* .01 The Deputy Assistant Secretary for International Commerce shall assist and advise the Assistant Secretary for Domestic and International Business on export expansion, and shall serve as National Export Expansion Coordinator, and shall direct or perform coordination and support services for the President's Interagency Committee on Export Expansion. Within the framework of overall DIBA goals, the Deputy Assistant Secretary shall determine the objectives of the Bureau, formulate policies and programs for achieving those objectives, and direct the execution of Bureau programs.

.02 The Deputy Director shall assist in the direction of the Bureau and perform the functions of the Deputy Assistant Secretary in his absence.

.03 The Deputy Assistant Secretary shall supervise and direct the following organizational components:

- a. Office of the Deputy Assistant Secretary and Director
- b. Commercial Representation Staff
- c. Office of Market Planning

d. Office of Export Development

e. Office of International Marketing

.04 The Commercial Representation Staff shall be responsible for representing the interests of the Department to other agencies with regard to the official representation of U.S. commercial interests abroad. It shall be responsible for assuring that the other organizational elements of DIBA cohesively implement the provisions of pertinent legislation, State-Commerce Agreements, Commercial skills development program, and Executive Branch determinations covering commercial representation. In cases of dispute between Bureau offices as to the mix of activities required from State Department resources, the Deputy Director shall act as the arbiter. The Staff shall concentrate its efforts in the following areas: recruitment, assignment, utilization, and career management aspects of economic/commercial personnel serving in support of Commerce programs; evaluation of past performance and evaluation of effectiveness in commercial reporting and performance of other commercial activities by personnel assigned these functions abroad; development of training requirements for the personnel scheduled for assignment or reassignment overseas; monitoring (by providing for participation in State Department inspection activities and by other activities) of both overseas and domestic programs concerned with the effectiveness of commercial services and commercial office representation abroad; and development of justification for personnel and other resource requirements involved in State and Commerce budget requests.

SEC. 4. *Office of Market Planning.* .01 The Office of the Director includes: the Director who shall plan and direct the execution of the policies and programs of the Office, provide principal direction to market planning and strategy development for the Bureau of International Commerce, shall direct the analysis of ongoing Bureau programs to insure viability and shall recommend improvements; and the Deputy Director who shall assist in the direction of the Office and perform the functions of the Director in his absence. The Office of the Director shall coordinate all Bureau publications and communications programs and information systems. The Director shall supervise and direct the following organizational components:

.02 The Strategic Planning Division shall be responsible for continually developing and reviewing BIC's role, objectives and operational plans on a worldwide basis; shall analyze impact of economic and other developments on Bureau programs and recommend changes to reflect these impacts; shall set specific objectives for all programs; shall approve the specifications and objectives for the Country Commercial program and the BIC-OFO agreement; and shall coordinate the development of rationale, strategy, and financial analysis for all programs.

.03 The Targeting Division shall ana-

lyze U.S. industry and identify those industry sectors that have the greatest export growth potential; examine foreign markets and identify those which offer the greatest export opportunities to American industry; develop for the Office of International Marketing, the Office of Export Development and the Office of Field Operations guidelines for the allocation of resources for Commerce-sponsored export programs and establish "intensive promotion cycles" for BIC's export expansion activities.

.04 The Program Evaluation Division shall develop and maintain a system to measure and evaluate the effectiveness of all commercial programs; shall develop techniques for forecasting potential results at least three years in advance, shall develop a reporting system that will permit the evaluation of actual results against forecasts and goals; shall coordinate studies and analyses performed for the Bureau, and shall assist in analysis of operating programs.

SEC. 5. *Office of Export Development.*

.01 The Office of the Director includes: The Director who shall plan and direct the execution of the policies and programs of the Office and the Deputy Director who shall assist in the direction of the Office and in program planning and shall perform the functions of the Director in the latter's absence.

a. The President's Export Council Staff shall promote Government dialogue with U.S. business by providing centralized staff support and program guidance to the President's Export Council, the Regional Export Councils and the District Export Councils, and shall communicate the recommendations of these Councils to the President's Interagency Committee on Export Expansion through its liaison officer; and shall encourage increased direct exports by major U.S. exporting corporations.

b. The Domestic Investment Services Staff shall carry out the Department's "Invest In The U.S.A." program, designed to encourage and facilitate foreign direct capital investment and licensing by foreign firms in the United States as one of the continuing Department programs to improve the U.S. balance of payments; develop domestic investment, joint ventures and licensing opportunities and proposals for transmission to interested foreign businessmen; and obtain specific investment and licensing proposals from potential foreign investors for presentation to the U.S. business community.

The Director shall supervise and direct the following organizational components:

.02 The Major Export Projects Division shall serve as the focal point in the Department for providing government-wide assistance to U.S. firms on major international business transactions; identify foreign capital projects with major export potential which should be brought to the attention of U.S. industry or which are likely to require special U.S. Government assistance for successful participation by American firms; and inform U.S. firms of specific large-scale

projects overseas with significant potential for exports of U.S. goods and services and assist them on a case-by-case basis in competing for such projects. The Division communicates directly with other Washington agencies and with U.S. Missions abroad as appropriate to obtain the quick reaction needed to assist U.S. firms in winning major foreign contract awards.

.03 The Export Information Division shall identify foreign agents/distributors and licensees through Trade Lists, Exporters Mailing Lists, and Agency Distributor Service; shall help U.S. businessmen evaluate foreign firms through the provision of the World Traders Data Reports; shall maintain the Foreign Traders Index to identify customers for U.S. firms; shall maintain a U.S. exporter-importer index to assist firms in developing trade and investment opportunities abroad and to provide information for the export development and international marketing programs of the Bureau; shall provide individual counseling services to U.S. exporters and prospective exporters; shall process trade inquiries from U.S. firms; shall assist in the resolution of commercial trade disputes; shall disseminate reports containing information on foreign production and commercial data to U.S. firms; shall arrange for Foreign Service assistance to U.S. businessmen traveling abroad; and shall arrange meetings and other facilitation as appropriate for foreign business and government visitors; and shall support the export control function of the Department and the economic defense activities of other U.S. agencies.

.04 The Domestic Export Programs Division shall serve as the focal point for conducting domestic programs which stimulate an interest in exporting and provide information and assistance to firms interested in international trade. In this regard it shall organize conferences, seminars and other promotional techniques to familiarize U.S. industry with the advantages of exporting; shall develop promotional literature to acquaint U.S. firms with export opportunities and procedures and with BIC programs; shall direct the national multiplier program which enlists the support of service organizations such as banks and airlines in delivery of informational material on overseas marketing opportunities to carefully identified elements of industry; shall work with trade associations to promote exporting among their membership; shall administer The Export Assistance Masters Program (TEAM) which utilizes graduate university students to prepare foreign market surveys for individual U.S. firms; shall stimulate and arrange visits to exhibitions and industry for foreign businessmen and government officials; shall identify, with the assistance of the Foreign Service, prospective foreign buyers and shall direct these buyers to appropriate domestic trade shows and arrange for meetings with U.S. manufacturers in order to facilitate sales; shall provide development, scheduling and displays for and shall participate in selected domestic

trade shows to promote DIBA and Departmental programs; shall administer the President's "E" and "E Star" Award and other national incentive programs; shall direct national marketing and advertising efforts undertaken to stimulate export awareness; shall serve as liaison for the Bureau of International Commerce with the Office of Field Operations for the preparation of comprehensive prepackaged sales programs for the District Offices to use in their calls on target industries. It is also responsible for administering the Joint Export Association Program which provides financial and other assistance to groups of U.S. companies formed to sell their products in foreign markets.

.05 The Overseas Business Opportunities Division shall be responsible for the dissemination of foreign investment and foreign trade opportunity data and for providing assistance to firms in obtaining overseas business. In this regard it shall be responsible for the collection of specific foreign trade opportunity leads and their dissemination to interested U.S. firms through the Trade Opportunity Program; shall identify major equipment export sales opportunities which should be brought to the attention of U.S. firms or which are likely to require special U.S. Government assistance and to assist U.S. industry to obtain the sales by coordinating U.S. Government expertise and assistance on a case-by-case basis; and shall provide information and counsel, consistent with U.S. balance of payments policies and objectives, to U.S. businessmen concerning their existing and planned overseas investments; shall identify and disseminate for the benefit of the U.S. business community, foreign investment, licensing and joint venture proposals; and shall furnish information to U.S. foreign investors on private and public sources of investment capital, particularly foreign sources, guarantees and related types of investment and loan capital available for financing investment abroad, particularly developing countries.

Sec. 6. Office of International Marketing. .01 The Office of the Director includes: the Director who shall plan and direct the execution of the policies and programs of the Office, and the Deputy Director who shall provide principal direction to overseas operations and perform the functions of the Director in his absence. The Director shall have responsibility for the participation of the United States in the International Exposition on the Environment to be held in Spokane, Washington in 1974, and shall supervise and direct the following organizational components:

.02 The Assistant Director for Program Development shall be responsible for the coordination of country programs, the collection of foreign market data and the development of the mechanism for securing the necessary approvals for country commercial programs within DIBA.

a. The Program Coordination Division shall coordinate the development of individual country commercial programs with the country marketing managers,

other elements of DIBA, the State Department, Foreign Service Posts, and assure concurrence with Government policy and program documents such as Policy Analysis and Resource Allocation (PARA) and the Country Analysis and Strategy Paper (CASP).

b. The Market Research Division shall design and coordinate the program to produce marketing information about countries, regions and markets which will identify U.S. export problems and opportunities; and shall collect specific product/industry information to assist U.S. industry in solving problems of advertising, pricing and product development in the marketing of specific products.

.03 The Assistant Director for Developed Markets shall direct the planning for and implementation of individual country programs within his assigned area to support the marketing needs of the U.S. business community on a targeted industry, product, and market basis. The Developed Markets area shall consist of the following geographic divisions:

a. Northern Europe Division (Scandinavia, United Kingdom, Canada, Benelux).

b. Western Europe Division (France, Germany, Austria).

c. Southern Europe Division, (Italy, Greece, Yugoslavia, Switzerland, Portugal, Spain).

d. Japan, Australia, New Zealand Division.

.04 The Assistant Director for Emergent Markets shall have similar responsibilities within his assigned area. The Emergent Markets area shall consist of the following geographic divisions:

a. Far East Division.

b. Latin America Division.

c. Africa Division.

d. Near East/South Asia Division.

.05 Each Division of the Developed Markets and Emergent Markets areas shall be responsible for the content and management of country marketing programs for its assigned territory within global export priorities and targets established by the Office of Market Planning. Each of these geographic divisions shall perform the following functions:

a. Serve as the focal point in DIBA for the development of the Country Commercial Program.

b. Provide overseas marketing information and counseling services to the U.S. business community and to other U.S. Government agencies.

c. Identify key economic, trade, financial and marketing problems in overseas country or country groupings.

d. Provide to the U.S. business community a regular review of the prospects for increased U.S. exports in significant overseas markets.

e. Provide for development in detail of the annual country commercial programs.

f. Plan and direct trade promotional activities within the country, including Trade Centers and commercial fairs.

g. Within the framework of Bureau approved country programs, provide

guidance and direction to overseas personnel engaged in commercial activities, i.e., the Commercial Foreign Service, Trade Center staffs, commercial fair staffs, and other trade promotional personnel.

h. Maintain contact with foreign government representatives in the United States on matters concerning the marketing programs developed for their countries.

i. In addition to the functions set forth in the preceding paragraph, the Far East Division shall administer the Department's responsibilities pursuant to the China Trade Act of 1922, as amended.

.06 The Assistant Director for Resources shall plan, develop and manage the fiscal and physical resources supporting and complementing the various programs of the Office.

a. The Support Services Division shall provide logistical support for overseas promotional activities. In this regard, it shall provide for exhibition design; shall prepare specifications and provide technical administration of contracts with private design firms; shall provide for the leasing, construction, operation, and promotional support of overseas exhibitions and seminars; shall provide for the leasing, design, and construction of U.S. Trade Center facilities; and shall coordinate the shipment of exhibition products and support material. It shall also provide for program allocation of resources; shall coordinate the development of operational budgets and fiscal plans; shall provide facilitative services and coordination for Office printing, supplies, equipment, and space requirements.

b. The Special Activities Division shall plan and develop promotional techniques and activities as required by the geographic divisions to meet special export marketing needs of U.S. industry such as catalogue fairs, trade missions, in-store consumer products promotions, and seminars.

Sec. 7. Administrative, Public Affairs and Field Support. .01 The Office of Public Affairs for Domestic and International Business Administration shall furnish public affairs and information services to Bureau of International Commerce organization units.

.02 The Directorate of Administrative Management, Domestic and International Business Administration shall furnish management, budget, personnel, travel and administrative services to Bureau of International Commerce organization units. The Directorate will also serve as liaison with Departmental elements providing other administrative service to the Bureau of International Commerce organization units.

.03 Field support necessary to Bureau of International Commerce activities will be provided by the Office of Field Operations (OFO). In particular, the Commercial Representation Staff/BIC will work in coordination with the Office of Personnel, and Office of Field Operations to provide for full utilization of available training, exchange, and assignment techniques to further develop skills of officers for service in the U.S. and abroad.

SEC. 8. Effect on Other Orders. This Order supersedes DIBA Organization and Function Order 43-2 of December 4, 1972.

Effective date: March 25, 1974.

M. VAN GESSEL,
Deputy Assistant Secretary for
International Commerce.

Approved:

JUDITH S. CHADWICK,
Deputy Assistant Secretary for
Administrative Management.

[FR Doc.74-13429 Filed 6-11-74; 8:45 am]

[Order No. 47-1; Amdt. 3]

DEPUTY ASSISTANT SECRETARY FOR INTERNATIONAL ECONOMIC POLICY AND RESEARCH

Organization and Functions

This order effective May 24, 1974 amends the material appearing at 39 FR 1649, January 11, 1974.

DIBA Organization and Function Order 47-1, dated November 12, 1973, as amended, is hereby further amended.¹

Section 7. Office of Competitive Assessment is revised to read, as follows:

"**SEC. 7. Office of Competitive Assessment.** .01 The Office of the Director includes: The Director who shall plan and direct the execution of policies and programs of the Office; and the Deputy Director who shall assist in the direction of the Office and perform the functions of the Director in his absence. The Director shall supervise and direct the following organizational components:

.02 The Information Development Division will organize and develop broad and internally consistent data bases, covering relevant time series data, key indicators and input-output systems tables covering a broad range of factors reflecting and affecting U.S. competitiveness and required for all phases of research and analysis to be performed within the overall program; will define, measure and monitor the changing indicators of competitiveness of U.S. industry and business in the world economy; will seek to develop through appropriate statistical analyses lead-lag indicators, early warning systems and composite indexes of competitiveness; and shall interpret, assess and communicate such descriptors of significant changes and trends in U.S. competitiveness through regular and special briefings, releases and reports to Government and business leaders.

.03 The Competitive Determinants Division will conduct and/or direct the conduct of research and analysis utilizing factor analysis, discriminant analysis and other variance analysis statistical techniques (applied on an aggregative, macro-economic, and/or sector/industry cross-sectional or vertical, multi-factor design basis) within and between industries, industry sectors and more highly aggregated economic series of the U.S. economy, identifying and measuring the

¹ Organization charts filed as part of original document.

impact of the most significant factor determinants and characteristics on U.S. international competitiveness in both domestic and foreign markets; will conduct special macro-economic industry or factor related studies to analyze and assess the effect of specific domestic and international actions, policies, conditions and trends—and their interactions—upon U.S. competitiveness; will also prepare policy options and recommendations for improving competitiveness of U.S. industries at home and abroad.

.04 The Competitive Systems Analysis Division will review currently or near term available econometric models, and, through selection and adaptation of those best suited to analysis and projections of both U.S. trade and balance of payments aggregate and sector trends, will develop an econometric simulation system (a) for sensitivity analysis testing and to identify sectors most critically impacting U.S. competitiveness, (b) to simulate and forecast the impact on U.S. competitiveness of specified or projected changes in significant external macro-economic factors or internal technological or micro-economic factors or conditions, and (c) to provide trade negotiation resource support prior to and during U.S. negotiations through systematic, rapid measurement and evaluation of the general economic or industry impact of any proposed changes in U.S. and tariff rates, trade terms and other non-tariff provisions; will combine use of econometric model systems, operations research, sophisticated mathematical-statistical techniques and input-output simulation systems to improve projections and quality of simulation system outputs most relevant to analyzing impacts on U.S. competitiveness; will also prepare policy options and recommendations for improving competitiveness of U.S. industries at home and abroad."

TILTON H. DOBBIN,
Assistant Secretary for
Domestic and International Business.

[FR Doc.74-13426 Filed 6-11-74; 8:45 am]

[Order No. 42-2; Amdt. 1]

DIRECTORATE OF ADMINISTRATIVE MANAGEMENT

Organization and Functions

This order effective May 9, 1974 amends the material appearing at 39 FR 2781, January 24, 1974.

DIBA Organization and Function Order 42-2 dated January 2, 1974, is hereby amended, as follows:¹

Sec. 6. Office of Administrative Services. .01 The Office of Administrative Services shall be headed by a Director who shall plan and direct all administrative services for DIBA operating units and maintain liaison with the Department's Office of Administrative Services and Procurement. The Office of the Director will administer the following DIBA programs and functions:

¹ Organization chart filed as part of original document.

(1) Security program including document and physical security. The Director is the DIBA Security Officer. (2) Safety program including assuring safe working conditions and accident reporting. The Director is the DIBA Safety Officer. (3) Issuance of Building Passes, Credentials, Civil Defense Identification Cards, and Door Keys. The Director will head the following operating units:

0.2 The Communications Management Division shall analyze and assign action on all incoming overseas correspondence; dispatch all outgoing Commerce correspondence to overseas establishments; receive, sort, and distribute all correspondence; receive, log, control, and distribute all classified and registered documents from NATO, the Department of State, other Federal agencies and the Foreign Service posts. In addition, the division includes the DIBA Secretariat which is responsible for correspondence control, including review, assignment of responsibility and follow-up; special messenger service; and distribution of bulk material including newspapers and Departmental and DIBA bulk mailings.

0.3 The Acquisition and Property Division processes procurement requests for all furniture, furnishings, and office equipment; processes requests for subscriptions and publications; arranges for the purchase of office supplies; processes requests for rental and lease equipment; processes requests for printing; approves requests for driver permits; arranges for repair of office equipment; maintains an inventory of furniture, furnishings and office equipment; and provides payroll services for DIBA.

0.4 The Facilities Management Division plans, organizes, reviews and controls DIBA space; provides DIBA organizations with space in the main Commerce Building and contracts for Field Office space in accordance with staffing requirements and GSA guidelines; designs office layouts and arranges for improvement of office appearance and working conditions in accordance with the Office Excellence Program; provides liaison and coordination of requests for telephone, electrical service, alterations and renovations with Office of the Secretary, Office of Administrative Services and Procurement and GSA; and arranges for and supervises all moves of furniture, furnishings and equipment within DIBA.

EDWARD J. HENRIKSEN,
Acting Director, Directorate of
Administrative Management.

[FR Doc.74-13427 Filed 6-11-74; 8:45 am]

Maritime Administration

CITIES SERVICE TANKERS CORP.

Application Under Tanker Assistance Program; Environmental Statement

An environmental impact statement entitled, Maritime Administration Tanker Construction Program, NTIS Report No. EIS730725-F, was published on May 30, 1973. The statement concerns proposed assistance to private industry to

aid in the construction in the United States of a fleet of oil-carrying vessels during the decade of the 1970's. Vessel classes included range from approximately 35,000 DWT to 400,000 DWT.

The Maritime Subsidy Board has received the following application for assistance under the Tanker Construction Program and has determined that the vessels to be constructed with such assistance are of the type, design and characteristics of those vessels treated in the above mentioned environmental impact statement. As a consequence the Board has found that no supplement to the impact statement mentioned herein, nor any new impact statement need be prepared with respect to these vessels. Future Board action with respect to the application will be, from an environmental standpoint, based on the above mentioned impact statement. This application is:

Cities Service Tanker Corporation—Application for two ships. These are to be of MarAd Design T10-S-101b, 265,000 DWT, identical to the five ships now under construction at Bethlehem Steel Shipbuilding Corporation, Sparrows Point, Maryland for MFC-Boston Corporation (3) and Gulf Oil Corporation (2). These are described in detail in Section II of the EIS as an example of a "Very Large Crude Carrier, (VLCC)." The environmental impact of such designs are covered throughout the statement in various sections.

The basis for the Board's determinations, as described herein, are available for public inspection in the Office of the Secretary, Room 3099-B, Maritime Administration, Commerce Department Building, 14th & E Streets, NW, Washington, D.C. 20230.

Dated: June 7, 1974.

By Order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74-13523 Filed 6-11-74; 8:45 am]

VLCC I CORP.

Application for Construction-Differential Subsidy

Notice is hereby given that VLCC I Corporation on May 29, 1974 filed pursuant to Title V of the Merchant Marine Act, as amended, an application for a construction-differential subsidy to aid in the construction of one new tank vessel of approximately 390,200 deadweight tons for use in the foreign commerce of the United States.

Any person may inspect the non-confidential portion of this application in the Office of the Secretary, Room 3099-B, Maritime Administration, Department of Commerce, 14th and E Streets, NW., Washington, D.C. 20230.

Dated: June 4, 1974.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74-13524 Filed 6-11-74; 8:45 am]

VLCC II CORP.

Application for Construction-Differential Subsidy

Notice is hereby given that VLCC II Corporation on May 29, 1974, filed, pursuant to Title V of the Merchant Marine Act, as amended, an application for a construction-differential subsidy to aid in the construction of one new tank vessel of approximately 390,200 deadweight tons for use in the foreign commerce of the United States.

Any person may inspect the non-confidential portion of this application in the Office of the Secretary, Room 3099-B, Maritime Administration, Department of Commerce, 14th and E Streets, N.W., Washington, D.C. 20230.

Dated: June 4, 1974.

By order of the Maritime Subsidy Board, Maritime Administration.

JAMES S. DAWSON, Jr.,
Secretary.

[FR Doc.74-13525 Filed 6-11-74; 8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

GRIFFITH LABORATORIES, INC., ET AL.

Bread Deviating From Identity Standards; Temporary Permit for Market Testing; Correction

In FR Doc. 73-17155 appearing at page 22247 in the issue of Friday, August 17, 1973, in the first column, the last three lines of the first paragraph reading "and Roskam Baking Company, Inc., 1140 Butterworth Avenue, SW., Grand Rapids, MI 49504," are corrected to read "and Arnold Bakers, Inc., 10 Hamilton Ave., Greenwich, CT 06830."

Dated: June 6, 1974.

SAM D. FINE,
Associate Commissioner
for Compliance.

[FR Doc.74-13460 Filed 6-11-74; 8:45 am]

Office of Education

ADVISORY COMMITTEE ON THE EDUCATION OF BILINGUAL CHILDREN

Notice of Public Meeting

Notice is hereby given, pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92-463), that a subcommittee meeting of the Advisory Committee on the Education of Bilingual Children will be held from 9 a.m. to 4:30 p.m. on Tuesday, June 25, 1974. Also the meeting of the Advisory Committee on the Education of Bilingual Children will be held from 9 a.m., Wednesday, June 26, 1974, through 4:30 p.m., Thursday, June 27, 1974. Both Committees will meet in Room 1031, Regional Office Building, 1321 Second Avenue, Seattle, Washington 98101.

The Advisory Committee on the Education of Bilingual Children as well as the Subcommittee are established pursuant to section 708 of the Bilingual Education Act (20 U.S.C. 880b-5) to advise

the Secretary of Health, Education, and Welfare and the Commissioner of Education concerning matters arising in administration of the Bilingual Education Act.

The above described meetings shall be open to the public. The proposed agenda for these meetings are the review and acceptance by the full Committee of a position paper on bilingual education which will in final form be submitted to the Commissioner of Education. Other relevant matters which the Advisory Committee deems germane to the issue shall also be discussed.

Records shall be kept of all proceedings, and shall be available for public inspection at Room 3045, Regional Office Building 3, 7th and D Streets, SW., Washington, D.C. 20202.

Signed at Washington, D.C., on June 10, 1974.

JOHN C. MOLINA,
Director, Division of
Bilingual Education.

[FR Doc. 74-13578 Filed 6-11-74; 8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Federal Disaster Assistance Administration

[Docket No. NFD-200, FDAA-435-DR]

ARKANSAS

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11749 of December 10, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on May 31, 1974, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Arkansas resulting from heavy rains and flooding beginning on May 14, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Arkansas. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that on June 4, 1974, the President amended his declaration of a major disaster for the State of Arkansas as follows:

You are further authorized to apply the authorities contained in Executive Order 11749 to Public Law 93-288 (the Disaster Relief Act of 1974) pending the issuance of a new Executive order implementing Public Law 93-288.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11749, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket

No. D-73-238, I hereby appoint Mr. Joe D. Winkle, HUD Region 6, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas in the State of Arkansas to have been adversely affected by this declared major disaster:

The County of:

Phillips

This disaster has been designated as FDAA-435-DR.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: June 4, 1974.

WILLIAM E. CROCKETT,
Acting Administrator, Federal
Disaster Assistance Adminis-
tration.

[FR Doc. 74-13448 Filed 6-11-74; 8:45 am]

[Docket No. NFD-201; FDAA-436-DR]

OHIO

Notice of Major Disaster and Related Determinations

Pursuant to the authority vested in the Secretary of Housing and Urban Development by the President under Executive Order 11749 of December 10, 1973; and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238; and by virtue of the Act of May 22, 1974, entitled "Disaster Relief Act of 1974" (88 Stat. 143); notice is hereby given that on May 31, 1974, the President declared a major disaster as follows:

I have determined that the damage in certain areas of the State of Ohio resulting from severe storms and flooding beginning about April 8, 1974, is of sufficient severity and magnitude to warrant a major disaster declaration under Public Law 93-288. I therefore declare that such a major disaster exists in the State of Ohio. You are to determine the specific areas within the State eligible for Federal assistance under this declaration.

Notice is hereby given that on June 4, 1974, the President amended his declaration of a major disaster for the State of Ohio as follows:

You are further authorized to apply the authorities contained in Executive Order 11749 to Public Law 93-288 (the Disaster Relief Act of 1974) pending the issuance of a new Executive order implementing Public Law 93-288.

Notice is hereby given that pursuant to the authority vested in the Secretary of Housing and Urban Development under Executive Order 11749, and delegated to me by the Secretary under Department of Housing and Urban Development Delegation of Authority, Docket No. D-73-238, I hereby appoint Mr. Robert E. Connor, HUD Region 5, to act as the Federal Coordinating Officer for this declared major disaster.

I do hereby determine the following areas in the State of Ohio to have been adversely affected by this declared major disaster:

The Counties of:

Lucas
Ottawa

Sandusky

This disaster has been designated as FDAA-436-DR.

(Catalog of Federal Domestic Assistance No. 14.701, Disaster Assistance.)

Dated: June 4, 1974.

WILLIAM E. CROCKETT,
Acting Administrator, Federal
Disaster Assistance Adminis-
tration.

[FR Doc. 74-13449 Filed 6-11-74; 8:45 am]

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

INTERAGENCY COMMITTEE ON SEARCH AND RESCUE (SAR)

Notice of Establishment

This notice announces the establishment of the Interagency Committee on Search and Rescue (SAR) under the sponsorship of the Commandant of the Coast Guard, Department of Transportation.

The purpose of the Committee is to oversee the National Search and Rescue Plan and to act as a coordinating forum for national search and rescue matters. The Department Order establishing the Committee is set forth below.

This notice is issued under authority of sections 4 and 9, Department of Transportation Act, 49 U.S.C. 1653, 1657.

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

CLAUDE S. BRINEGAR,
Secretary of Transportation.

INTERAGENCY COMMITTEE ON SEARCH AND RESCUE

[DOT Order 1120.28]

MAY 21, 1974.

1. *Purpose.* This order documents the establishment of the Interagency Committee on Search and Rescue (SAR).

2. *Background.* The National Search and Rescue Conference of 1973, when considering the need to establish a continuing interagency group to oversee the National Search and Rescue Plan, recommended that the signatories to the National Search and Rescue Plan establish a standing committee to oversee the Plan and to act as a coordinating forum for national search and rescue matters. Accordingly the Conference drafted an interagency agreement for the purpose. In acting on the recommendation, the Secretary of Transportation proposed to the National Search and Rescue Plan signatories that the agreement be executed. The agreement became effective on March 5, 1974.

3. *Objectives.* The objectives of the Committee are:

a. To provide a standing committee to oversee the National Search and Rescue Plan and coordinate interagency search and rescue matters.

b. To provide a forum for preliminary development of interagency positions in search and rescue matters.

c. To provide for an interface with other national agencies involved with emergency services.

4. *Determination.* The formation and use of the Interagency Committee on Search and

Rescue is determined to be in the public interest in connection with the performance of duties imposed on the Department by law.

5. *Committee membership.* a. The Committee consists of representatives of the Departments of Transportation, Defense and Commerce, the National Aeronautics and Space Administration, and the Federal Communications Commission.

b. An alternate member may be designated by each participating Department or Agency.

c. The Chairman of the Committee is the member (or alternate) of the Coast Guard representing the Department of Transportation.

d. Each member may call upon officials from his Department or Agency to serve as advisors and to participate in the meetings of the Committee.

e. Others may be invited with the approval of the Chairman or the Committee to participate as observers or serve as advisors on an ad hoc basis.

6. *Authority and Procedures.* a. The Chairman shall report to the Secretary of Transportation through the Commandant of the Coast Guard.

b. Those policy issues or plans which require the attention or approval of the signatories will be submitted by the Chairman with recommendations for action. In such cases the views of each Committee member shall be included.

c. The Chairman and any signatory authority may call a meeting when deemed necessary.

7. *Sponsorship.* The Commandant of the Coast Guard is designated as sponsor for the Committee. He is authorized to appoint a Committee Secretary and shall insure that the Committee and its officers operate according to the policy and procedure contained in current directives.

8. *Termination.* On June 30, 1975 and biennially thereafter, the Commandant of the Coast Guard will review the activities and progress with the Committee to determine if it should be continued, realigned, or terminated and make appropriate recommendations to the signatory agencies through the Secretary of Transportation.

CLAUDE S. BRINEGAR,
Secretary of Transportation.

[FR Doc.74-13433 Filed 6-11-74; 8:45 am]

ATOMIC ENERGY COMMISSION

BROOKHAVEN NATIONAL LABORATORY

Preparation of Environmental Impact Statement

Notice is hereby given that in accordance with the National Environmental Policy Act the U.S. Atomic Energy Commission has commenced the preparation of a draft environmental impact statement on its Brookhaven National Laboratory (BNL) at Upton, Long Island. The BNL Site has been in operation for about 25 years. The current cumulative impact on the environment of the operation of the various facilities will be assessed as well as the anticipated future impact of continuing the operations at the Site. When completed, the draft statement will be circulated for review to Federal, State and local agencies and interested public organizations and individuals. The comments received on the draft will be considered in the preparation of the final

statement which will provide environmental input into Commission decisions affecting the future operations at the Site.

Copies of documents to be utilized in the preparation of this draft environmental impact statement will be available for inspection at the BNL library and the AEC Public Document Room at 1717 H Street, NW., Washington, D.C. 20545.

All interested agencies, organizations or persons desiring to submit suggestions for consideration in connection with the preparation of the draft environmental statement should submit them to James L. Liverman, Assistant General Manager for Biomedical and Environmental Research and Safety Programs, U.S. Atomic Energy Commission, Washington, D.C., on or before July 25, 1974.

Dated at Germantown, Md., this 6th day of June 1974.

For the Atomic Energy Commission.

PAUL C. BENDER,
Secretary of the Commission.

[FR Doc.74-13456 Filed 6-11-74; 8:45 am]

[Byproduct Material License No.
48-12397-01]

GREEN BAY X-RAY SERVICE, INC. Prehearing Conference and Evidentiary Hearing

In the matter of Green Bay X-Ray Service, Inc., 838 Boroan Avenue, Green Bay, Wisconsin.

On May 13, 1974, the Atomic Energy Commission issued a Notice of Hearing providing for a prehearing conference and evidentiary hearing respecting the matters set forth in the Notice of Violation and Notice of Proposed Imposition of Civil Penalties, issued by the Director of Regulatory Operations. The attorney for Green Bay X-Ray Service, Inc. and the attorney for the Regulatory Staff of the Commission have conferred respecting a convenient date for a prehearing conference and evidentiary hearing and propose June 25, 1974 at a location in Green Bay, Wisconsin.

Wherefore, it is ordered, in accordance with the Atomic Energy Act, as amended, and the rules of practice of the Commission, particularly § 2.205 thereof, that a prehearing conference shall convene at 9:30 A.M. on June 25, 1974, and the evidentiary hearing shall convene at 2:00 P.M. on June 25, 1974 to consider and determine the issues set forth in the Commission's May 13, 1974 Notice of Hearing, in a Courtroom to be assigned by the Clerk of the Court in the Brown County Courthouse, 100 South Jefferson Street, Green Bay, Wisconsin 54301.

Issued: June 7, 1974, Germantown, Maryland.

SAMUEL W. JENSCH,
Chief Administrative Law Judge.
[FR Doc.74-13457 Filed 6-11-74; 8:45 am]

[Dockets Nos. 50-466, 50-467]

HOUSTON LIGHTING & POWER CO.

Notice of Reconstitution of Board

In the matter of Houston Lighting & Power Company (Allens Creek Nuclear Generating Station, Units 1 & 2).

Elizabeth S. Bowers, Esq. was Chairman of the Atomic Safety and Licensing Board established to consider the above applications. Because of schedule conflicts, she is unable to continue in her duties as Chairman of this Board.

Accordingly, Frederic J. Coufal, Esq., whose address is Atomic Safety and Licensing Board Panel, U.S. Atomic Energy Commission, Washington, D.C. 20545, is appointed Chairman of this Board. Reconstitution of the Board in this manner is in accordance with § 2.721 of the rules of practice, as amended.

Dated at Bethesda, Maryland, this 7th day of June 1974.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and
Licensing Board Panel.

[FR Doc.74-13458 Filed 6-11-74; 8:45 am]

[Docket No. STN 50-481]

BABCOCK AND WILCOX CO.

Notice of Receipt of Standard Safety Analysis Report

Babcock and Wilcox Company, in response to Option No. 1 of the policy statement of the Atomic Energy Commission (the Commission) entitled "Methods of Achieving Standardization of Nuclear Power Plants," issued March 5, 1973, has filed with the Commission a four-volume document entitled "B-SAR-241, Standard Safety Analysis Report", which was docketed May 14, 1974. The tendered application for B-SAR-241 was received on March 1, 1974. Following a preliminary review for completeness, it was accepted on May 2, 1974 for docketing. Docket No. STN 50-481 has been assigned to B-SAR-241 and should be referenced in any correspondence relating thereto.

B-SAR-241 has been submitted in accordance with the "reference system" option wherein an entire facility design or major fractions of it can be identified as a standard design to be used in multiple applications. B-SAR-241 describes and analyzes a standard four-loop pressurized water nuclear steam system (NSSS) with auxiliary and safety systems. The reactor is designed for initial operation at a core thermal power level of 3,800 megawatts.

When its review of B-SAR-241 is complete, the Commission's Regulatory staff will prepare and publish a Safety Evaluation Report documenting the results of the review. In addition, B-SAR-241 will be referred to the Advisory Committee on Reactor Safeguards (ACRS) for its review and a report thereon. Copies of the Safety Evaluation Report and the ACRS report will be made available to the public. A notice relating to the avail-

ability of these documents will be published in the FEDERAL REGISTER.

A copy of B-SAR-241 is available for public inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. 20545. When available, the Safety Evaluation Report and the ACRS report will also be made available for inspection by the public at the AEC Public Document Room.

Dated at Bethesda, Md., this 5th day of June 1974.

For the Atomic Energy Commission.

A. SCHWENCER,
Chief, Light Water Reactors
Branch 2-3, Directorate of
Licensing.

[FR Doc.74-13445 Filed 6-11-74;8:45 am]

[Docket No. 50-389]

FLORIDA POWER & LIGHT CO. (ST. LUCIE PLANT, UNIT 2)

Order Postponing and Relocating Prehearing Conference

Take notice that the Prehearing Conference in the above-captioned matter, as noticed and announced by an order of this Board dated May 31, 1974, by agreement of the parties and the Board, is hereby rescheduled to occur on Thursday, June 20, 1974, commencing at 9:00 a.m. local time at the Airport Lakes Holiday Inn, 1101 NW. 57th Avenue, Miami, Florida 33126.

The purpose of this special Prehearing Conference is to discuss issues in controversy, the status of discovery, questions arising therefrom, proposed schedule for all further procedural dates, the site suitability issue, and any other matters that may aid in the orderly disposition of the matters heretofore raised.

It is so ordered.

Issued at Bethesda, Md., this 6th day of June 1974.

ATOMIC SAFETY AND LICENSING BOARD,
JOHN B. FARMAKIDES,
Chairman.

[FR Doc.74-13444 Filed 6-11-74;8:45 am]

[Docket No. 50-382A]

LOUISIANA POWER & LIGHT CO. (WATERFORD STEAM ELECTRIC GENERATING STATION, UNIT 3)

Order for Sixth Prehearing Conference

Take notice, that pursuant to the Atomic Energy Commission's notice of February 23, 1973, published in the FEDERAL REGISTER (38 FR 5502) March 1, 1973, the Commission's Memorandum and Order of September 28, 1973, and in accordance with the Commission's Rules of Practice, a Sixth Prehearing Conference will be held in the subject proceedings on July 2, 1974, at 9:30 a.m. at the U.S. Tax Court, 1111 Constitution Ave. NW., Room 2132, Washington, D.C.

The subject of this Prehearing Conference will be: (1) Applicant's motions filed May 21, 1974; (2) progress of discovery pursuant to the Board's Memo-

randum and Order of April 19, 1974; (3) such other matters as will aid in the disposition of these proceedings.

It is so ordered.

Issued at Bethesda, Md., this 5th day of June, 1974.

By Order of the Atomic Safety and Licensing Board.

HUGH K. CLARK,
Chairman.

[FR Doc.74-13446 Filed 6-11-74;8:45 am]

[Docket No. 50-423]

NORTHEAST NUCLEAR ENERGY CO.

Notice of Limited Work Authorization

Pursuant to the provisions of 10 CFR 50.10(e) of the Atomic Energy Commission's (Commission) regulations, the Commission has authorized the Northeast Nuclear Energy Company to conduct certain site activities in connection with the proposed Millstone Nuclear Power Station Unit 3 prior to a decision regarding the issuance of a construction permit.

The authorized activities are as follows:

1. Excavation for permanent plant structures. The excavation in the containment area includes the removal of all overburden and the blasting and removal of bedrock to elevation -39'0". Grade is at elevation 24'.

2. Erection of temporary construction facilities. These facilities include the administration building, warehouse, quality control laboratory, batch plant, trade shops, air compressor house, and clock alleys.

3. Grading of temporary construction parking area and the installation of the temporary sewer, water, fire protection, telephone and electric systems.

4. Construction of the intake structure cofferdam.

This authorization is subject to the following conditions for the protection of the environment:

1. During the construction provided by this authorization, the applicant shall take the necessary mitigating actions, including those commitments summarized in section 4.6 of the AEC's Final Environmental Statement, to avoid unnecessary adverse environmental impacts from construction activities.

2. Before engaging in a construction activity which may result in a significant adverse environmental impact that was not evaluated or that is significantly greater than that evaluated in the Final Environmental Statement, the applicant shall provide written notification to the Director of Licensing.

3. If significant harmful effects or evidence of irreversible damage from the construction activities are detected by the monitoring programs at the station, the applicant shall provide an analysis and a proposed course of action to alleviate the problem.

Any activities undertaken pursuant to this authorization are entirely at the risk of the Northeast Nuclear Energy Company and, except as to matters determined by the presiding officer under 10

CFR 50.10(e)(2), the grant of this authorization has no bearing on the issuance of a construction permit with respect to the requirements of the Atomic Energy Act of 1954, as amended, and rules, regulations, or orders promulgated pursuant thereto. The authorization is further subject to the condition that it will terminate if the application for a construction permit is subsequently denied.

An Initial Decision on National Environmental Policy Act considerations and site suitability by the Atomic Safety and Licensing Board in this proceeding was issued on May 31, 1974. A copy of (1) the Initial Decision of May 31, 1974; (2) the applicant's Preliminary Safety Analysis Report and amendments thereto; (3) the applicant's Environmental Report and amendments thereto; (4) the staff's Final Environmental Statement dated February 1974; and (5) the Commission's letter of authorization dated June 5, 1974 are available for public inspection at the Commission's Public Document Room at 1717 H Street NW., Washington, D.C., and at the Waterford Public Library, Rope Ferry Road, Route 156, Waterford, Connecticut 06385.

Dated at Bethesda, Md., this 5th day of June 1974.

For the Atomic Energy Commission.

ROGER BOYD,
Acting Deputy Director for Re-
actor Projects, Directorate of
Licensing.

[FR Doc.74-13441 Filed 6-11-74;8:45 am]

REGULATORY GUIDES

Notice of Early Comment Period for Regulatory Guides

The Atomic Energy Commission, in its continuing effort to provide for increased public participation in the regulatory process, is making a change in the issuance of its Regulatory Guides.

The primary purposes of Regulatory Guides are (1) to describe and make available to the public methods acceptable to the AEC Regulatory staff of implementing specific parts of the Commission's regulations and in some cases to delineate techniques used by the staff in evaluating specific problems or postulated accidents and (2) to provide guidance to applicants concerning certain of the information needed by the Regulatory staff in its review of applications for permits and licenses. Regulatory Guides are not intended as substitutes for regulations, and therefore compliance with these guides is not required. Methods and solutions different from those set out in the guides will be acceptable if they provide a basis for the findings requisite to the issuance or continuance of a permit or license by the Commission.

Comments and suggestions in connection with improvements in all published guides are encouraged at any time, and the guides will be revised periodically, as appropriate, to accommodate comments and to reflect new information or experience in areas covered by the guides.

However, comments and suggestions received from the public soon after a guide is issued would be particularly useful to the Regulatory staff in evaluating, in conjunction with initial experience with use of the guide and other factors, the desirability of an early revision. Accordingly, Regulatory Guides will be issued with a statement that comments and suggestions received by a date approximately 60 days after issuance will be particularly useful to the staff.

Nothing in the foregoing should be construed to imply that comments and suggestions are no longer encouraged or will not be considered after the specified date or that comments and suggestions are not encouraged on guides issued with no specified date for comments.

Comments and suggestions for improvements in all guides should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. Requests for single copies of issued guides or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

(5 U.S.C. 522(a))

Dated at Rockville, Md., this 4th day of June, 1974.

For the Atomic Energy Commission.

LESTER ROGERS,

Director of Regulatory Standards.

[FR Doc.74-13442 Filed 6-11-74;8:45 am]

MATERIALS AND PLANT PROTECTION GUIDE

Notice of Issuance and Availability

The Atomic Energy Commission has issued a guide in its Regulatory Guide series. The Regulatory Guide series has been developed to describe and to make available to the public methods acceptable to the AEC Regulatory staff for implementing specific parts of the Commission's regulations and, in some cases, to delineate techniques used by the staff in evaluating specific problems or postulated accidents and to provide guidance to applicants concerning certain information needed by the staff in its review of applications for permits and licenses.

The new guide is in Division 5, "Materials and Plant Protection." Regulatory Guide 5.23, "In-Situ Assay of Plutonium Residual Holdup," details methods and procedures for the in-situ assay of plutonium residual holdup in reactor fuel processing areas.

Regulatory Guides are available for inspection at the Commission's Public Document Room, 1717 H Street, NW.,

Washington, D.C. Comments and suggestions in connection with (1) items for inclusion in guides currently being developed (listed below) or (2) improvements in any published guides are encouraged and should be sent to the Secretary of the Commission, U.S. Atomic Energy Commission, Washington, D.C. 20545, Attention: Chief, Public Proceedings Staff. Requests for single copies of the issued guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future guides should be made in writing to the Director of Regulatory Standards, U.S. Atomic Energy Commission, Washington, D.C. 20545. Telephone requests cannot be accommodated. Regulatory Guides are not copyrighted and Commission approval is not required to reproduce them.

Other Division 5 Regulatory Guides currently being developed include the following:

Minimizing Nuclear Material Holdup in Dry Process Operations.

Organization for Materials and Plant Protection.

Management Review of Materials and Plant Protection Programs and Activities.

Standards for Physical Barrier Construction.

Special Nuclear Material Doorway Monitors.

Plant Security Force Duties.

Personnel Selection and Screening.

Perimeter Intrusion Alarms.

Road Shipment of SNM by Specially Designed Vehicle with Armed Guards.

Communication with Transport Vehicles.

Coordination of Response Plan with Law Enforcement Authority.

Monitoring Transfers of Special Nuclear Material.

Selection of Material Balance and Item Control Areas.

Internal Transfers of Nuclear Material.

Material Control in Unirradiated Scrap Recovery Facilities.

Dynamic Inventory Techniques.

Prior Measurement Verification.

Materials Protection Contingency Measures for Uranium and Plutonium Processing and Fuel Fabrication Plants.

Evaluation of Material Unaccounted for (MUF).

Evaluation of Shipper and Receiver Data.

Resolution of Shipper-Receiver Differences.

Measurement Control Program for Materials Accounting in Nuclear Material Processing Plants.

Determination of Random Measurement Errors.

Determination of Measurement Bias and Systematic Errors.

Training and Qualifying Measurement Control Personnel.

Nuclear Material Control Systems for Nuclear Power Plants.

Methods for the Accountability of Plutonium Oxide Powder.

Methods for the Accountability of High-Enriched UO_2 .

Chemical, Nuclear, and Radiochemical Analysis of $UO_2(NO_3)_2$ Solutions.

Guide for Mass and Scales Calibration.

Guide for Mixing and Sampling Nuclear Materials.

Preparation of $Pu(NO_3)_3$ Solution as a Working Standard.

Guide to Making Working Standards from Production Material.

Preparation of $UO_2(NO_3)_2$ Solution as a Working Standard.

Radiometric Calibration Techniques.

Calorimetric Assay of Pu-Bearing Solids.

Nondestructive Assay of Plutonium-Bearing Fuel Rods by Gamma-Ray Spectroscopy.

Nondestructive Assay of High-Enrichment Uranium Fuel Plates.

Nondestructive Assay of Plutonium by Spontaneous Fission Coincidence Detection.

Nondestructive Assay of High-Enrichment Uranium Scrap by Active Neutron Interrogation.

Nondestructive Assay of Uranium Residual Holdup.

Nondestructive Assay of Plutonium by Gamma-Ray Spectroscopy.

Specifications for Ge(Li) Spectroscopy Systems for Material Protection—Part II: Data Reduction.

Radionuclide Analysis of Specially Prepared Samples by Gamma-Ray Spectroscopy.

Analysis and Use of Process Data for the Protection of Special Nuclear Material.

Design Considerations for Minimizing Residual Holdup of Special Nuclear Material in Equipment for Wet Process Operations.

(5 U.S.C. 552(a))

Dated at Rockville, Md. this 4th day of June, 1974.

For the Atomic Energy Commission.

LESTER ROGERS,

Director of Regulatory Standards.

[FR Doc.74-13443 Filed 6-11-74;8:45 am]

ADVISORY COMMITTEE ON REACTOR SAFEGUARDS; SUBCOMMITTEE ON SURRY POWER STATION, UNITS 3 & 4

Notice of Meeting

JUNE 10, 1974.

In accordance with the purposes of section 29 and 182 b. of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards' Subcommittee on Surry Power Station, Units 3 and 4 will hold a meeting on June 28, 1974 in the Holiday Inn—West, 902 Richmond Road, Williamsburg, Virginia 23185. The purpose of this meeting will be to develop information for consideration by the ACRS in its review of the application of the Virginia Electric and Power Co. for a permit to construct these two units. The facility will be located along the James River in Surry County, Virginia. The plant site is approximately 44 miles southeast of Richmond and 30 miles northwest of Norfolk, Virginia.

The following constitutes that portion of the Subcommittee's agenda for the above meeting which will be open to the public:

Friday, June 28, 1974, 2:00 p.m. until 5:00 p.m. The Subcommittee will hear presentations by representatives of the Regulatory Staff and Virginia Electric and Power Co. and will hold discussions with these groups pertinent to its review of the application of Virginia Electric and Power Co. for a permit to construct the Surry Power Station, Units 3 and 4.

In connection with the above agenda item, the Subcommittee will hold Executive Sessions, not open to the public, at approximately 1:30 p.m. and at the end of the day to consider matters relating to the above application. These sessions will involve an exchange of opinions and

discussion of preliminary views and recommendations of Subcommittee Members and internal deliberations for the purpose of formulating recommendations to the ACRS.

In addition to the Executive Sessions, the Subcommittee may hold a closed session with representative of the Regulatory Staff and Applicant for the purpose of discussing privileged information relating to plant physical security.

I have determined, in accordance with subsection 10(d) of Public Law 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) and that a closed session may be held, if necessary, to discuss certain documents and information which are privileged and fall within exemption (4) of 5 U.S.C. 552(b). Further, any non-exempt material that will be discussed during the above closed sessions will be inextricably intertwined with exempt material, and no further separation of this material is considered practical. It is essential to close such portions of the meeting to protect the free interchange of internal views, to avoid undue interference with agency or Committee operation, and to avoid public disclosure of proprietary information.

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, including provisions to carry over an incompleting open session from one day to the next.

With respect to public participation in the open portion of the meeting, the following requirements shall apply:

(a) Persons wishing to submit written statements regarding the agenda item may do so by mailing 25 copies thereof, postmarked no later than June 21, 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 Preliminary Safety Analysis Report for this facility and related documents on file and available for public inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and at the Swem Library, College of William & Mary, Williamsburg, Virginia 23185.

(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 meet-

ing permits, the Subcommittee will receive oral statements during a period of not more than 30 minutes at an appropriate time, chosen by the Chairman of the Subcommittee, between the hours of 2:30 p.m. and 3:30 p.m. on June 28, 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 June 27, 1974, to the Office of the Executive Secretary of the Committee (telephone: 301-973-5640) between 8:30 a.m. and 5:15 p.m., Eastern Daylight Time.

(e) Questions may be propounded only by members of the Subcommittee and its consultants.

(f) Seating for the public will be available on a first-come, first-served basis.

(g) The use of still, motion picture, and television cameras, the physical installation and presence of which will not interfere with the conduct of the meeting, will be permitted both before and after the meeting and during any recess. The use of such equipment will not, however, be allowed while the meeting is in session.

(h) Persons desiring to attend portions of the meeting where proprietary information is to be discussed may do so by providing to the Executive Secretary, Advisory Committee on Reactor Safeguards, 1717 H Street, NW., Washington, D.C. 20545, 7 days prior to the meeting, a copy of an executed agreement with the owner of the proprietary information to safeguard this material.

(i) A copy of the transcript of the open portion of the meeting will be available for inspection on or after July 1, 1974 at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545, and within approximately nine days at the Swem Library, College of William & Mary, Williamsburg, Virginia 23185. Copies of the transcript may be reproduced in the Public Document Room or may be obtained from Ace Federal Reporters, Inc., 415 Second Street, NE., Washington, D.C. 20002 (telephone 202-547-6222) upon payment of appropriate charges.

(j) On request, copies of the Minutes of the meeting will be made available for inspection at the Atomic Energy Commission's Public Document Room, 1717 H Street, NW., Washington, D.C. 20545 after August 28, 1974. Copies may be obtained upon payment of appropriate charges.

JOHN C. RYAN,
Advisory Committee
Management Officer.

[FR Doc.74-13641 Filed 6-11-74; 4:25 pm]

CIVIL AERONAUTICS BOARD

[Docket No. 20826, etc.]

ALASKA SERVICE INVESTIGATION ET AL

Notice of Reassignment of Proceedings

In the matter of Alaska Service Investigation (Bush Routes Phase), Docket 20826, et al.; Kodiak-Western Alaska Renewal Proceeding, Docket 23604, et al.; Howard J. Mays Revocation/Munz Northern Certification Proceeding, Docket 25655, et al.

These proceedings are hereby reassigned from the undersigned to Administrative Law Judge Henry Whitehouse. Future communications should be addressed to Judge Whitehouse.

Dated at Washington, D.C., June 7, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74-13505 Filed 6-11-74; 8:45 am]

[Docket 26113]

ALLEGHENY AIRLINES, INC.

Deletion of Lima, Ohio; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in the above-entitled proceeding has been scheduled to be held commencing on July 9, 1974, at 10:00 a.m. (local time) in the City Council Chambers, Municipal Building, Lima, Ohio, before the undersigned Judge.

For information concerning the issues involved and other details of this proceeding, interested persons are referred to the various documents which are in the docket of this case on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., June 6, 1974.

[SEAL] FRANK M. WHITING,
Administrative Law Judge.

[FR Doc.74-13503 Filed 6-11-74; 8:45 am]

AMERICAN-PAN AMERICAN ROUTE EXCHANGE AGREEMENT CASE

[Docket 26245]

Availability of Draft Statement of Environmental Assessment

The Civil Aeronautics Board's Bureau of Operating Rights has released a "Draft Statement of Environmental Assessment" in connection with the American-Pan American Route Exchange Agreement.

The Statement concludes that approval of the route exchange would not constitute a "major federal action significantly affecting the quality of human environment."

Interested persons and agencies of the federal, state and local governments will be given 45 days to submit comments in response to the draft statement. In the

American-Pan American Route Exchange case, comments are due by July 22, 1974. Upon receipt of comments, the Bureau of Operating Rights will prepare and issue a revised statement. Comments so received will, in addition, be available to the public.

In the route exchange agreement case, American Airlines would transfer to Pan American its basic operating authority between the domestic co-terminal points New York-Newark, Washington-Baltimore, Chicago and Dallas-Ft. Worth to Hilo and Honolulu, Hawaii, and beyond Hawaii to American Samoa, Fiji, New Zealand and Australia while Pan American would transfer to American its authority in four markets: New York/Newark - Bermuda; Boston - Bermuda; New York/Newark-Barbados and New York/Newark-Santo Domingo, Dominican Republic.

Copies of the draft statement are available from the Bureau of Operating Rights, Civil Aeronautics Board, Washington, D.C. 20428.

Dated at Washington, D.C., June 7, 1974.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74-13506 Filed 6-11-74;8:45 am]

[Docket 26479]

DELTA AIR LINES, INC./TRANSWORLD AIRLINES, INC.

Route Transfer Agreement; Notice of Hearing

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that a public hearing in this proceeding will be held on July 22, 1974, at 10:00 a.m. (local time), in Room 911, Universal Building, 1825 Connecticut Avenue, NW, Washington, D.C., before the undersigned.

For information concerning the issues and other details involved in this proceeding, interested persons are referred to the prehearing conference report served April 16, 1974, the notice to all parties dated May 9, 1974, and other documents in the docket of this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Dated at Washington, D.C., June 7, 1974.

[SEAL] HARRY H. SCHNEIDER,
Administrative Law Judge.

[FR Doc.74-13507 Filed 6-11-74;8:45 am]

[Docket 25280; Order 74-6-31; Agreement C.A.B. 24340; Agreement C.A.B. 24352; Agreement C.A.B. 24353]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Specific Commodity Rates

Issued under delegated authority June 6, 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). The agreements were adopted at the 36th Meeting of the TC1 Specific Commodity Rates Board, and at the 11th Meeting of the TC3 Specific Commodity Rates Board held in Panama City on February 20, 1974 and in Geneva on April 1, 1974 respectively.

With respect to air transportation as defined by the Act, the agreements propose revisions to the specific commodity rate structures applicable within the Western Hemisphere and Asia/Australasia/Pacific areas. We are approving these revisions, outlined in the attachments hereto, which reflect reductions from otherwise applicable general cargo rates. We are also approving a mail vote agreement which would establish cargo rates to/from San Andres Island/Leticia, Colombia and Western Hemisphere points by adding 30 cents per kilogram to existing rates for Barranquilla, Bogota, Cali, or Medellin, whichever is lower. Similarly, rates for all other Colombian points would be established by adding 15 cents to the appropriate existing rate.

Pursuant to authority duly delegated by the Board in the Board's Regulations, 14 CFR 385.14, it is not found that Agreement C.A.B. 24340, Agreement C.A.B. 24352 and Agreement C.A.B. 24353 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:

1. Agreement C.A.B. 24352 be and hereby is approved; and
2. Agreement C.A.B. 24340 and Agreement C.A.B. 24353¹ be and hereby are approved, provided that approval shall not constitute approval of the specific commodity descriptions 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.74-13508 Filed 6-11-74;8:45 am]

¹ C.A.B. Agreements 24340 and 24353 filed as part of the original document.

[Docket 26194]

OVERSEAS NATIONAL AIRWAYS, INC., ET AL.

Enforcement Proceeding; Notice of Hearing

In the matter of Overseas National Airways, Inc., Elkin Tours, Inc., and Elliott Elkin, Individually.

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that hearing in this proceeding¹ is assigned to be held on August 13, 1974, at 10:00 a.m. (local time), in Courtroom 1017, Federal Building and Courthouse, 231 West Lafayette Street, Detroit, Michigan, before Administrative Law Judge Louis W. Sornson.²

Dated at Washington, D.C., June 6, 1974.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74-13504 Filed 6-11-74;8:45 am]

CIVIL SERVICE COMMISSION

DEPARTMENT OF DEFENSE

Revocation of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Defense to fill by non-career executive assignment in the excepted service the position of Deputy Assistant Secretary (Manpower Research and Utilization), Office of the Assistant Secretary of Defense (Manpower and Reserve Affairs), Office of the Secretary of Defense.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.74-13501 Filed 6-11-74;8:45 am]

EXPORT-IMPORT BANK OF THE UNITED STATES

Grant of Authority To Make Noncareer Executive Assignment

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Export-Import Bank of the United States to fill by non-career executive assignment in the excepted service the position of Special Assistant to the President and Chairman, Board of Directors.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.74-13498 Filed 6-11-74;8:45 am]

¹ The contentions of the respondents that the matter is not ripe for hearing have been considered and it is concluded that they are not justified. The notice herein substantially grants their requests with respect to time and place of hearing.

² The Judge will fix the time and place of further hearing in Washington, D.C., if needed.

FEDERAL ENERGY OFFICE**Grant of Authority To Make Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Federal Energy Office to fill by noncareer executive assignment in the excepted service the position of Executive Assistant to the Deputy Administrator, Office of the Administrator.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.74-13497 Filed 6-11-74; 8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**Grant of Authority To Make a Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Housing and Urban Development to fill by noncareer executive assignment in the excepted service the position of Deputy Assistant Secretary for Research and Demonstration, Office of Research and Demonstration, Office of the Assistant Secretary for Policy Development and Research.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.74-13495 Filed 6-11-74; 8:45 am]

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**Revocation of Authority To Make Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Housing and Urban Development to fill by non-career executive assignment in the excepted service the position of Director, Office of Housing Research, Office of the Assistant Secretary for Policy Development and Research.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.74-13496 Filed 6-11-74; 8:45 am]

DEPARTMENT OF THE INTERIOR**Grant of Authority To Make Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of the Interior to fill by non-career executive assignment in the excepted service the position of Deputy

Assistant Secretary—Program Development and Budget, Office of the Secretary.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.74-13502 Filed 6-11-74; 8:45 am]

DEPARTMENT OF JUSTICE**Grant of Authority To Make a Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission authorizes the Department of Justice to fill by noncareer executive assignment in the excepted service the position of Associate Director, Office of Deputy Director, Community Relations Service.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.74-13493 Filed 6-11-74; 8:45 am]

DEPARTMENT OF JUSTICE**Revocation of Authority To Make a Non-career Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by non-career executive assignment in the excepted service the position of Assistant Director for National Services, Office of National Services, Community Relations Service.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.74-13494 Filed 6-11-74; 8:45 am]

DEPARTMENT OF JUSTICE**Revocation of Authority To Make a Non-career Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of the Department of Justice to fill by non-career executive assignment in the excepted service the position of Chief of Section, Review Section, Tax Division.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.74-13499 Filed 6-11-74; 8:45 am]

DEPARTMENT OF LABOR**Revocation of Authority To Make Noncareer Executive Assignment**

Under authority of § 9.20 of Civil Service Rule IX (5 CFR 9.20), the Civil Service Commission revokes the authority of

the Department of Labor to fill by non-career executive assignment in the excepted service the position of Deputy Manpower Administrator for Employment Security, Manpower Administration.

UNITED STATES CIVIL SERVICE COMMISSION,

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

[FR Doc.74-13500 Filed 6-11-74; 8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION**PRODUCT SAFETY ADVISORY COUNCIL****Notice of Meeting**

Notice is given that a meeting of the Product Safety Advisory Council will be held on Thursday and Friday, June 13 and 14, 1974.

The Council has been established pursuant to section 28 of the Consumer Product Safety Act (Public Law 92-573, 86 Stat. 1230; 15 U.S.C. 2077). The act provides that the Commission may consult the Council before prescribing a consumer product safety rule or taking other action under the act.

The meeting of the Council on Thursday, June 13, will be held at the Commission's Product Safety Operations Center, 5401 Westbard Ave., Bethesda, Maryland, and will consist of, beginning at 10 a.m., visits and informal discussion with various CPSC operating offices and bureaus. No formal agenda is planned.

On Friday, June 14, the Council meeting will be held in the hearing room, 6th floor, Consumer Product Safety Commission, 1750 K Street NW., Washington, D.C., from 9 a.m. to 3 p.m. The proposed agenda includes discussion of:

1. Status of CPSC efforts to obtain broad-based public participation in standards development activities.
2. Briefing on the CPSC/State Conference held May 15-17, 1974.
3. The experimental Consumer Deputy Program and prospects for its continuation.
4. Review of issues regarding sampling plans in mandatory safety standards and compliance activity.

Further information concerning this meeting, which is open to the public, may be obtained from the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, phone (202) 634-7700.

Dated: June 7, 1974.

SADYE E. DUNN,
*Secretary, Consumer Product
Safety Commission.*

[FR Doc.74-13541 Filed 6-11-74; 8:45 am]

COST OF LIVING COUNCIL**FOOD INDUSTRY WAGE AND SALARY COMMITTEE****Notice of Meeting**

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) notice is hereby given that the Food Industry Wage and

Salary Committee, established under the authority of section 212(f) of the Economic Stabilization Act, as amended, section 4(a)(iv) of Executive Order 11695, and Cost of Living Council Order No. 14, will meet on Wednesday, June 12, 1974. The meeting will be open to the public on a first-come, first-served basis at 10:00 AM, in Conference Room 8202, 2025 M Street NW., Washington, D.C.

The agenda will consist of a discussion of food industry wage cases pending before the Cost of Living Council.

The Chairman of the Committee is empowered to conduct the meeting in a fashion that will, in his judgment, facilitate the orderly conduct of business.

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

HENRY H. PERRITT, Jr.,
Executive Secretary,
Cost of Living Council.

[FR Doc.74-13568 Filed 6-10-74;11:37 am]

DELAWARE RIVER BASIN COMMISSION

HOPE CREEK AND SUMMIT GENERATING STATIONS

Notice of Public Hearing

Notice is hereby given that the Delaware River Basin Commission will hold a public hearing on June 25, 1974. The subject of the hearing will be a proposal to amend the Commission's Comprehensive Plan so as to include the Hope Creek and Summit generating stations as summarized in this notice. The hearing will be held in the South Auditorium of the ASTM Building, 1916 Race Street in Philadelphia, Pa. The hearing on the Hope Creek generating station will commence at 10 a.m. and the hearing on the Summit generating station will commence at 2 p.m.

Hope Creek Generating Station. A nuclear-fueled generating station to be located on the southern half of Artificial Island on the east bank of the Delaware River in Lower Alloways Creek Township, Salem County, N.J. The plant site is approximately 15 miles south of the Delaware Memorial Bridge and eight miles southwest of Salem, N.J. Two 1,100-megawatt light water nuclear-fueled units of the boiling water type are proposed. The plant would utilize a closed-loop circulating water cooling system with wet natural draft cooling towers and a once-through service water system. Approximately 190 cubic feet per second of river water will be used for service water cooling and cooling tower makeup requirements. The service water system will discharge to the river via a submerged pipe 137 cubic feet per second of plant cooling water and cooling tower blowdown with an average heat content of 270×10^6 Btu/hr. Maximum heat discharged to the river is estimated to be 420×10^6 Btu/hr. Evaporate loss in the river due to plant discharge is estimated to be 0.61 cubic feet per second and 1.1 cubic feet per second at average and maximum design operating conditions, respectively. The plant's closed circulating water system will recirculate approx-

imately 2,228 cubic feet per second of cooling water which will release $15,520 \times 10^6$ Btu/hr of rejected heat to the atmosphere through the cooling towers. To compensate for evaporative losses, the cooling towers will require an average of 52.6 cubic feet per second of makeup water to the plant. Anticipated blowdown practices for the cooling towers will require 53.5 cubic feet per second of makeup water which will be returned to the river via the service water system discharge. Unit No. 1 is planned to go into operation in 1981 and Unit No. 2 in 1982. A final environmental impact statement was filed with the U.S. Atomic Energy Commission in February 1974.

Summit Generating Station. A nuclear-fueled generating station proposed to be located about one and one-quarter miles south of the Chesapeake and Delaware Canal between the Penn Central Railroad and the duPont Parkway (U.S. Route 13), in New Castle County, Del. The project site is approximately 6 miles from Delaware City and 10 miles from Newark. The proposed plant would consist of two high temperature gas-cooled reactors each having a capacity of 770 megawatts. Exhaust steam from the turbines would be condensed by a closed cycle cooling system using mechanical draft evaporative cooling towers. The maximum heat rejection rate for the two units would be about $8,600 \times 10^6$ Btu/hr. Makeup water to replace evaporation and blowdown is proposed to be withdrawn from the C&D Canal at a maximum rate of about 43.5 cubic feet per second. Blowdown will be discharged to the Canal through a submerged jet at a maximum rate of about 14.5 cubic feet per second. Evaporative losses will be about 19.8 cubic feet per second on the average and 29 cubic feet per second at maximum. Unit No. 1 is proposed to go into operation in 1980 and Unit No. 2 in 1982. A draft environmental impact statement was filed with the U.S. Atomic Energy Commission in March 1974.

Documents relating to each of the above projects may be examined at the Commission offices. All persons wishing to testify are requested to register with the Secretary to the Commission prior to 12 noon on June 24, 1974.

W. BRINTON WHITALL,
Secretary.

JUNE 5, 1974.

[FR Doc.74-13423 Filed 6-11-74;8:45 am]

ENVIRONMENTAL PROTECTION AGENCY

[FIFRA Docket No. 246, et al.]

CHAPMAN CHEMICAL COMPANY, ET AL.

Notice of Hearing

In the above matter, relating to cancellation of registrations of pesticides containing mercury, notice is hereby given that a public hearing will be held commencing at 9:30 o'clock a.m. on July 9, 1974, at Departmental Auditorium, Conference Room B, between 12th and 14th Streets, NW., Washington, D.C.

The hearing will convene at the place

and time announced in this notice but thereafter it may be moved to a different place and may be continued from day to day or recessed to a later day without other notice than announcement thereof at the hearing.

This notice is issued pursuant to the Rules of Practice governing hearings of this type, 40 CFR, Part 164, 38 FR 19371, 38 FR 34117, 39 FR 11884.

BERNARD D. LEVINSON,
Administrative Law Judge.

JUNE 7, 1974.

[FR Doc.74-13537 Filed 6-11-74;8:45 am]

[OPP-50006]

PREDATOR CONTROL; COYOTES

Issuance of Experimental Use Permit to Department of Interior

Pursuant to section 5 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended (86 Stat. 983), the Department of Interior applied to the Environmental Protection Agency (EPA) for an experimental use permit. This permit (No. 6704-EXP-6G) is hereby issued in accordance with 40 CFR Part 162.19 as promulgated in the FEDERAL REGISTER on January 31, 1974 (39 FR 3939) and allows the shipment and use of sodium cyanide in the sodium cyanide spring-loaded ejector mechanism (SCSLEM) for control of predation by coyotes. The SCSLEM is to be used only in an experimental program approved by the EPA and under the supervision and control of approved SCSLEM applicators as designated by the Department of Interior.

This program began on May 28, 1974, and will expire on October 31, 1974. However, it may be revoked at any time for violation of the terms thereof, or to avoid deleterious effects on the environment.

EPA invites interested persons to submit written comments with reference to this notice to the Federal Register Section, Technical Services Division (WH-569), Office of Pesticide Programs, Environmental Protection Agency, 401 M Street, SW., Room EB-1, Washington, D.C. 20460. Three copies of the comments must be submitted to facilitate the work of EPA and others interested in inspecting them. The comments must be received on or before July 12, 1974, and should bear the notation OPP-50006. All written comments filed pursuant to this notice will be available for public inspection in the office of the Federal Register Section from 8:30 a.m. to 4:00 p.m., Monday through Friday.

The application, the permit issued and the label and directions for use of sodium cyanide in the SCSLEM are available for public inspection at the Environmental Protection Agency, Room EB-37, East Tower, 401 M Street, SW., Washington, D.C.

EXPERIMENTAL PROGRAM FOR USE OF THE SODIUM CYANIDE SPRING LOADED EJECTOR MECHANISM (SCSLEM) FOR PREDATOR CONTROL BY DEPARTMENT OF THE INTERIOR

I. Purpose. Sodium cyanide will be used in the spring loaded ejector mechanism in an experimental program designed to measure

the usefulness of the tool as a method of reducing domestic livestock losses due to predation by coyotes in situations where mechanical control methods are not feasible or effective. The program will also evaluate the effect of the SCSLEM on nontarget species.

II. Objectives. A. Determine the value of the SCSLEM as used on a response-to-complaint basis where the mechanical control methods are not feasible or effective.

B. Record nontarget species taken in SCSLEM use areas.

C. Evaluate the selectivity of the SCSLEM when used to control coyotes on the basis of data collected on nontarget species taken.

D. Keep records of the use of SCSLEM for predator control with regard to human safety.

E. Determine the overall value of the SCSLEM when used on a complaint basis.

F. Obtain data on the cost of reducing livestock losses with the SCSLEM and mechanical methods.

III. Control. A. **Administrative Director.** The administrative director of the program will be Lynn A. Greenwalt, Director, Bureau of Sport Fisheries and Wildlife.

B. **Regional supervision.** The Division of Wildlife Service's Regional Directors will have authority to approve use of the SCSLEM within their respective regions based on requests forwarded to them.

C. **State control.** The State Animal Damage Control Office within each state will review and make recommendations on each request from private individuals in the case of private land and land administrators in the case of public land.

D. **Applications.** Application of the SCSLEM will be conducted only by Bureau, state and county employees under direct supervision of the Bureau of Sport Fisheries and Wildlife.

IV. Procedures for implementation. A. **Areas of use.** Use of the SCSLEM by the U.S. Fish and Wildlife Service is permitted only in those areas where the Regional Director has authorized such use.

B. The SCSLEM will not be used in areas where susceptible threatened or endangered species might be affected. Maps delineating the known ranges of susceptible threatened and endangered species will be supplied to the Regional Directors by Bureau headquarters in Washington, D.C.

C. In those states having EPA approved experimental SCSLEM programs, Bureau personnel will coordinate with the appropriate State Officials to insure that the use of the SCSLEM by Bureau personnel will not interfere with the conduct and results of the state experimental programs.

D. Use of the SCSLEM by Bureau personnel will not be permitted in any area designated as an experimental or control area in any EPA approved state experimental programs.

E. The spring loaded ejector mechanism or the sodium cyanide capsules shall not be given to, or entrusted to the care of, any person not under the supervision of the Bureau. Care shall be taken to prevent theft or loss and the possibility of their subsequent use by unauthorized persons.

F. Distribution, storage, maintenance, and use of the SCSLEMs will be controlled by Bureau personnel and subject to the rules and policies of the Department of Interior.

G. Cyanide antidote kits shall be possessed by all employees using the SCSLEM and shall be carried with them at the time SCSLEMs are being set or maintained.

H. This program will begin May 28, 1974, and will end October 31, 1974. The termination date is subject to evaluation and modification.

I. Authorization is granted for the use of 10,000 spring loaded ejector mechanisms and 100,000 sodium cyanide capsules in the program. This authorization is subject to continuing evaluation and amendment as may be necessary.

J. The Bureau's Regional Director will provide notification of SCSLEM use within a state to the appropriate EPA regional headquarters within one working day of granting approval on any request for use.

K. **Recordkeeping and reporting.** Each applicator must submit the following information to the State Supervisor at least once a month.

1. Name of the applicator.

2. Number of SCSLEMs and capsules used, and cumulative total of SCSLEM use—years or months.

3. Number of discharged capsules at each SCSLEM location, noting cause when possible, and the number of capsules replaced at each SCSLEM location.

4. Identification of area where SCSLEM is used.

5. Total number of target species taken at each location, by direct count.

6. Number of nontarget species taken at each location, by species and direct count.

7. Number of discharges with no animal recovery.

8. Any human or domestic animal accidents associated with SCSLEM use.

9. Number and type of livestock losses to coyotes before the use of the SCSLEM.

10. Number and type of livestock losses during SCSLEM use to:

a. Coyotes

b. Other known causes

c. Unknown causes

11. Other control measures used prior to and at the same time that SCSLEMs are in use in an area and the animals taken by species and direct count.

L. **Monitoring.** Each Regional Director shall establish a system for monitoring the operation of program procedures and shall provide a monthly report of findings. Surveillance may be undertaken on a sampling basis and shall include verification of:

1. Data presented in support of requests.

2. Effort expended to provide control with mechanical means.

3. Adherence to areas of use as defined by Bureau policies.

4. Adherence to policy in use of the SCSLEM.

5. Reports of results obtained from use of the SCSLEM. Prior to control or use of SCSLEM, an "Agreement for Control of Animals on Private Property" must be signed by the land owner, lessee or administrator requesting use of the SCSLEM to allow representatives of the Bureau of Sport Fisheries and Wildlife and the Environmental Protection Agency to enter on their property for the purpose of inspecting and monitoring all aspects of the experimental program. Any person found to be using the materials improperly or falsifying required data will be denied further use of SCSLEMs and may be subject to the civil and criminal penalties under the Federal Insecticide, Fungicide, and Rodenticide Act. Failure to adhere to the provisions of this program could result in suspension of the program.

V. **Data summarization and analysis.** A. The Regional Directors will be responsible for insuring the collection of reports from the applicator for summarization and forwarding to the Animal Damage Control Program Office, Washington, D.C. The Department of Interior shall furnish the Environmental Protection Agency with copies of monthly reports and findings, and a final report and analysis of the data within 60 days after the completion of the program. Copies of individual field reports of SCSLEM

applicators will be sent to EPA on completion of the program.

B. The Bureau's Regional Directors will provide notification of SCSLEM use within states to the appropriate EPA regional headquarters and provide copies of the report summations to the appropriate EPA Regional Offices.

C. A precensus of livestock to be protected and a postcensus of livestock populations will be conducted in SCSLEM use areas at the completion of the program. Information on coyote populations in those areas will be derived from the Annual "Predator Survey" conducted by the Service.

D. The Bureau will continue to maintain records of ongoing nonchemical control programs. This data will be utilized by EPA for comparative purposes.

Dated: June 7, 1974.

JAMES L. AGEE,
Acting Assistant Administrator for
Water and Hazardous Materials.

[FR Doc.74-13536 Filed 6-11-74;8:45 am]

FEDERAL MARITIME COMMISSION CITY OF MILWAUKEE AND O'CONNELL DISTRIBUTING CO. INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 2, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. J. L. Haskell
Deputy Port Director
Board of Harbor Commissioners
Room 606—City Hall
Milwaukee, Wisconsin 53202

Agreement No. T-2966, between City of Milwaukee (City) and O'Connell Distributing Co., Inc. (O'Connell), provides for

the five-year exclusive lease (with renewal options) by O'Connell of City's Municipal Terminal 1, together with non-exclusive berthing privileges and the right of usage of contiguous facilities at Milwaukee, Wisconsin, for the receiving, shipping, storing and handling of general and bulk commodities. As compensation, O'Connell shall pay City a minimum guaranteed annual rental of \$20,000 plus 30% of all gross storage income in excess of \$30,000 annually. In addition, O'Connell shall share with City all revenues earned from wharfage, car loading and unloading, warehousing, handling operations, or any incidental services rendered by O'Connell to its customers, at the rate of \$.10 per ton of 2,000 pounds on inbound salt and at a basic rate, per 2,000 pounds on other cargo, to be negotiated prior to the time of cargo movement. After the first two years, the rental shall be reevaluated.

By Order of the Federal Maritime Commission.

Dated: June 7, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-13491 Filed 6-11-74; 8:45 am]

JOHNSON SCANSTAR JOINT SERVICE

Notice of Agreement Filed; Petition to Reconsider Order

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to Section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 2, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the Commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of petition Filed by:

John R. Mahoney, Esq.
Casey, Lane & Mittendorf

26 Broadway
New York, New York 10004

Agreement No. 9973-1 is a petition by the parties to the Johnson Scanstar Joint Service (JSS) requesting the Commission to remove the limitation on its container capacity which the Commission imposed in its Order of Approval dated March 30, 1972. In consideration of the removal of this limitation, JSS agrees that it will not increase its present fleet of nine vessels without prior Commission approval with the proviso, however, that it may charter additional container vessels or charter additional container space to meet seasonal increases in tonnage requirements.

By Order of the Federal Maritime Commission.

Dated: June 5, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-13490 Filed 6-11-74; 8:45 am]

MOORE-McCORMACK LINES, INC., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 2, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

MOORE-McCORMACK LINES, INCORPORATED
COMPANHIA DE NAVEGACAO LLOYD BRASILEIRO
E COMPANHIA DE NAVEGACAO MARITIMA NETUMAR S/A

Notice of agreement filed by:

J. D. Straton, Manager
Rates & Conferences
Moore-McCormack Lines, Incorporated

2 Broadway
New York, New York 10004

Agreement No. 10028-2, among the lines listed above, modifies the approved basic agreement by amending Article 1(e) to provide that the parties may, by mutual agreement, increase or decrease the number of minimum sailings and/or calls, without impairing the adequate service, and informing the respective government authorities by the prompt submission to them of the agreed change(s) signed by all parties. Article 1(e) presently provides that the parties shall submit any changes in the number of minimum sailings and/or calls to respective government authorities for approval.

By Order of the Federal Maritime Commission.

Dated: June 7, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-13492 Filed 6-11-74; 8:45 am]

MOORE-McCORMACK LINES, INC., AND UNICORN SHIPPING LINES (PTY) LTD.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street, N.W., Room 10126; or may inspect the agreement at the field offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 2, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

J. D. Straton, Manager
Rates & Conferences
Moore-McCormack Lines, Incorporated
2 Broadway
New York, New York 10004

Agreement No. 9820-2, between Robin Line, a service of Moore-McCormack Lines, Incorporated and Unicorn Ship-

ping Lines (Pty) Ltd., modifies the approved basic transshipment agreement between the parties by (1) broadening the geographic scope to include ports in Mozambique, Tanzania, and Kenya, and (2) adding a new paragraph D to Article 2, to provide that the divisions of through rates and transshipment expenses will not apply when the parties enter into a trip or voyage charter between themselves in the agreement trade.

By Order of the Federal Maritime Commission.

Dated: June 6, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-13488 Filed 6-11-74;8:45 am]

**TRANSPORTACION MARITIMA MEXICANA,
S.A. AND FLOTA MERCANTE GRAN
CENTRAL AMERICANA, S.A.**

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, 46 U.S.C. 814).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1100 L Street NW., Room 10126; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, San Francisco, California, and Old San Juan, Puerto Rico. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, on or before July 2, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

William Levenstein, Esquire
Dross & Levenstein
4320 Hamilton Street
Hyattsville, Maryland 20781

Agreement No. 10131 establishes a rate agreement between the two lines listed above governing the transportation of freight between Atlantic coast ports of the United States (Calais, Maine to Jacksonville, Florida, inclusive) and Caribbean coast ports in Honduras and Guatemala.

By Order of the Federal Maritime Commission.

Dated: June 5, 1974.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-13489 Filed 6-11-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8624]

ARIZONA PUBLIC SERVICE CO.

Order Accepting Proposed Fuel Adjustment Clause, Denying Motion to Reject, Setting Matter for Hearing, Ordering Refunds, and Permitting Intervention

JUNE 4, 1974.

On February 12, 1974, Arizona Public Service Co. (APS) tendered for filing supplements to 14 wholesale rate schedules and 1 tariff which would include in these schedules and tariff a superseding Fuel Adjustment Clause. APS requested an effective date of April 1, 1974.

By order issued March 15, 1974, the Commission accepted APS' fuel adjustment clause for filing and suspending it for 1 day until April 2, 1974. The March 15 order indicated that APS' proposed fuel adjustment clause did not conform to § 35.14 of the Commission's regulations under the Federal Power Act, and indicated certain deficiencies. Due to the possibility of APS' suffering substantial revenue loss as a result of continued operations without an effective fuel clause, the order directed that APS within 30 days from the issuance of the order, cure various specified deficiencies. The order stated that "[u]pon receipt of such filing, and our review thereof, we shall issue such further orders as may be appropriate".

On March 20, 1974, Arizona Electric Power Cooperative, Inc. (AEP) and Papago Tribal Utility Authority (PTU) filed a "Protest, Petition To Intervene, Motion To Reject and Petition To Revoke Unlawfully Issued Order, or Alternatively, For Rehearing Thereof".¹ On April 19, 1974, we granted (AEP) and PTU's application for rehearing to allow all parties the opportunity to comment upon the revised fuel clause filed by Arizona on April 3, 1974, in purported compliance with our March 15, 1974, order.

The April 3, 1974, revised fuel clause was noticed with comments due on or before April 30, 1974. On April 30, 1974, AEP and PTU filed a "Protest, Petition To Intervene and Motion To Reject * * *". AEP and PTU allege that the revised clause does not comply with the principles underlying the Commission's Opinion No. 633 in New England Power Co., 48 FPC 899 (1972) and § 35.14 of its regulations. AEP and PTU allege that (1) the revised fuel clause attempts to disguise a major rate increase in the form of a fuel clause with a new base fuel cost at a level which produces

¹ On April 22, 1974, Electric District No. 6 filed a letter supporting the filing made by AEP and PTU.

revenues greater than APS actually earned in 1973, without producing the various cost of service and revenue data required for such an increase by the Commission's regulations, (2) APS has erroneously computed the proposed adjustment factor by subtracting from the current cost, as adjusted for losses, a 1969 base cost which has not been similarly adjusted for losses, and by calculating the proposed adjustment factor in a manner which disregards and violates the Commission's conclusion in its March 15, 1974 order that total system losses should not be assigned to the wholesale sales but should be equitably apportioned among all classes of sales, and (3) APS has, without justification, excluded from its computation of increased fuel costs and mwh system input "specific deliveries" made out of its system from all interchanges and deliveries for which the rate is tied to fuel costs of specific plants or units. AEP and PTU move that the Commission either reject the revised clause, or, in the alternative, suspend the operation of the proposed fuel clause for the full statutory period and set the matter for full evidentiary hearing.

With regard to AEP and PTU's suggestion that the revised clause attempts to disguise a major rate increase and their complaints relating to the computation of the proposed adjustment factor, we note that APS has provided an explanation as to their determination of base fuel cost. However, we do not find this explanation completely satisfactory, and we shall direct APS to furnish the appropriate cost support and revenue data. We also believe that the proposed adjustment factor may not be consistent with our conclusion in the March 15, 1974 order that losses should not be assigned to the wholesale sales but should be equitably apportioned among all classes of sales. We also believe that the complained of exclusions from computation of increased fuel costs and mwh system input may be unreasonable.

For the foregoing reasons, we believe that the revised fuel clause has not been shown to be just and reasonable. However, we believe that the existence of the possible deficiencies discussed above does not warrant the rejection of the revised clause and we shall therefore deny AEP and PTU's motion to reject. We shall instead accept the revised clause in substitution for that clause accepted by our March 15, 1974, order, to be effective subject to refund as of April 2, 1974, establish an evidentiary hearing with respect to the issues of the propriety of the base fuel cost, the assignment of losses, and the exclusions from computation of increased fuel costs and mwh system input, and permit AEP and PTU to intervene in this proceeding.

The Commission finds:

(1) Good cause exists to accept APS' revised clause filed on April 3, 1974 in substitution for that clause accepted by the Commission, subject to further order, on March 15, 1974, to be effective subject to refund as of April 2, 1974.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Federal Power Act that the Commission enter upon a hearing concerning the issues of the propriety of the base fuel cost, the assignment of losses and the exclusions from computation of increased fuel cost and mwh system input, in APS's revised fuel clause.

(3) APS should be required to file within 30 days of the issuance of this order its complete case-in-chief, including cost support and revenue data with respect to the base fuel cost contained in the revised fuel clause.

(4) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

(5) AEPCO's and PTU's motion to reject should be denied.

(6) APS should be required to refund with interest the difference, if any, between revenues collected under the fuel clause accepted by the Commission's March 15, 1974 order, and the revenues which would have been collected under the revised fuel clause.

(7) Participation in this proceeding of the above-named petitioners to intervene may be in the public interest.

The Commission orders:

(A) APS' revised fuel clause filed on April 3, 1974 is accepted in substitution for that clause accepted by the Commission subject to further order, on March 15, 1974, to be effective subject to refund as of April 2, 1974.

(B) AEPCO's and PTU's motion to reject is denied.

(C) APS shall file, within 30 days of the issuance of this order its complete case-in-chief including cost support and revenue data with respect to the base fuel cost contained in the revised fuel clause.

(D) Pursuant to the authority of the Federal Power Act particularly section 205(e) thereof, the Commission's rules of practice and procedure, and the regulations under the Federal Power Act (18 CFR, Ch. I), a public hearing shall be held September 17, 1974 at 10 a.m., e.d.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the issues of the propriety of the assignment of losses, and the exclusions from computation of increased fuel cost and mwh system input in APS's revised fuel clause.

(E) On or before August 9, 1974, the Commission Staff shall serve its prepared testimony and exhibits. The prepared testimony and exhibits of all intervenors shall be served on or before August 23, 1974. Any rebuttal evidence by APS shall be served on or before September 6, 1974.

(F) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose (see Delegation of Authority, 18 CFR 3.5(d)), shall preside at the hearing in this proceeding, shall prescribe relevant procedural matters not herein provided, and shall control this proceeding in accordance with the policies expressed

in § 2.59 of the Commission's rules of practice and procedure.

(G) APS shall refund with interest the difference, if any, between revenues collected under the fuel clause accepted by the Commission's March 15, 1974 order, and the revenues which would have been collected under the revised fuel clause.

(H) The above-named petitioners are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervenors shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene, and *Provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that it may be aggrieved because of any order or orders issued by the Commission in this proceeding.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13393 Filed 6-11-74; 8:45 am]

[Docket Nos. E-8250, E-8071, E-8142]

ARKANSAS POWER AND LIGHT CO.

Notice of Further Extension of Time and Postponement of Hearing

MAY 31, 1974.

On May 24, 1974, the Interveners, Conway Corp., et al.,¹ filed a motion for a fur-

¹ Conway Corp., Benton Municipal Light and Water Works, Hope Water & Light Commission, City of North Little Rock, City of West Memphis, Farmers Electric Cooperative Corporation and Mississippi County Electric Cooperative, Inc., Arkansas.

ther extension of the procedural dates fixed by notice issued May 3, 1974, in the above-designated matter. The motion states that all parties agreed to the procedural schedule.

Upon consideration, notice is hereby given that the procedural dates are further modified as follows:

Completion of production by Arkansas Power and Light, June 4, 1974.

Service of evidence by intervenors, July 16, 1974.

Service of rebuttal evidence, August 16, 1974.

Hearing, September 24, 1974 (10 a.m. E.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13389 Filed 6-11-74; 8:45 am]

[Docket No. RI74-243]

ATLANTIC RICHFIELD CO.

Notice of Petition for Special Relief

JUNE 6, 1974.

Take notice that on May 28, 1974, Atlantic Richfield Co. (Petitioner), P.O. Box 2819, Dallas, Texas 75221, filed a petition for special relief in Docket No. RI74-243, seeking a rate above the ap-

plicable area ceiling under Opinion No. 662. Petitioner seeks a price of 26.5 cents per Mcf for the sale of residue gas to Northern Natural Gas Co. under its FPC Gas Rate Schedule No. 376 from the Eldorado Gas Plant remaining from gas well gas produced from the acreage commonly called the V. J. Powell "A" No. 5 proration unit. Petitioner states that since the well is depleted and shut in, it cannot justify reworking the well and attempting to obtain additional recoverable gas reserves at the current 16.5¢ rate. Petitioner estimates that additional gas reserves of 500,000 Mcf are recoverable if the well is reworked.

Any person desiring to be heard to make any protest with reference to said petition should on or before June 25, 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.74-13410 Filed 6-11-74; 8:45 am]

[Docket No. E-8524]

BLACKSTONE VALLEY ELECTRIC CO.

Order Granting Late Petition To Intervene

JUNE 4, 1974.

On May 3, 1974, Narragansett Electric Co. (Narragansett) filed a petition to intervene out of time in the above captioned proceeding. Notice of the filing in this docket was issued on February 19, 1974, with protests and petitions to intervene due on or before March 4, 1974. Narragansett states that the late filing of its petition to intervene was due to extraordinary circumstances and that it has a direct and substantial interest in this proceeding.

The Commission finds:

Participation by Narragansett in this proceeding may be in the public interest and good cause exists to grant Narragansett's late petition to intervene.

The Commission orders:

(A) Narragansett is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission; *Provided, however,* That the participation of the intervenor shall be limited to matters affecting rights and interests specifically set forth in its petition to intervene, and; *Provided, further,* That the admission of such intervenor shall not be construed as recognition by the Commission that it might be aggrieved because of any order or orders issued by the Commission in this proceeding.

(B) The intervention granted herein shall not be the basis for delaying or deferring the procedural schedule heretofore established for the orderly and expeditious disposition of this proceeding.

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

By the Commission.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13379 Filed 6-11-74;8:45 am]

[Docket No. E-8074]

**CITY OF FAIRHOPE, ALABAMA AND
ALABAMA POWER CO.**

**Order Denying Motion To Dismiss and
Providing for Hearing**

JUNE 4, 1974.

On March 8, 1973, the City of Fairhope, Alabama (Fairhope) filed a petition for a declaratory order concerning the proper termination date of Fairhope's contract with Alabama Power Co. (Alabama). On November 1, 1971, Alabama had tendered for filing a tariff applicable to its cooperative and municipal customers, including Fairhope. Alabama stated its intention to make the tariff applicable to the affected customers upon the termination of the then existing contracts with these customers. By order of December 30, 1971, the Commission accepted the tariff for filing, suspended the effective date until February 2, 1972, and established hearing procedures.¹

On April 16, 1973, Alabama tendered an unexecuted service agreement to place the tariff in effect as to Fairhope. Alabama requested an effective date of May 3, 1972, as to Fairhope, contending that was the termination date of its existing contract with Fairhope. In the instant petition Fairhope contends that by the terms of the contract, the proper expiration date was September 18, 1972. Fairhope asks that all collections made under the tariff provisions for the period May 3, 1972, to September 18, 1972, be refunded.

It is Fairhope's contention (Petition, paragraph 7) that the delay in the construction by Alabama of a 44 Kv transmission line from South Folly Substation to the Fairhope Switching Station caused a delay in the commencement of delivery of power to Fairhope, and thus delayed the term of the five-year contract, pursuant to Paragraph Eight thereof, for the period from May 3 to September 18, 1972. Fairhope also alleges (Petition, paragraph 9) that "the delay was attributable to one of the causes enumerated in Paragraph Eight [of the contract], namely, the failure of Alabama Power Company to secure the necessary material and apparatus required to render the service, which material and apparatus included the necessary transmission facilities and capacity."

In its Motion to Dismiss and Answer

to the Petition filed April 19, 1973, Alabama denied the allegations of paragraphs 7 and 9 of the petition. Alabama further denied that Paragraph eight of the contract would operate to extend the termination date of the contract. Alabama also contended that the Commission should not determine the controversy raised by Fairhope, and that it should not be raised by petition in any event, but rather determined in the existing proceedings. Docket No. E-7664, involving the effective dates Alabama's tariff with respect to various customers. Alabama also moved the Commission to dismiss Fairhope's petition on the ground the Fairhope, as an intervenor, could and should have raised this question in Docket No. 7674, and is now barred by the principles of res adjudicata and waiver, and that the petition is an untimely attempt to reopen the proceeding in Docket No. E-7674 for taking of additional evidence without complying with the requirements of § 1.33 of the Commission's rules of practice and procedure by filing with the presiding officer and setting forth facts showing material changes of fact or law since the conclusion of the hearing in Docket No. E-7674.

There is also a difference of three cents in the computations of the parties of the amount in dispute.

On January 4, 1974, the Commission issued an order terminating the present proceeding as moot in the light of "Alabama Power Company," --- FPC ---, Opinion No. 679, issued December 14, 1973. On February 1, 1974, Alabama filed application for rehearing of the January 4 order. On March 1, 1974, the Commission granted rehearing for the purpose of further consideration. On April 16, 1974, the Commission issued Opinion No. 679-A, amending Opinion No. 679, and denied rehearing on May 13, 1974. In view of Opinion No. 679-A, the issues raised in this proceeding are no longer moot and must be considered on the merits.

We find that the motion of Alabama to dismiss the petition should be denied. The petition was filed more than a month prior to Alabama's filing of the unexecuted service agreement, and considerably prior to the contract's expiration date. The arguments of the participants in Docket No. E-7674, as well as the later opinions and orders of the Commission, make it clear that the procedures to be followed were both new and uncertain. While it might have been preferable for Fairhope to raise the present issue by other means, Alabama has had full notice and in no way has been prejudiced as a result of this procedure rather than another.

The question before us is the proper effective date for a rate increase by a company subject to the Commission's jurisdiction under the Federal Power Act. We find that this controversy is properly determinable by the Commission.

As to the merits, it is apparent that there are questions of fact requiring a hearing. We express no opinion upon the issues of contract interpretation at this time.

The Commission orders:

(A) The motion of Alabama Power Co. to dismiss the petition in this proceeding is denied.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, and pursuant to the Commission's rules of practice and procedure, a public hearing shall be convened with the prehearing conference to be held on August 27, 1974, at 10 a.m. (e.d.t.) at the offices of the Federal Power Commission in Washington, D.C., concerning the issues in this proceeding.

(C) The direct evidence of all parties, including the Commission Staff, shall be served on or before July 2, 1974. Rebuttal evidence of all parties, including the Commission Staff, shall be served on or before August 6, 1974.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13380 Filed 6-11-74;8:45 am]

[Project No. 420]

CITY OF KETCHIKAN, ALASKA

Notice of Issuance of Annual License

JUNE 5, 1974.

On August 31, 1970, City of Ketchikan, Alaska, Licensee for Ketchikan Lakes Project No. 420, located in the vicinity of Ketchikan, Alaska, on the Ketchikan Creek filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder. (§§ 16.1-16.6).

The license for Project No. 420 was issued effective July 1, 1928, for a period ending June 30, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon it is appropriate and in the public interest to issue an annual license to the City of Ketchikan, Alaska for continued operation and maintenance of Project No. 420.

Take notice that an annual license is issued to the City of Ketchikan, Alaska (Licensee) under section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, for the continued operation and maintenance of the Ketchikan Lakes Project No. 420, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13413 Filed 6-11-74;8:45 am]

[Docket No. E-8801]

COMMUNITY PUBLIC SERVICE CO.

Notice of Application

JUNE 6, 1974.

Take notice that on May 20, 1974, Community Public Service Co. (Appli-

¹ 46 FPC 1386; Rehearing denied February 11, 1972, 47 FPC 280.

cant), filed an Application with the Federal Power Commission seeking authority pursuant to section 204 of the Federal Power Act to increase the interest rate on its First Mortgage Bonds of Series C, D, G, H and I, previously authorized.

Applicant is incorporated under the laws of the State of Texas, and is domesticated in the State of New Mexico with its principal business office at Fort Worth, Texas. Applicant is engaged primarily in the generation, purchase, distribution, and sale of electric energy and the purchase, distribution and sale of natural gas. Applicant provides electricity and natural gas service to a total of 85 incorporated municipalities in Texas and New Mexico.

Applicant proposes to create a Thirtieth Supplemental Indenture for the purpose of amending certain provisions of Community's Indenture of Mortgage and Deed of Trust dated as of November 1, 1944, with Continental Illinois National Bank and Trust Company of Chicago, as successor Trustees to the City National Bank and Trust Company of Chicago, as supplemented and to be supplemented and amended by a Thirtieth Supplemental Indenture, to be created as of July 1, 1974, will amend the original Indenture to remove therefrom a provision limiting the total amount of First Mortgage Bonds outstanding to \$50,000,000. Applicant requests an order authorizing the increase in Interest Rate to be paid on the Bonds of Series C, D, G, H and I by twenty-one-hundredths of one percent (.20%).

Any person desiring to be heard or to make any protest with reference to said Application should on or before June 25, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The Application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13412 Filed 6-11-74;8:45 am]

[Project No. 2646]

CONNECTICUT LIGHT AND POWER CO.

Notice of Application for Withdrawal of Application for License (Major)

JUNE 5, 1974.

Public notice is hereby given that an application was filed on December 27, 1973, under the Federal Power Act (16 U.S.C. 791a-825r), by the Connecticut Light and Power Co. (correspondence to:

Edwin L. Johnson, Vice-President, the Connecticut Light and Power Co., P.O. Box 2010, Hartford, Connecticut 06101 and William H. Cuddy, Day, Berry & Howard, One Constitution Plaza, Hartford, Connecticut 06103) for withdrawal of the application for license filed April 28, 1967, for its constructed Stevenson Project No. 2646 which is located on the Housatonic River in the counties of New Haven and Fairfield, Connecticut.

The request for approval to withdraw the application for license is based on a decision of the United States Court of Appeals for the Second Circuit, "Farmington River Power Co. v. Federal Power Commission," 455 F.2d 86 (2d Cir. 1972). Applicant argues that the decision makes the Commission's jurisdiction over the project questionable.

The constructed Stevenson Project consists of: (1) A concrete gravity dam 1,250 feet long and 124 feet high, supporting Connecticut State Highway Route No. 34, with a 630-foot overflow spillway section, topped by flashboards 3 feet high, a gated overflow spillway, a skimming gate section, a power intake section, and three non-overflow sections; (2) a reservoir known as Lake Zoar 27 miles in length with a surface area of 1,063 acres, a total storage capacity of 26,900 acre-feet, and a usable storage capacity of 5,038 acre-feet with a drawdown of five feet below the normal water surface elevation of 101.3 feet (U.S.G.S. datum); (3) an indoor powerhouse integral with the dam containing four generating units with a total capacity of 30,500 kw; and (4) all other facilities and interests appurtenant to the operation of the project.

Any person desiring to be heard or to make protest with reference to said application should on or before July 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to 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 is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13381 Filed 6-11-74;8:45 am]

[Project No. 2604]

CONNECTICUT LIGHT & POWER CO.

Application for Withdrawal of Application for License (Major)

JUNE 5, 1974.

Public notice is hereby given that an application was filed on December 27, 1973, under the Federal Power Act (16

U.S.C. 791a-825r) by the Connecticut Light and Power Co. (Applicant) (Correspondence to: Edwin L. Johnson, Vice-President, The Connecticut Light and Power Co., P.O. Box 2010, Hartford, Connecticut 06101 and William H. Cuddy, Day, Berry & Howard, One Constitution Plaza, Hartford, Connecticut 06103) for withdrawal of the application for license filed on July 1, 1966, for constructed Bulls Bridge Project No. 2604 located on the Housatonic River, near Gaylordsville, in the towns of New Milford and Kent, in the counties of Fairfield and Litchfield, Connecticut.

The request for approval to withdraw the application for license is based on a decision of the United States Court of Appeals for the Second Circuit, "Farmington River Power Co. v. Federal Power Commission," 455 F.2d 86 (2d Cir. 1972). Applicant argues that the decision makes the Commission's jurisdiction over the project questionable.

The constructed Bulls Bridge Project consists of: (1) Two dams: (a) a cyclopean concrete gravity-arch dam on the east channel about 203 feet long and 24 feet high with an overflow spillway 195 feet long and (b) a masonry gravity dam on the west channel about 156 feet long and 17 feet high with an overflow spillway 120 feet long topped by 3-foot flashboards; (2) a reservoir at elevation 354 feet about 4.5 miles long with an area of about 120 acres and a gross storage of 1,800 acre-feet of which 233 acre-feet, at a drawdown of two feet, is normally used; (3) canal spillways consisting of two gated sections and two overflow sections; (4) a headgate structure controlling flow into the canal; (5) a power canal about two miles long; (6) a six acre forebay; (7) a forebay intake structure with penstock gates; (8) two steel penstocks about 420 feet long; (9) two steel surge tanks 96 and 98 feet in height, respectively; (10) a powerhouse containing six 2,000 hp turbines each connected to a generator rated at 1,400 kw; (11) an indoor substation containing six transformers; and (12) appurtenant facilities.

Any person desiring to be heard or to make protest with reference to said application should on or before July 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to 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 is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13382 Filed 6-11-74;8:45 am]

[Project No. 2576]

CONNECTICUT LIGHT AND POWER CO.**Application for Withdrawal of Application for License (Major)**

JUNE 5, 1974.

Public notice is hereby given that an application was filed on December 27, 1973, under the Federal Power Act (16 U.S.C. § 791a-825r), by the Connecticut Light and Power Co. (correspondence to: Edwin L. Johnson, Vice-President, The Connecticut Light and Power Co., P.O. Box 2010, Hartford, Connecticut 06101 and William H. Cuddy, Day, Berry & Howard, One Constitution Plaza, Hartford, Connecticut 06103) for withdrawal of the application for license filed February 28, 1966, for its constructed Shepaug Project No. 2576 which is located on the Housatonic and Shepaug Rivers near New Milford, Southbury, Newtown, Roxbury Falls, Brookfield, and Bridgewater in the counties of Fairfield, New Haven, and Litchfield, Connecticut.

The request for permission to withdraw the application for license is based on the contention that the Federal Power Commission (Commission) does not have jurisdiction over the project and, therefore, cannot require its licensing. Applicant points to the Commission's Order of December 22, 1952, which declared that "the interests of interstate or foreign commerce would not be affected by the construction and operation of the proposed Shepaug development; * * * (see 11 FPC 1548). Applicant argues that there is not sufficient evidence to support a change in that determination and, in any event, that the Commission lacks authority to make such a change.

The constructed Shepaug Project consists of: (1) A concrete gravity dam 147 feet high and 1,412 feet long consisting of three sections comprising an ogee spillway 293 feet long topped by five tainter gates each measuring 35 x 28 feet and two bays of flashboards each measuring 35 x 23 feet, an intake section about 100 feet long with a 25 foot steel penstock 77 feet long, and flanking non-flow sections about 268 feet long at the south bank and 751 feet long at the north bank; (2) a reservoir, Lake Lillnonah, at elevation 198.3 feet U.S.G.S. datum, about 13 miles long with a surface area of 1,870 acres and a total capacity of 74,000 acre-feet with a 3-foot drawdown of 5,400 acre-feet; (3) a brick powerhouse with a vertical generating unit rated at 37,200 kw; (4) a switchyard with out-door transformer; and (5) appurtenant facilities.

Any person desiring to be heard or to make protest with reference to said application should on or before July 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426 petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties

to 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 is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13383 Filed 6-11-74; 8:45 am]

[Project No. 2632]

CONNECTICUT LIGHT AND POWER CO.**Notice of Application for Withdrawal of Application for License (Major)**

JUNE 5, 1974.

Public notice is hereby given that an application was filed on December 27, 1973, under the Federal Power Act (16 U.S.C. 791a-825r), by the Connecticut Light and Power Co. (correspondence to: Edwin L. Johnson, Vice-President, The Connecticut Light and Power Co., P.O. Box 2010, Hartford, Connecticut 06101 and William H. Cuddy, Day, Berry & Howard, One Constitution Plaza, Hartford, Connecticut 06103) for withdrawal of the application for license filed December 29, 1966, for its constructed Rocky River Project No. 2632 which is located on the Housatonic River in the counties of Fairfield and Litchfield, Connecticut, in the vicinity of Brookfield, Danbury, New Fairfield, New Milford, and Sherman.

The request for approval to withdraw the application for license is based on a decision of the United States Court of Appeals for the Second Circuit, "Farmington River Power Co. v. Federal Power Commission," 455 F.2d 86 (2d Cir. 1972). Applicant argues that the decision makes the Commission's jurisdiction over the project questionable.

The existing Rocky River seasonal pumped storage project consists of: (1) An earth main dam 952 feet long (maximum height 100 feet); (2) four dikes: an 11-foot high, 181-foot long concrete gravity dike with a 57-foot overflow section; a 15-foot high, 522-foot long concrete dike with a 391-foot overflow section; a 45-foot high, 167-foot long earth dike; and a 42-foot high, 873-foot long earth dike in two parts; (3) a reservoir with a surface area of 5,600 acres at the normal elevation of 428.14 feet (U.S.G.S. datum) and with usable storage of 142,560 acre-feet at a drawdown of 30 feet; (4) an intake canal 3,190 feet long; (5) an intake tower at the end of the canal; (6) a 15-foot diameter conduit 943 feet long; (7) a surge tank; (8) a steel penstock 670 feet long, with an inside diameter reducing from 13 to 11 feet; (9) an indoor powerhouse containing three units, one a conventional generating unit rated at 24,000 kW, and two others being motor-generator units each having a rating as a generator of 3,500 kW; and (10) appurtenant facilities.

Any person desiring to be heard or to make protest with reference to said application should on or before July 22,

1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to 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 is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13384 Filed 6-11-74; 8:45 am]

[Docket No. CI74-670]

EMERALD PRODUCING CORP., ET AL.**Notice of Application**

JUNE 6, 1974.

Take notice that on May 20, 1974, Emerald Producing Corp. (Operator), *et al.* (Applicant), P.O. Box 15325, Lafayette, Louisiana 70501, filed in Docket No. CI74-670 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 Southern Natural Gas Co. (Southern) from the Diamond Field, Plaquemines Parish, 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 to Southern from the subject acreage approximately 37,500 Mcf of gas per month for one year at 45.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Estimated monthly sales are 37,500 Mcf of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 25, 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 pro-

cedure, 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.74-13408 Filed 6-11-74;8:45 am]

[Docket No. CI74-670]

EMERALD PRODUCING CORP. ET AL.
Notice of Application

JUNE 6, 1974.

Take notice that on May 20, 1974, Emerald Producing Corp. (Operator), et al. (Applicant), P.O. Box 15325, Lafayette, Louisiana 70501, filed in Docket No. CI74-670 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 Southern Natural Gas Co. (Southern) from the Diamond Field, Plaquemines Parish, 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 to Southern from the subject acreage approximately 37,500 Mcf of gas per month for one year at 45.0 cents per Mcf at 15.025 psia, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot, within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Estimated monthly sales are 37,500 Mcf of gas.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 25, 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.74-13395 Filed 6-11-74;8:45 am]

[Docket No. RP73-17]

GRANITE STATE GAS TRANSMISSION, INC.

Notice of Proposed Changes in Rates Pursuant to Purchased Gas Adjustment Provision

JUNE 5, 1974.

Take notice that Granite State Gas Transmission, Inc. (Granite), on May 30, 1974, tendered for filing Alternate Third Revised Sheet 3A in its FPC Gas Tariff, Original Volume No. 1, containing a correction to the proposed changes in rates filed on May 15, 1974, for effectiveness on July 1, 1974. According to Granite, its filing of May 15, 1974, contained an inadvertent error in the computation of the commodity charge component under its General Service Rate Schedule (G) as set forth on Third Revised Sheet 3A. Granite states that Alternate Third Revised Sheet 3A is tendered in place of Third Revised Sheet 3A. Granite further states that no other portion of its filing of May 15, 1974, is affected by this change.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 19, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13404 Filed 6-11-74;8:45 am]

[Docket No. G-2730, etc.]

HILDA B. WEINERT AND JANE W. BLUMBERG, ET AL.

Order Consolidating Proceedings, Granting Interventions, Setting Hearing and Prescribing Procedures

JUNE 4, 1974.

In the matter of Hilda B. Weinert and Jane W. Blumberg, et al. (G-2730, etc.), Continental Oil Co. (G-6211), Reserve Oil and Gas Co. (G-12671), H. H. Phillips, Jr. (CI63-586), Gulf Oil Corp. (CI72-178), Sun Oil Co. (CI73-684), Reserve Oil and Gas Co. (CI73-808), Castle, Inc. (CI 74-124).

The United States Court of Appeals for the District of Columbia Circuit in "Transcontinental Gas Pipe Line Corp. v. FPC," 488 F. 2d 1325 (1973), modified by the Court on November 21, 1973, cert. denied sub nom., "Natural Gas Pipeline Co. v. Transcontinental Gas Pipeline Corp.," — U.S. — (May 28, 1974), reversed the Commission in the above consolidated dockets in the issuance of Opinion No. 655, which authorized the abandonment of deliveries of gas by the La Gloria Field producers to Transcontinental Gas Pipe Line Corp. and certificated sales to Natural Gas Pipeline Co. of America.

On November 27, 1973, Natural Gas Pipeline filed an emergency motion for an order directing the producers to make full deliveries to which it asserts it is entitled to under outstanding orders of the Commission, namely the contract and certificated volume of 125,000 Mcf per day. Natural asserts that since the field is not capable of producing a total of 206,000 Mcf/d, the producers are supplying Transco the full 81,000 Mcf per day, and Natural is suffering all of the shortfall in the La Gloria Field capacity to produce gas. By order issued on February 22, 1974, the Commission denied Natural's motion, and on April 24, 1974, denied Natural's application for rehearing.¹

On November 29, 1973, Natural filed a motion asking for imposition of a payback obligation on Transco for all volumes received during the interim period from and after November 15, 1973, from the La Gloria Field producers, in order to make Natural whole in the event abandonment is later authorized and to recover for Natural the asserted excess volumes now taken by Transco over its proper share of the Field's production in the event said authorization is denied. Natural proposed that a five year repayment period be established for the return of the gas volumes taken by Transco after November 15, 1973. Natural further asked for a prehearing conference for disposition of the remanded proceeding.

On December 19, 1973, Transco filed a motion for an order requiring repayment

¹ Petition for review filed April 30, 1974, "Natural Gas Pipeline Co. v. FPC" No. 74-1462 (D.C. Cir.).

of gas diverted under the abandonment order. Transco states that for the period April 18, 1973, through November 15, the producers de facto abandonment was not de jure abandonment, and Opinion No. 655 never existed legally. Therefore, Transco argues that Natural Gas Pipeline received 77,000 Mcf per day or 16,177,000 Mcf during that period in 1973 which it now is obligated to return to Transco. By order issued herein on February 22, 1974 (p. 11), the Commission ordered: "Payback obligations will be specifically determined during the abandonment/certificate hearing".

In the caption of this order, we have listed the names of additional applicants for abandonment of service to Transco and sale of gas to Natural from the La Gloria Field. The seven dockets involved common question of fact and law as are present in the 24 dockets previously consolidated in the order herein issued August 23, 1971. For the purposes of further proceedings involving the abandonment of sales to Transco and the certification of additional volumes to Natural, these 31 dockets should be considered together. The following petitions for intervention have been filed:

Brooklyn Union Gas Co.
Natural Gas Pipeline Company of America
Transcontinental Gas Pipe Line Corp.
Consolidated Edison Company of New York
Public Service Commission of New York

The Court of Appeals in "Transcontinental Gas Pipe Line Corp. v. FPC," 488 F. 2d 1325 (D.C. Cir. 1973) said:

We contemplate on remand, therefore, a searching and comprehensive inquiry by the Commission into all factors relevant to determining the overall public interest in this abandonment proceeding. For this purpose it will doubtless be necessary to supplement the record with additional evidence with respect to these factors. Primary importance must be given to a broadly conceived comparison of the needs of the two natural gas systems and the public markets they serve.

Additionally, the Court directed *inter alia*, that:

The Commission should consider the environmental effects of its decision (see "Arizona Public Service Co. v. FPC," 483 F. 2d 1275 (D.C. Cir. 1973)).

In "Arizona Public Service Co.," *supra*, the Court held:

We * * * give the Commission ninety days to conduct whatever further proceedings it deems necessary either for the preparation and circulation of an [NEPA] impact statement or for preparation of a statement of reasons as to why an impact statement is unnecessary.

On remand, the Court of Appeals affirmed the Commission's Opinion No. 615B,² which contained an analysis of environmental impact evidence. (490 F. 2d 783.) The Commission in this proceeding, therefore, directs applicants and interveners to submit evidence of environmental impact of a Commission decision granting or denying applications, if any.

² El Paso Natural Gas Co., — FPC — (Oct. 26, 1973).

The motion filed by Natural on November 29, 1973, to preserve the subject matter of this proceeding by imposing a payback obligation will be the subject of the hearing on remand of the abandonment certificate issues, as will the motion by Transco filed December 19, 1973, for repayment of gas volumes by Natural for gas sold to it during the April through November 1973 period.

These reserved issues have been expressly deferred from the interim orders herein of February 22 and April 24, 1974, wherein the Commission stated that:

The order [of February 22] specifically places all parties on notice that there will be a determination of natural gas payback obligations as a result of final orders in the course of abandonment proceedings for all quantities of gas not properly received during the interim period. Order paragraph (D) further reserved Natural's rights in this matter. If, after the searching and comprehensive inquiry by the Commission into all factors relevant to determining the overall public interest, as directed by the Court of Appeals, 488 F. 2d at 1329, the Commission determines that Natural should have received volumes of natural gas sold and delivered to Transco by the producers after November 12, 1973, the legal and equitable powers of the Commission will be exercised on the payback issue.

Order paragraph (F) herein specifically sets these issues for hearing hereafter ordered.

On April 23, 1974, Natural filed a Motion for a decision of the Commission based on the existing record for a reopening of the record for limited purposes. The New York Commission on May 7, 1974, and Transco and AGD on May 8, 1974, filed answers in opposition to the motion. As Natural itself recognizes (Motion p. 2), the Court of Appeals on remand directed that "it will doubtless be necessary to supplement the record with respect to those factors", 488 F. 2d at 1329, as well as supplement the record with respect to those factors", 488 F. 2d at 1329, as well as supplemental evidence on environmental impact, *supra*, page 3.

The Commission has concluded, moreover, that additional evidence and hearings are required to comply with the Court's mandate. As noted, this order also consolidates seven additional dockets for abandonment and certification which were not part of the first hearings and could not be decided without a hearing. Furthermore, additional delay in resuming hearings for review of the record will not aid in resolution of these proceedings. Thus, we hereafter order reopening of the hearings and filing of evidence.

The Commission finds:

(1) Dockets Nos. G-6211, G-12671, CI63-586, CI72-178, CI73-684, CI73-808, and CI74-124 should be consolidated for the purposes of hearing and decision with the proceedings previously consolidated in Docket Nos. G-2730, et al.

(2) The parties listed above having filed petitions to intervene should be permitted to intervene.

The Commission orders:

(A) Applicants and intervenors shall submit prepared direct testimony and

exhibits in support of their positions, inclusive of any evidence relative to environmental impact with and without abandonment as they may deem appropriate and in compliance with the Court's mandate on remand on June 28, 1974, and serve copies on the Office of Administrative Law Judges, the Commission Staff and all parties of record.

(B) A hearing shall commence in these consolidated proceedings on July 9, 1974, at 10 a.m. (e.d.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. The Presiding Administrative Law Judge to be assigned by the Chief Administrative Law Judge shall control the proceeding hereafter.

(C) The dockets listed at the head of this order beginning with G-6211, are hereby consolidated with the proceedings previously consolidated in Docket No. G-2730, et al.

(D) The above-listed interveners are hereby permitted to intervene in this consolidated proceeding subject to the Commission's rules and regulations: *Provided, however*, That they shall comply with the terms of this order and that their participation shall be limited to matters affecting rights and interests expressly asserted in the petitions to intervene, and *Provided, further*, That granting of the petitions to intervene shall not be construed as recognition by the Commission that any intervenor might be aggrieved by any order entered in this proceeding.

(E) The issues in this consolidated proceeding relating to the abandonment of sales by the La Gloria Field producers to Transco and the certification of additional volumes to Natural are hereby consolidated with the issues set forth in (F) below.

(F) The issues raised by the Motions of Natural and Transco for orders relating to the imposition of payback obligations for gas assertedly improperly taken by either pipeline, as more fully set forth in their Motions and described herein are hereby consolidated for hearing and decision with the issues set forth in (E) above.

(G) The motion of Natural Gas Pipeline Co. filed April 23, 1974 for a decision on the existing record is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-13392 Filed 6-11-74; 8:45 am]

[Project No. 503]

IDAHO POWER CO.

Notice of Issuance of Annual License

JUNE 6, 1974.

On June 26, 1969, Idaho Power Co., Licensee for Swan Falls Project No. 503, located in Ada and Owyhee Counties, Idaho, on the Snake River, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made supplemental

filing pursuant to Commission Order No. 384 on February 19, 1970.

The license for Project No. 503 was issued effective January 1, 1928, for a period ending June 30, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Idaho Power Co. for continued operation and maintenance of Project No. 503.

Take notice that an annual license is issued to Idaho Power Co. (Licensee) under section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Swan Falls Project No. 503, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-13403 Filed 6-11-74; 8:45 am]

[Docket No. E-8450]

IDAHO POWER CO.

Notice of Application

JUNE 5, 1974.

Take notice that on April 25, 1974, Idaho Power Co. (Applicant) filed a supplemental application with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, seeking authority to increase to \$130,000,000 the amount of short-term unsecured promissory notes, including commercial paper, which it may have outstanding at any one time.

The Commission authorized the issuance of short-term unsecured promissory notes by the Applicant in its order issued December 28, 1973, in the above docket. The Commission authorized Applicant to issue short-term unsecured promissory notes in amounts of up to a maximum of \$100,000,000 with maturities of not later than December 31, 1974.

Applicant is incorporated under the laws of the State of Maine with its principal business office at Boise, Idaho and is engaged in the electric utility business in the States of Idaho, Oregon, Nevada and Wyoming.

Applicant requests that its short-term borrowing authorization of up to \$130,000,000 be composed of the following:

(a) Bank loans evidenced by the issuance of unsecured notes to Revolving Credit Agreement in the principal amount of not to exceed \$90,000,000 outstanding at any one time;

(b) The issuance of unsecured notes pursuant to a line of credit, in the amount of \$18,000,000; and

(c) The issuance of unsecured promissory notes in the form of commercial paper in the aggregate principal amount of not to exceed \$22,000,000 outstanding at any one time.

The proceeds from the issuance of short-term unsecured promissory notes will be used to provide funds for current corporate transactions, including the interim financing of the Applicant's construction programs.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 21, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions 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. 74-13388 Filed 6-11-74; 8:45 am]

[Docket No. E-8815]

IOWA PUBLIC SERVICE CO.

Notice of Changes in Rates and Charges

JUNE 6, 1974.

Take notice that Iowa Public Service Co., on May 29, 1974, tendered for filing proposed changes in its FPC Electric Service Tariff, Volume No. 1. The proposed changes to be effective July 1, 1974, would increase revenues in jurisdictional sales and service by \$293,116 based on the twelve month period, ending December 31, 1973.

Applicant states that the reasons for this increase in electric revenues are the increased pressure of inflation on labor costs, taxes, interest rates and the cost of capital.

Copies of the filing were served upon the public utility jurisdictional customers and the Iowa State Commerce Commission.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 14, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-13407 Filed 6-11-74; 8:45 am]

[Docket No. RP72-149]

MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Proposed Change in Rates

JUNE 5, 1974.

Take notice that Mississippi River Transmission Corp. ("Mississippi") on May 23, 1974 tendered for filing Nineteenth Revised Sheet No. 3A to its FPC Gas Tariff, First Revised Volume No. 1 to become effective July 1, 1974.

The instant filing was made pursuant to the purchased gas cost adjustment provisions of Mississippi's tariff in order to reflect rate changes applicable to Mississippi by United Gas Pipe Line Co. ("United") and Natural Gas Pipeline Company of America ("Natural") pursuant to the provisions of their tariffs.

Mississippi states that copies of its filing were served on Mississippi's jurisdictional customers and the State Commissions of Arkansas, Illinois and Missouri.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 21, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene unless such petition has previously been filed. Copies of the filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-13415 Filed 6-11-74; 8:45 am]

[Docket No. RP74-1]

NORTHWESTERN PUBLIC SERVICE CO. AND KANSAS-NEBRASKA NATURAL GAS CO., INC.

Order Denying Application for Rehearing

JUNE 4, 1974.

The Northwestern Public Service Co., pursuant to § 1.34 of the Commission's rules of practice and procedure and section 19 of the Natural Gas Act has filed an application for rehearing of the Commission's "Order Affirming Initial Decision, Denying Relief sought by Northwestern Public Service Co." of April 8, 1974. The order affirms a December 14, Initial Decision of Administrative Law Judge Michel Levant, which denies a petition by Northwestern to the Commission that the Commission order Kansas-Nebraska Natural Gas Company, Inc., to provide Northwestern with an additional 2000 Mcf per day of contract demand and concluding that Kansas-Nebraska's denial of Northwestern's request does not violate its tariff nor is unjust, unreasonable, unduly discriminatory or preferential.

The Commission orders:

The application for rehearing on the Commission's order of April 8, 1974, affirming the Administrative Law Judge's initial decision is denied.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13394 Filed 6-11-74;8:45 am]

[Project No. 308]

PACIFIC POWER & LIGHT CO.

Notice of Issuance of Annual License

JUNE 6, 1974.

On June 22, 1971, Pacific Power & Light Co., Licensee for Wallowa Falls Project No. 308, located in Wallowa Whitman National Forest, Wallowa county, State of Oregon, filed an application for a new license under section 15 of the Federal Power Act and Commission Regulations thereunder (§§ 16.1-16.6).

The license for Project No. 308 was issued effective June 27, 1974, for a period ending June 26, 1974. In order to authorize the continued operation of the project pursuant to section 15 of the Act, Pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Pacific Power & Light Co. for continued operation and maintenance of Project No. 308.

Take notice that an annual license is issued to Pacific Power & Light Co. (Licensee) for the period June 27, 1974, to June 26, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Project No. 308, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13396 Filed 6-11-74;8:45 am]

[Docket Nos. RP71-119; RP74-31-20]

PANHANDLE EASTERN PIPE LINE CO. AND ANCHOR HOCKING CORPORATION

Proposed Stipulation and Agreement in Settlement of Proceeding

JUNE 5, 1974.

Take notice that on March 4, 1974, Anchor Hocking Corp. (Anchor Hocking) filed a petition for extraordinary relief and a motion for immediate temporary relief to avoid irreparable injury in the above-styled proceeding. By order issued on April 2, 1974, the Commission partially granted Anchor Hocking's request for temporary relief by requiring that Panhandle Eastern Pipe Line Co. (Panhandle) provide that company with 790 Mcf a day in order for it to maintain the operation of its Winchester, Indiana plant. In the aforementioned order the Commission further set the aforementioned matter down for formal hear-

ing in order to determine the merits underlying the request made in Anchor Hocking's petition for extraordinary relief.

A formal hearing with respect to this matter commenced and was terminated on May 30, 1974. During the course of this hearing, the participating parties tendered the following Stipulation and Agreement to the Presiding Administrative Law Judge for certification to the Commission in the hope that this proceeding could be resolved in this manner:

The parties stipulate that extraordinary relief from curtailment of gas deliveries will be granted to Anchor Hocking allowing it to take 790 Mcf on an average day basis during each month. Panhandle will not curtail volumes covered by this grant of extraordinary relief to the extent they are classified as Priority No. 3 until all other Priority 3 volumes not similarly subject to extraordinary relief are curtailed.

Anchor Hocking's maximum take on any given day will be determined as provided by § 16.4(c) of Panhandle's tariff. Anchor Hocking will pay back as operating conditions permit those Priority 3 volumes taken pursuant to this grant of extraordinary relief to the extent they exceed the volumes allocated to Anchor Hocking under Panhandle's effective curtailment plan.

The volumes taken pursuant to this grant of extraordinary relief will be for Anchor Hocking's use only. This stipulation will continue in effect until a new curtailment plan goes into effect. This stipulation shall not constitute a waiver of any party's rights in Docket No. RP71-119 to contest categorization of any volumes.

This stipulation is made to settle all issues raised in Anchor Hocking's petition for extraordinary relief in Docket No. RP74-31-20 and is without prejudice to Anchor Hocking's right to apply for extraordinary relief in any new curtailment plan put into effect on Panhandle's system.

That completes the stipulation. Your Honor.

The participating parties indicated that there were no present objections to the Stipulation and Agreement. They did, however, request to be afforded the opportunity to indicate the existence of objections in the event that such a course of action subsequently became necessary. It was decided that this could be accomplished by providing all parties with an opportunity to make comment as provided for in a Notice relating to the proposed Stipulation and Agreement to be issued at a subsequent date (Tr. 139). The Presiding Judge indicated his intent to certify this Stipulation and Agreement and the record developed with respect to this proceeding to the Commission at an early date (Tr. 139).

Any party desiring to be heard with respect to this stipulation and agreement should on or before June 20, 1974, file with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, comments indicating its support or opposition to this proposal.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13405 Filed 6-11-74;8:45 am]

[Docket No. G-3332]

PHILLIPS PETROLEUM CO.

Notice of Application for Termination of Certificate

JUNE 6, 1974.

Take notice that on May 16, 1974, Phillips Petroleum Co. (Phillips), 583 Frank Phillips Building, Bartlesville, Oklahoma 74004, filed in Docket No. G-3332 an application for termination of the certificate of public convenience and necessity issued in said docket pursuant to section 7(c) of the Natural Gas Act, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

By order issued September 28, 1956, Phillips was granted a certificate of public convenience and necessity in Docket No. G-3332 authorizing the sale of gas-well gas from the Rodessa Field, Cass County, Texas, under its FPC Gas Rate Schedule No. 140 to Breckenridge Gasoline Co. (Breckenridge). Phillips states that the contract dated June 30, 1952, covering said sale of gas expired on September 4, 1972, and that the replacement contract calls for Phillips to continue casinghead gas delivery to Breckenridge for a percentage of the proceeds received by Breckenridge. Phillips anticipates such basis of payment will be permanent. Phillips requests, therefore, that the certificate in Docket No. G-3332 be terminated because the Commission does not permit the producer's filing of percentage-type contracts and certificate applications based thereon (18 CFR 154.91(e)).

Any person desiring to be heard or to make any protest with reference to said application should on or before June 25, 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.74-13398 Filed 6-11-74;8:45 am]

[Project No. 2685]

POWER AUTHORITY OF THE STATE OF NEW YORK

Notice of Complaint

JUNE 5, 1974.

Public notice is hereby given that a complaint was filed November 5, 1973 under the Federal Power Act (16 U.S.C. 791a-825r) by the Towns of Fulton and

Blenheim, New York, Complainants (Correspondence to Kafin and Needleman, Robert J. Kafin, 115 Maple Street, Glens Falls, New York 12801) against Power Authority of the State of New York, Licensee, concerning operation of the Blenheim-Gilboa Pumped Storage Project No. 2685, which is located in Schoharie County on Schoharie Creek in the Towns of Blenheim and Gilboa, New York.

Complainants allege that the Licensee is operating the project in such a manner with regard to flow releases that it is violating its license with respect to flows in Schoharie Creek downstream from the project.

Any person desiring to be heard or to make protest with reference to said complaint should on or before July 22, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to the proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The complaint is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13397 Filed 6-11-74; 8:45 am]

[Docket No. RI74-241]

SHELL OIL CO.

Notice of Petition for Special Relief

JUNE 6, 1974.

Take notice that on May 28, 1974, Shell Oil Co., (Petitioner), One Shell Plaza, P.O. Box 2463, Houston, Texas 77001, filed a petition for special relief in Docket No. RI74-241, seeking a rate above the applicable area ceiling under Opinion No. 662, (Permian Basin Area II). Petitioner seeks a price of 46 cents per Mcf for the sale of gas to El Paso Natural Gas Co. under its FPC Gas Rate Schedule No. 334 from new wells to be drilled by it in Crockett, Terrell, and Val Verde Counties, Texas (JM Area). Petitioner states that without the price requested further exploration and development in this area cannot be economically justified and recoverable reserves underlying the acreage here involved will be lost to the interstate market.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 25, 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 ac-

tion 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.74-13411 Filed 6-11-74; 8:45 am]

[Project No. 372]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Issuance of Annual License

JUNE 6, 1974.

On June 16, 1969, Southern California Edison Co., Licensee for Lower Tule River Project No. 372, located on the Tule River in Tulare County, California, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on February 9, 1970.

The license for Project No. 372 was issued effective December 31, 1941, for a period ending June 15, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending Commission action thereon, it is appropriate and in the public interest to issue an annual license to Southern California Edison Co. for continued operation and maintenance of Project No. 372.

Take notice that an annual license is issued to Southern California Edison Co. (Licensee) under section 15 of the Federal Power Act for the period June 16, 1974, to June 15, 1975, or until Federal takeover or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Lower Tule River Project No. 372, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13400 Filed 6-11-74; 8:45 am]

[Docket No. E-8570]

SOUTHERN CALIFORNIA EDISON CO.

Order Denying Rehearing

JUNE 5, 1974.

By order of March 1, 1974, the Commission, inter alia, suspended certain changes in jurisdictional rates proposed by Southern California Edison Co. (Edison), set the matter for hearing and permitted various petitions to intervene, including the Anza Electric Cooperative, Inc. (Anza). On March 29, 1974, Edison filed a Petition for Rehearing or Clarification of the March 1 order wherein Edison sought to have the Commission modify the order so as to proscribe any consideration of the issue of "price-squeeze", involving a comparison between retail and resale rate levels, or

other anti-trust issue or issues based on allegations of anti-competitive practices. The request for clarification was based upon Commission action in "Southern California Edison Co.," Docket No. E-8176, order issued September 21, 1973, and "Indiana and Michigan Electric Co.," Docket No. E-7740, order issued May 31, 1973. On April 15, 1974, Anza filed a Reply to the Edison Petition. This pleading will be further discussed below.

By order of April 25, 1974, the Commission, inter alia, clarified its March 1 order as requested by Edison, so as to avoid the implication that by granting interventions, including that of Anza, the Commission was broadening the issues in this proceeding to include questions of "price squeeze" or anticompetitive behavior.

On May 9, 1974, Anza filed a Petition for Rehearing of the April 25 order insofar as that order purports to clarify the March 1 order so as to limit the participation of Anza in the proceeding to matters other than the alleged "price squeeze" and anticompetitive behavior on the part of Edison. The Petition correctly indicates that, as to the question of alleged "price squeeze" and of alleged anticompetitive behavior by Edison "not related to contracts or agreements to which it is a party which are or should be on file with the Commission," Anza's views have been rejected by the Commission in Docket No. E-8176 and are currently pending petitions for review in the Courts.¹ Further discussion of these questions is therefore unnecessary and Anza's Petition will be denied insofar as it is based upon views previously rejected in Docket No. E-8176.

Anza's petition, however, states that, in addition to the above, the Commission's order of April 25 is in error to the extent that it rejects Anza's "separate argument", set forth in Anza's Reply to Edison's Petition for Clarification, which Anza filed on April 15. The "separate argument" in Anza's Reply concerns the Commission's order of March 14, 1974, in "Pacific Gas and Electric Co.," Docket No. E-7777. In the Reply, Anza expresses its view that the Commission made clear in the Pacific Gas order "that it did have jurisdiction to consider, in rate proceedings under sections 205 and 206 of the Act, the possible modification of contracts between a utility and other utilities or parties which as part of an anti-competitive policy on the part of the utility adversely affect service to a wholesale customer of a utility." Anza points out that a number of the contracts specifically referred to by the Commission in the Pacific Gas order involve contracts between Pacific Gas and Electric Co. (PG&E) and Edison "which may improperly restrict service to the customers of both utilities, including Anza." Anza gives its view that if it is appropriate for PG&E's customers to examine into the propriety of such restriction agree-

¹ Cities of Anaheim, California, et al., v. Federal Power Commission, Case No. 72-2173; Anza Electric Cooperative, Inc. v. Federal Power Commission, Case No. 73-2255.

ments in the Pacific Gas proceeding, it is equally appropriate for Edison's customers to do so in this proceeding. Anza also contends that the Commission has jurisdiction to look into another contract between Edison and the Imperial Irrigation District, referred to in its pleadings in Docket No. E-8176, to determine if the contract inhibits Anza from securing service from Imperial. Finally, Anza contends that it is appropriate to consider in the present rate case whether certain agreements entered into by Edison with the Cities of Anaheim, Riverside, and Banning in Docket No. E-7618 should be modified to require Edison to file a rate schedule for transportation service with Anza as well as to include a displacement service.

We do not believe that the "separate argument" contained in Anza's Reply, and reasserted in its Petition, provides an adequate basis to either set aside our order of April 25 so as to permit Anza to participate as an intervenor in this proceeding without limitation or to authorize Anza to raise herein the matters discussed in its Reply. Our conclusion is based upon the following:

(1) The Commission cannot institute an investigation into the contract between Edison and the Imperial Irrigation District because this contract is apparently applicable to service over which this Commission has no jurisdiction.² As we stated in Pacific Gas:

"If * * * after hearing and decision PG&E is found by virtue of contract provisions subject to FPC jurisdiction, to have (engaged in unlawful anticompetitive practices), this Commission will not hesitate to order contract reform * * * (emphasis added).

(2) While the Commission will reform contracts containing anticompetitive provisions when such provisions are subject to Commission jurisdiction (Cf. Carolina Power and Light Company, Docket No. E-7918, order issued March 12, 1973), the Commission cannot "reform" such contracts or any other agreements among parties in such a manner as to order a utility to wheel power (or provide a displacement service) for a customer. The Commission believes that this question was resolved in *Otter Tail Power Co. v. U.S.*, 410 U.S. 366 (1973). The fact that such services may be offered to another customer does not give the Commission an authority which the courts have clearly indicated the Commission does not possess.

(3) We have instituted an investigation, pursuant to Section 206 of the Federal Power Act, into contracts in Pacific Gas, some of which Anza states may improperly restrict service to the customers of PG&E and Edison, including Anza. Such relief as might be granted through the reformation of these

contracts is (as was the case in the Pacific Gas proceeding) unrelated to the determination of just and reasonable rates to be made in this proceeding. Since an investigation into these contracts has already been instituted, it would appear that any contractual remedies which Anza may wish to pursue may be fully considered through intervention in that proceeding.

For the foregoing reasons, we shall deny in its entirety Anza's Petition for Rehearing.

The Commission finds:

Anza's Petition for Rehearing, filed on May 9, 1974, raised no facts or points of law which would provide an appropriate basis for modifying the Commission's order of April 25, 1974, and such Petition should be denied.

The Commission orders:

(A) Anza's Petition for Rehearing, filed May 9, 1974, is denied.

(B) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-13390 Filed 6-11-74; 8:45 am]

[Project No. 1398]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Application for Approval of Revised Exhibit K

JUNE 5, 1974.

Public notice is hereby given that application for approval of revised exhibits was filed January 25, 1974, under the Federal Power Act (16 U.S.C. 791a-825r) by Southern California Edison Co. (Correspondence to: Mr. P. B. Peacock, Manager, Right of Way and Land Dept., Southern California Edison Co., P.O. Box 800, 2244 Walnut Grove Avenue, Rosemead California 91770), Licensee for Transmission Line Project No. 1398, located in Mono and Inyo Counties, California. The project affects lands of the United States under the jurisdiction of the Forest Service, Department of Agriculture and the Bureau of Land Management, Department of Interior.

Southern California Edison Co., Applicant, states that the realignment of U.S. Highway 395 necessitates relocating sections of their 115 kV transmission and telephone lines designated as Transmission Line Licensed Project No. 1398. The subject transmission and telephone lines extend from the Rush Creek powerhouse (Rush Creek Project No. 1389) to a substation near Bishop and cross lands of the United States. The proposed action would affect public lands under the jurisdiction of the Department of Agriculture, Forest Service, Inyo National Forest within the S. 1/2 of section 7 and the N. 1/2 of section 18, T. 5 S., R. 31 E. M.D.M. and the Department of the Interior, Bureau of Land Management within section 4 T. 6 S., R. 31 E., M.D.M. The total length of the lines is approximately 54 miles.

Any person desiring to be heard or

to make protest with reference to said application should on or before August 19, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). 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. 74-13385 Filed 6-11-74; 8:45 am]

[Docket No. RP74-93]

SOUTHERN NATURAL GAS CO.

Notice of Petition for Declaratory Order

JUNE 6, 1974.

Take notice that on May 15, 1974, Southern Natural Gas Co. (Southern), tendered for filing a Petition for Declaratory Order (Petition). In the Petition, Southern requests the Commission to issue an order declaring that the cost of acquiring certain coal reserves to be dedicated to a coal gasification plant is an appropriate item for inclusion in Southern's rate base and cost of service in Account No. 105 as Gas Plant Held for Future Use.

In its filing, Southern states that on May 1, 1974, Southern entered into an option agreement with Consolidated Coal Co. (Consol) whereby Southern was granted an exclusive option to purchase approximately one-half of Consol's "Hillsboro" coal reserves. Southern further states that the Option Agreement provides that within a two year period ending April 30, 1976, Southern may exercise its right to purchase said coal at a price of 10¢ a ton of recoverable coal. Finally, Southern states that the option period was designed to permit Southern an opportunity to seek and obtain from the Commission an order stating that the investment in said coal reserves is appropriate for inclusion in Southern's rate base.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, N.E., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 20, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file

² Anza's Amended Petition for Intervention filed in Docket E-8176 on August 10, 1973 indicates that the contract is on file with the Public Service Commission for the State of California, has never been filed with the Federal Power Commission, and is not a part of Edison's Rate Schedules No. 7 and No. 12 (the only rate schedules on file with this Commission involving the Imperial Irrigation District). Since we do not have this contract before us, we must assume that the contract relates only to service over which this Commission has no jurisdiction (i.e., it is directly applicable to nonjurisdictional service).

³ Pacific Gas and Electric Co., supra, at page 6.

a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc. 74-13409 Filed 6-11-74; 8:45 am]

[Docket No. CP74-301]

SOUTHWEST GAS CORP.

Notice of Application

JUNE 5, 1974.

Take notice that on May 22, 1974, Southwest Gas Corp. (Applicant), P.O. Box 1450, Las Vegas, Nevada 89101, filed in Docket No. CP74-301 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of enlarged measuring facilities at the Tracy Power Plant delivery point (Tracy) on Applicant's Northern Nevada Transmission System near Reno, Nevada, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a 10-inch orifice tube in parallel with two existing 10-inch tubes, a differential controller, and associated metering facilities at the Tracy delivery point on Applicant's Reno lateral. The application states that the expanded measuring facilities will permit delivery of up to 390,000 therms per day to the Tracy Power Plant of Sierra Pacific Power Co. (Sierra) for the generation of electricity.

Applicant states that by this application it does not propose to increase its power plant sales to Sierra and notes that such sales are the first sales curtailed on Applicant's system and that annual and peak day power plant sales have recently declined. Applicant states further that as curtailments from Northwest Pipeline Corp., the sole supplier of Applicant's Northern Nevada Transmission System, increase and as Applicant's high priority loads increase, deliveries to Sierra will probably continue to decline. Applicant also notes, however, that Sierra's electrical generation requirements are increasing and to meet these requirements Sierra is presently installing a third generating unit at its Tracy plant.

Applicant states that it presently delivers gas to Sierra for electrical generation at two delivery points, Tracy and Fort Churchill. Applicant states further that since Sierra has alternative fuel facilities at both plants its proposed measuring facilities will enable Applicant to reduce deliveries at Fort Churchill as necessary to meet operating requirements at Tracy. Applicant asserts that such a proposal will allow it to meet Sierra's needs as related to the additional generating unit while keeping within existing contract entitlements and thereby permit Sierra to meet its increased electrical generation requirements by the increased use of alternative fuels in conjunction with existing levels of natural gas service.

The application states that the cost of constructing the proposed facilities will be borne entirely by Sierra and is anticipated to be approximately \$13,100.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 25, 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 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 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. 74-13391 Filed 6-11-74; 8:45 am]

[Docket No. RI74-242]

SUN OIL CO.

Notice of Petition for Special Relief

JUNE 6, 1974.

Take notice that on May 28, 1974, Sun Oil Co. (Petitioner), Southland Center, Post Office Box 2880, Dallas, Texas 75221, filed a petition for special relief in Docket No. RI74-242, seeking a rate above the applicable area ceiling under Opinion No. 586. Petitioner seeks a price of 30 cents per Mcf for the sale of gas to Northern Natural Gas Co. under its FPC Gas Rate Schedule No. 461 from the Griffith "A" Well No. 1 located in section 22-6N-12E, Texas County, Oklahoma. The petition is based on the installation of water pumping equipment on the subject well. Petitioner states that the current contract rate of 14.15 cents per Mcf would not recover the cost of installing the necessary pumping equipment. Sun and Northern Natural entered into an amendment to the Gas Purchase Contract, dated April 24, 1974, to provide for

30 cents per Mcf for gas produced from the Griffith "A" Well No. 1 commencing the first of the month following the month in which pumping equipment is installed and operating on said well.

Any person desiring to be heard or to make any protest with reference to said petition should on or before June 25, 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. 74-13406 Filed 6-11-74; 8:45 am]

[Docket No. RP74-41]

TEXAS EASTERN TRANSMISSION CORP.

Notice of Proposed Changes in FPC Gas Tariff

JUNE 5, 1974.

Take notice that Texas Eastern Transmission Corp. on May 24, 1974, tendered for filing proposed changes in its FPC Gas Tariff, Fourth Revised Volume No. 1, the following sheets:

First Revised Sheet No. 14
First Revised Sheet No. 14A
First Revised Sheet No. 14B
First Revised Sheet No. 14C
First Revised Sheet No. 14D

Texas Eastern states that these sheets are being issued pursuant to Texas Eastern's Purchased Gas Cost Adjustment Provision contained in section 23 of the general terms and conditions of its FPC Gas Tariff, Fourth Revised Volume No. 1, and that the change in Texas Eastern's rates proposed by this filing reflects a cost of gas adjustment and an adjustment to clear the balance of the Gas Cost Adjustment Account.

The proposed effective date of the above tariff sheets is July 1, 1974.

Copies of the filing were served upon the company's jurisdictional customers and interested State commissions.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before June 21, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing

are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13386 Filed 6-11-74;8:45 am]

[Docket No. CP74-297]

TEXAS GAS TRANSMISSION CORP.
Notice of Application

JUNE 5, 1974.

Take notice that on May 17, 1974, Texas Gas Transmission Corp. (Applicant), P.O. Box 1160, Owensboro, Kentucky 42301, filed in Docket No. CP74-297 an application pursuant to section 7(b) of the Natural Gas Act for permission and approval to abandon approximately 10.22 miles of its Scottsville 3-inch pipeline, together with certain measuring and regulating equipment associated therewith which were constructed in 1931, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant proposes to abandon in place a 10.22-mile portion of its Scottsville 3-inch pipeline located in Warren and Allen Counties, Kentucky, and to salvage, at a value of \$258, associated measuring and regulating equipment. The application states that the facilities to be abandoned have deteriorated to the point where they cannot be operated and meet the requirements of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. 1671, et seq.) and the regulations promulgated thereunder.

Applicant states that the subject facilities are currently used to supply 16 farm tap or rural customers of Western Kentucky Gas Co. (Western Kentucky) in Applicant's Zone 3. Applicant further states that Western Kentucky and all the farm tap customers have agreed to the proposed abandonment and that the latter have made arrangements for alternate fuels. Applicant states that there will be no change in the contract demand or the quantity entitlements of Western Kentucky in Zone 3.

Any person desiring to be heard or to make any protest with reference to said application should on or before June 25, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and

15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the the proposed abandonment are required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13401 Filed 6-11-74;8:45 am]

[Docket Nos. RP72-23, et al, and RP73-35]

TRUCKLINE GAS CO.

Notice of Extension of Time and Postponement of Prehearing Conference and Hearing

JUNE 5, 1974.

On May 28, 1974, Commission Staff Counsel filed a motion for postponement of the procedural dates fixed by order issued January 31, 1974, and April 5, 1974, and by the notice issued May 10, 1974, in the above-designated matter. Counsel states that the parties have no objection to the motion.

Upon consideration, notice is hereby given that the procedural dates in the above-designated matter are modified as follows:

Service of Testimony by Staff, July 12, 1974.
Service of testimony by Intervenor, July 26, 1974.

Service of rebuttal testimony by Trunkline, August 16, 1974.
Prehearing Conference and Hearing, August 22, 1974 (10 a.m., E.d.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13399 Filed 6-11-74;8:45 am]

[Project No. 472]

UTAH POWER AND LIGHT CO.

Notice of Issuance of Annual License

JUNE 5, 1974.

On June 5, 1969, Utah Power and Light Co., Licensee for Oneida Project No. 472, located in Franklin County, Idaho, on the Bear River, filed an application for a new license under Section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made supplemental filings pursuant to Commission Order No. 384 on February 27, 1970, and October 7, 1970.

The license for Project No. 472 was issued effective June 1, 1927, for a period ending June 30, 1970. Since the original date of expiration, the project has been

under annual license. In order to authorize the continued operation of the project pursuant to Section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Utah Power and Light Co. for continued operation and maintenance of Project No. 472.

Take notice that an annual license is issued to Utah Power and Light Co. (Licensee) under section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Oneida Project No. 472, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13414 Filed 6-11-74;8:45 am]

[Project No. 597]

UTAH POWER AND LIGHT CO.

Notice of Issuance of Annual License

JUNE 5, 1974.

On June 26, 1969, Utah Power and Light Co., Licensee for Stairs Project No. 597, located in Salt Lake County, Utah, on the Big Cottonwood Creek, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6). Licensee also made a supplemental filing pursuant to Commission Order No. 384 on December 15, 1969.

The License for Project No. 597 was issued effective June 1, 1927 for a period ending June 30, 1970. Since the original date of expiration, the project has been under annual license. In order to authorize the continued operation of the project pursuant to section 15 of the Act pending completion of licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Utah Power and Light Co. for continued operation and maintenance of Project No. 597.

Take notice that an annual license is issued to Utah Power and Light Co. (Licensee) under section 15 of the Federal Power Act for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of the Stairs Project No. 597, subject to the terms and conditions of its license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13387 Filed 6-11-74;8:45 am]

[Project No. 1979]

WISCONSIN PUBLIC SERVICE CORP.

Notice of Issuance of Annual License

JUNE 5, 1974.

On March 29, 1971, Wisconsin Public Service Corp., Licensee for Alexander

Project No. 1979, located in Lincoln County, Wisconsin, on the Wisconsin River, filed an application for a new license under section 15 of the Federal Power Act and Commission regulations thereunder (§§ 16.1-16.6).

The License for Project No. 1979 was issued January 4, 1949 for a period ending June 30, 1974. In order to authorize the continued operation of the project, pursuant to section 15 of the Act pending completion of Licensee's application and Commission action thereon, it is appropriate and in the public interest to issue an annual license to Wisconsin Public Service Corporation for the continued operation and maintenance of Alexander Project No. 1979.

Take notice that an annual license is issued to Wisconsin Public Service Corp. (Licensee) for the period July 1, 1974, to June 30, 1975, or until Federal takeover, or the issuance of a new license for the project, whichever comes first, for the continued operation and maintenance of Project No. 1979, subject to the terms and conditions of its present license.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-13402 Filed 6-11-74; 8:45 am]

FEDERAL RESERVE SYSTEM

FIRST ALABAMA BANCSHARES, INC.

Order Approving Acquisition of Bank

First Alabama Bancshares, Inc., Birmingham, Alabama, a bank holding company within the meaning of the Bank Holding Company Act, has applied for the Board's approval under section 3(a)(3) of the Act (12 U.S.C. 1842(a)(3)) to acquire 80 percent or more of the voting shares of the successor by merger to the First City National Bank of Gadsden, Gadsden, Alabama ("Bank"). The bank into which Bank is to be merged has no significance except as a means to facilitate the acquisition of the voting shares of Bank. Accordingly, the proposed acquisition of shares of the successor organization is treated herein as the proposed acquisition of the shares of 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 none has been timely received. The Board has considered the application in light of the factors set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Applicant, the second largest banking organization in Alabama, controls 10 banks with aggregate deposits of approximately \$859 million, representing about 12 percent of the total deposits in commercial banks in the State.¹ Acquisition of Bank would increase Applicant's

share of State deposits only slightly and would not alter Applicant's ranking among other State banking organizations. The four largest bank holding companies now control 14 of Alabama's largest 20 banks and, in the past three years, have increased their share of state deposits from 30 percent to 50 percent. Thus, any further increase in concentration is viewed with some degree of concern by the Board. However, in considering the circumstances of this case, including the competitive environment in the relevant market, the Board concludes that the increase in Statewide concentration resulting from this proposal would not have such adverse competitive effects as to require denial of the application.

Bank is the second largest of nine commercial banks in the relevant banking market,² and holds deposits of approximately \$33 million, representing slightly more than 18 percent of total market deposits in commercial banks. The largest and third largest banks in the market hold deposits of about 23 percent and 15 percent, respectively. Applicant's banking subsidiary closest to Bank is located 40 miles away in Gunterville. No meaningful competition presently exists between any of Applicant's banking subsidiaries and Bank; nor does it appear likely that any significant future competition would develop between Applicant's banking subsidiaries and Bank because of the distances involved and Alabama's restrictive branching laws. Although the market's population and deposits per banking office are above the State average, it appears unlikely that Applicant would enter the market de novo in view of the fact that from 1960 to 1970 the population of the market declined. Moreover, after acquisition of Bank, seven independent banks, including the largest bank in the market, would remain available for acquisition by other banking organizations seeking to enter the market. Therefore, the Board concludes that consummation of the proposal would not have a significantly adverse effect on existing or potential competition in any relevant area, and that competitive considerations are consistent with approval of the application.

The financial and managerial resources of Applicant and its subsidiaries are generally satisfactory and the future prospects for each appear favorable. In view of Applicant's commitment to inject \$500,000 of equity capital into Bank within six months of its acquisition, Bank's financial and managerial resources are also regarded as satisfactory and its future prospects appear favorable. Thus, the banking factors are consistent with approval of the application. Although there is no evidence in the record to indicate that the major banking needs of the area are not currently being met, Applicant proposes to provide Bank with the services of its real estate

financing subsidiary, increase the volume of agricultural lending and introduce lease financing. These considerations relating to the convenience and needs of the communities to be served lend weight toward approval of the application. It is the Board's judgment that the proposed acquisition would be in the public interest and that the application should be approved.

On the basis of the record, the application is approved for the reasons summarized above. The transaction shall not be made (a) before the thirtieth calendar day following the effective date of this Order or (b) later than three months after the effective date of this Order, unless such period is extended for good cause by the Board, or by the Federal Reserve Bank of Atlanta pursuant to delegated authority.

By order of the Board of Governors,
effective June 4, 1974.

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

[FR Doc.74-13435 Filed 6-11-74; 8:45 am]

RUSH COUNTY INSURANCE AGENCY, INC.

Order Approving Formation of Bank Holding Company and Engaging in Insurance Agency Activities

Rush County Insurance Agency, Inc., La Crosse, Kansas, has applied for the Board's approval under section 3(a)(1) of the Bank Holding Company Act (12 U.S.C. 1842(a)(1)) to become a bank holding company through acquisition of 80 percent or more of the voting shares of The Home State Bank, La Crosse, Kansas ("Bank"). The factors that are considered in acting on the application are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

At the same time, Applicant has applied, pursuant to section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.4(b)(2) of the Board's Regulation Y, for permission to acquire the insurance agency business conducted by Full Service Insurance Incorporated, La Crosse, Kansas ("Full Service"). Applicant will engage in the general insurance agency business, selling fire, casualty, automobile, and credit life insurance in a community of less than 5,000 people. Such activities have been determined by the Board to be closely related to banking (12 CFR 225.4(a)(9)).

Notice of the applications, affording an opportunity for interested persons to submit comments and views, has been given in accordance with sections 3 and 4 of the Act (39 FR 12388). The time for filing comments and views has expired, and the Board has considered the applications and all comments received in light of the factors set forth in sections 3(c) and 4(c)(8) of the Act.

¹ Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, Bucher, Holland and Wallach.

¹ All banking data are as of June 30, 1973, and reflect bank holding company formations and acquisitions approved through March 31, 1974.

² The relevant banking market is approximated by Etowah County.

Applicant is a recently organized corporation formed for the purpose of becoming a holding company through the purchase of Bank's stock and of acquiring the insurance agency business of Full Service Bank, with deposits of \$4.4 million,¹ controls about 14 percent of total deposits in commercial banks in the relevant banking market² and is the third largest of nine commercial banks operating therein. Since the proposal represents a restructuring of Bank's ownership, and Applicant has no banking subsidiaries, the acquisition of Bank by Applicant would have no adverse effects on existing or potential competition. Therefore, the Board concludes that competitive considerations are consistent with approval of the application.

The financial and managerial resources and future prospects of Applicant are satisfactory and consistent with approval of the applications. Applicant plans to improve Bank's capital position by retaining a large portion of Bank's earnings for the next several years. The proposed improvement in Bank's capital condition supports approval of the application. There is no evidence that the banking or insurance needs of the community are not being adequately met at present. However, the proposed reorganization and planned improvement of Bank's capital position should enhance Bank's financial condition and improve its ability to serve the community. Considerations relating to the convenience and needs of the community to be served are consistent with approval of the application. It is the Board's judgment that consummation of the transaction would be in the public interest and that the application to acquire Bank should be approved.

Applicant proposes to acquire the general insurance agency business of Full Service and operate it as a division of Applicant. Since Applicant is not presently engaged in the business of selling insurance, it does not appear that such acquisition will have any significant impact on existing or future competition. There is no evidence in the record indicating that consummation of the proposed acquisition would result in any undue concentration of resources, unfair competition, conflicts of interests, unsound banking practices, or other adverse effects on the public interest.

Based on the foregoing and other considerations reflected in the record, the Board has determined that the considerations affecting the competitive factors under section 3(c) of the Act and the balance of the public interest factors the Board must consider under section 4(c) (8) both favor approval of Applicant's proposals.

Accordingly, the applications are hereby approved for the reasons summarized

above. The determination as to Applicant's insurance activities is subject to the conditions set forth in § 225.4(c) of Regulation Y and to the Board's authority to require reports by, and make examinations of, holding companies or any of their subsidiaries as the Board finds necessary to assure compliance with the provisions and purposes of the Act and the Board's regulations and orders issued thereunder or to prevent evasion thereof.

The acquisition of Bank shall not be made before the thirtieth calendar day following the effective date of this Order; and neither the acquisition of Bank nor the acquisition of the insurance agency business of Full Service Insurance Incorporated shall be made later than three months after the effective date of this Order unless such period is extended for good cause by the Board or by the Federal Reserve Bank of Kansas City pursuant to delegated authority.

By order of the Board of Governors,³ effective June 3, 1974.

[SEAL]

CHESTER B. FELDBERG,
Secretary of the Board.

[FR Doc. 74-13434 Filed 6-11-74; 8:45 am]

GENERAL SERVICES ADMINISTRATION

[FPMR, Temp. Reg. D-48]

SECRETARY OF HEALTH, EDUCATION, AND WELFARE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Health, Education, and Welfare to assist in controlling violations of law at the Saint Elizabeths Hospital, a Department of Health, Education, and Welfare facility, located in Washington, D.C.

2. *Effective date.* This regulation is effective immediately.

3. *Delegation.*—a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, and by the Act of June 1, 1948 (62 Stat. 281), as amended, authority is hereby delegated to the Secretary of Health, Education, and Welfare, to appoint uniformed guards of the Department of Health, Education, and Welfare as special policemen for the protection of the buildings and other areas of the Saint Elizabeths Hospital in the District of Columbia and under the charge and control of the Department of Health, Education, and Welfare and over which the Federal Government has acquired exclusive or concurrent jurisdiction under 24 U.S.C. 161 and authority to make all needful rules and regulations for the government of the said Federal property under his charge and control and to annex to such rules and regulation such reasonable

penalties, within the limits prescribed in 40 USC 318c, as will insure their enforcement.

b. The Secretary of Health, Education, and Welfare may redelegate this authority to any officer or employee of the Department of Health, Education, and Welfare.

c. This authority shall be exercised in accordance with the limitations and requirements of the above cited acts, and of the policies, procedures, and controls prescribed by the General Services Administration.

ARTHUR F. SAMPSON,
Administrator of General Services.

JUNE 4, 1974.

[FR Doc. 74-13424 Filed 6-11-74; 8:45 am]

INTERIM COMPLIANCE PANEL (COAL MINE HEALTH AND SAFETY)

TWIN PINES COAL CO., ET AL.

Applications for Renewal Permits, Electric Face Equipment Standard; Opportunity for Public Hearing

Applications for Renewal Permits for Noncompliance with the Electric Face Equipment Standard prescribed by the Federal Coal Mine Health and Safety Act of 1969 have been received for items of equipment in underground coal mines as follows:

(1) ICP Docket No. 4150-000, Twin Pines Coal Company, Twin Pines Mine, Mine ID No. 05 00252 0, Canon City, Colorado, ICP Permit No. 4150-001 (Joy 8BU Loader, Ser. No. 11 AE 2879), ICP Permit No. 4150-003 (Sullivan CE7 Cutting Machine, Ser. No. 6724), ICP Permit No. 4150-004 (Joy T11H Cutting Machine Truck, Ser. No. MT 381).

(2) ICP Docket No. 4307-000, Darby B Coal Company, Inc., Mine No. 6, Mine ID No. 15 02794 0, Linefork, Kentucky, ICP Permit No. 4307-001 (S & S 90 Battery Tractor Motor, I.D. No. 4), ICP Permit No. 4307-002 (Kersey 445 Battery Tractor Motor, I.D. No. 05), ICP Permit No. 4307-003 (Owens Wagon Coal Drill, I.D. No. 01), ICP Permit No. 4307-004 (Owens Wagon Coal Drill, I.D. No. 02).

(3) ICP Docket No. 4328-000, Branch Mining and Land Company, Inc., Ace Mine, Mine ID No. 15 00950 0, Gordon, Kentucky, ICP Permit No. 4328-001 (Stacy Spinner Loader, Ser. No. 639-906), ICP Permit No. 4328-002 (Owens Wagon Coal Drill, I.D. No. 5), ICP Permit No. 4328-003 (S & S 80 Battery Tractor Motor, I.D. No. 07), ICP Permit No. 4328-004 (S & S 80 Battery Motor, I.D. No. 08), ICP Permit No. 4328-005 (S & S 90 Battery Tractor Motor, Ser. No. 10665-2684).

In accordance with the provisions of 30 CFR 504.7(b), notice is hereby given that requests for public hearing as to an application for a renewal permit may be filed on or before June 27, 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

¹ Banking data are as of June 30, 1973.

² The relevant banking market is approximated by Rush County and the western section of Barton County.

³ Voting for this action: Chairman Burns and Governors Mitchell, Brimmer, Sheehan, Bucher, Holland, and Wallich.

Compliance Panel, Room 800, 1730 K Street, NW., Washington, D.C. 20006.

C. DONALD NAGLE,
Vice Chairman,
Interim Compliance Panel.

JUNE 7, 1974.

[FR Doc.74-13420 Filed 6-11-74;8:45 am]

OFFICE OF MANAGEMENT AND BUDGET

COST OF HOSPITAL AND MEDICAL CARE AND TREATMENT FURNISHED BY THE UNITED STATES

Tort Liability Recovery Rates from Third Persons

By virtue of the authority vested in the President by Section 2(a) of the Act of September 25, 1962 (76 Stat. 593; 42 U.S.C. 2652), delegated to the Director of the Office of Management and Budget by Executive Order No. 11541 of July 1, 1970 (35 FR 10737), the following three sets of rates are established for use in connection with the recovery, as authorized by such Act, from tortiously liable third persons of the cost of hospital and medical care and treatment furnished by the United States (28 CFR Part 43) through three separate Federal agencies. These rates have been determined to represent the reasonable cost of hospital, nursing home, medical, surgical or dental care and treatment (including prostheses and medical appliances) furnished or to be furnished:

(a) For such care and treatment furnished by the United States in Federal hospitals and nursing homes, administered by any of the three Federal agencies—Department of Defense, Veterans Administration, or Department of Health, Education, and Welfare—with the exception of Canal Zone Government Hospitals—

Effective July 1, 1974, and thereafter

	DOD	VA	HEW
Hospital care per inpatient day:			
Federal general, surgical, and tuberculosis hospitals.....	\$139	\$88	\$98
Federal mental hospitals.....		50	
Veterans Administration nursing home units.....		36	
Outpatient medical and dental treatment:			
Per facility visit.....	16	30	20

(b) For such care and treatment furnished at Government expense in a facility not operated by the United States, the rates shall be the amounts expended by the United States for such care and treatment.

(c) For such care and treatment at Canal Zone Government hospitals, the rates shall be those established, and in effect at the time the care and treatment is furnished, by the Canal Zone Government for such care and treatment furnished to beneficiaries of other United States Government agencies.

For the period beginning July 1, 1974, the rates prescribed herein supersede those established by the Director of the

Office of Management and Budget on August 8, 1973 (38 FR 160).

Dated: May 22, 1974.

ROY L. ASH,
Director,
Office of Management and Budget.

[FR Doc.74-13425 Filed 6-11-74;8:45 am]

CLEARANCE OF REPORTS

List of Requests

The following is a list of requests for clearance of reports intended for use in collecting information from the public received by the Office of Management and Budget on June 7, 1974 (44 U.S.C. 3509). The purpose of publishing this list in the FEDERAL REGISTER is to inform the public.

The list includes the title of each request received; the name of the agency sponsoring the proposed collection of information; the agency form number, if applicable; the frequency with which the information is proposed to be collected; the name of the reviewer or reviewing division within OMB, and an indication of who will be the respondents to the proposed collection.

The symbol (x) identifies proposals which appear to raise no significant issues, and are to be approved after brief notice through this release.

Further information about the items on this Daily List may be obtained from the Clearance Office, Office of Management and Budget, Washington, D.C. 20503, (202-395-4529).

NEW FORMS

FEDERAL RESERVE BOARD

Report of Loans Sold to and Outstanding Commercial Paper Issued by Selected Institutions, Form FR 416c, Weekly, Hulett, Commercial bank.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service: Children Served by Public and Voluntary Child Welfare Agencies and Institutions, Form SRS NCSS 107, Annual, Evinger (x).

Interim State Agency Report on Staff Development Expenditures, Form SRS NCSS 114-T, Annual, Evinger (x).

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Development: Statement of Accountability—Water and Sewer Grant Program, Form HUD 41448, Quarterly, CVA/Lowry, Local public agencies.

DEPARTMENT OF LABOR

Bureau of Labor Statistics: Labor Requirements for College Housing Construction, Form BLS 2652.06A, Occasional, Sunderhauf, General contractors and colleges.

REVISIONS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control: Study of Smoking Intervention Techniques, Form CDC 1114, Occasional, Wann, Smokers.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Planning and Development: Application for Section 115 Rehabilitation Grant, Form HUD 6260, Occasional, CVA/Lowry, Low income individuals and households.

EXTENSIONS

DEPARTMENT OF DEFENSE

Department of the Army: Motor Carriers Facilities Questionnaire, Form MTMTS 45, Occasional, Evinger, Transportation industry.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Community Development: Combined Cost Control Statement of Accountability—Urban Beautification, Open Space and Historic Preservations Programs, Form HUD 6601, Quarterly, CVA/Lowry, Local public agencies.

VELMA N. BALDWIN,
Assistant to the Director
for Administration.

[FR Doc.74-13611 Filed 6-11-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[File No. 500-1]

CANADIAN JAVELIN, LTD.

Notice of Suspension of Trading

JUNE 6, 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 June 7, 1974 through June 16, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-13513 Filed 6-11-74;8:45 am]

[812-3638]

COLONIAL FUND, INC., ET AL.

Notice of Filing of Application for Order

In the matter of the Colonial Fund, Inc., 75 Federal Street, Boston, Massachusetts 02110; Colonial Growth Shares, Inc., 75 Federal Street, Boston, Massachusetts 02110; State Mutual Life Assurance Company of America, 440 Lincoln Street, Worcester, Massachusetts 01605; Terra Chemicals International, Inc., 507 Sixth Street, Sioux City, Iowa

51101; and Diamond Shamrock Corporation, 1100 Superior Avenue, Cleveland, Ohio 44114.

Notice is hereby given that State Mutual Life Assurance Company of America (the "Insurance Company"), and The Colonial Fund, Inc. ("Colonial") and Colonial Growth Shares, Inc. ("Colonial Growth") (collectively the "Funds"), open-end investment companies registered under the Investment Company Act of 1940 ("Act"), Terra Chemicals International, Inc. ("Terra"), and Diamond Shamrock Corporation ("Diamond"), (hereinafter collectively referred to as "Applicants"), have filed an application pursuant to section 17(d) of the Act and rule 17d-1 thereunder for an order of the Commission permitting Applicants to participate jointly in a public offering of certain shares of common stock of Terra. All interested persons are referred to the application on file with the Commission for a statement of the representations contained therein, which are summarized below.

Terra is engaged in the manufacture and sale of chemicals and fertilizers. It has filed with the Commission a registration statement under the Securities Act of 1933 covering its proposed sale to underwriters of 300,000 shares of its common stock together with 1,500,000 shares to be sold by various selling shareholders. The following table shows the shareholdings in Terra and the number of shares each selling shareholder who is an Applicant proposes to sell in the public offering:

Name	Number of shares owned and percent of total	Number of shares to be sold
Diamond Shamrock Corp.	1,280,000 (25.6)	215,371
The Colonial Fund, Inc.	256,000 (5.1)	232,960
Colonial Growth Shares, Inc.	64,000 (1.3)	58,240
State Mutual Life Assurance Co. of America	160,000 (3.2)	145,600

The Insurance Company, through a wholly-owned subsidiary, owns 89.8% of the outstanding stock of the investment adviser of the Funds and is, therefore, an affiliate of both Funds under the definition of "affiliated person" in section 2(a)(3) of the Act. In addition, in view of Colonial's stock ownership in Terra, Colonial and Terra are affiliated persons; Diamond and Terra are also affiliated; thus, Diamond is an affiliated person of an affiliated person of Colonial.

Rule 17d-1, adopted under section 17(d) of the Act, provides, in pertinent part, that no affiliated person of any registered investment company or any affiliated person of such a person, acting as principal, shall participate in, or effect any transaction in connection with, any joint enterprise or other joint arrangement in which such registered company is a participant unless an application regarding such joint enterprise or arrangement has been filed with the Commission and has been granted by order, and that in passing upon such application the

Commission will consider whether the participation of the registered company in the joint enterprise or arrangement on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which such participation is on a basis different from or less advantageous than that of other participants.

The public offering price of the Terra shares will be determined by negotiation among Terra, the selling stockholders and the underwriters. Terra has informed the Applicants that an over-allotment option has been granted to the underwriters. Since the Insurance Company and the Funds are selling the maximum number of shares Terra has permitted, the over-allotment option may allow them to sell additional shares. In the event the Funds and the Insurance Company are able to sell additional shares in this manner, they will be sold *pro rata*, based on the number of shares each sold initially in the offering. The Funds will bear only their *pro rata* share of the selling expenses, based upon the number of shares to be sold by them.

Applicants assert that the participation of Colonial and Colonial Growth in the proposed transaction is (1) consistent with the provisions, policies and purposes of the Act and (2) is not on a basis less advantageous than or different from that of other participants.

Notice is further given that any interested person may, not later than June 27, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter, accompanied by a statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicants at the addresses stated above. Proof of such service (by affidavit or in case of an attorney-at-law by certificate) shall be filed contemporaneously with the request. As provided by rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the matter will be issued as of course following said date unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing, or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-13509 Filed 6-11-74;8:45 am]

[811-1686]

OIF FUND

Notice of Filing of Application

Notice is hereby given that OIF Fund (the "Applicant"), 3, rue Maurice, 1204 Geneva, Switzerland, registered as a diversified, open-end management investment company under the Investment Company Act of 1940 (the "Act"), has filed an application pursuant to section 8(f) of the Act for an order of the Commission declaring that Applicant has ceased to be an investment company as defined in the Act. All interested persons are referred to the application on file with the Commission for a statement of the representations set forth therein, which are summarized below.

Applicant's shares were offered only to individual investors who were not citizens or resident aliens of the United States and to domestic and foreign institutional investors who were not subject to United States Federal income taxation. No public offering of Applicant's securities is presently being made nor is any such offering presently proposed. There have been no sales of Applicant's shares since May 1971.

As of February 21, 1974, there were approximately 5500 shares of Applicant's common stock outstanding which stock was held by 43 persons, and Applicant's sole remaining asset was cash in the amount of approximately \$21,200. There are no plans to liquidate Applicant at the present time.

Applicant has consented to inform each of its shareholders, by means of a letter mailed immediately subsequent to the issuance of this notice, of its application for an order granting deregistration of Applicant under the Act and of the legal consequences of such deregistration. A copy of the notice of the application will be enclosed with each such letter.

Section 3(c)(1) of the Act excepts from the definition of "investment company" any issuer whose outstanding securities are beneficially owned by not more than 100 persons and which is not making and does not propose to make a public offering of its securities.

Section 8(f) of the Act provides, in pertinent part, that when the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order, and upon the effectiveness of such order the registration of such company shall cease to be in effect.

Notice is further given, that any interested person may, not later than July 8, 1974, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by a statement as to the nature of his interest, the reason for such request, and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission shall order a hearing thereon. Any such communication should be addressed: Secretary,

Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by rule O-5 of the rules and regulations promulgated under the Act, an order disposing of the application will be issued as of course following July 8, 1974, unless the Commission thereafter orders a hearing upon request or upon the Commission's own motion. Persons who request a hearing or advice as to whether a hearing is ordered, will receive notice of further developments in this matter, including the date of the hearing (if ordered) and any postponements thereof.

For the Commission, by the Division of Investment Management Regulation, pursuant to delegated authority.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-13510 Filed 6-11-74;8:45 am]

[File No. 500-1]

ROYAL PROPERTIES INC.

Notice of Suspension of Trading

JUNE 6, 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 June 7, 1974 through June 16, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-13512 Filed 6-11-74;8:45 am]

[File No. 500-1]

WINNER INDUSTRIES, INC.

Notice of Suspension of Trading

JUNE 6, 1974.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Winner Industries, Inc. 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 June 7, 1974 through June 16, 1974.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.74-13511 Filed 6-11-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Loan Area 1067]

TENNESSEE

Declaration of Disaster Loan Area

Whereas, it has been reported that during the month of May, because of the effects of a certain disaster, damage resulted to property located in the State of Tennessee;

Whereas, the Small Business Administration has investigated and received reports of other investigations of conditions in the area affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act, as amended:

Now, Therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b)(1) of the Small Business Act, as amended, may be received and considered by the office below indicated from persons or firms whose property situated in Lauderdale County, and adjacent affected areas, suffered damage or destruction resulting from flooding which occurred on May 9 and 10, 1974:

OFFICE

Small Business Administration, District Office, 500 Union Street, Nashville, Tenn. 37219.

2. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to August 5, 1974.

Dated: June 3, 1974.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-13432 Filed 6-11-74;8:45 am]

TARIFF COMMISSION

[332-70]

CERTAIN CHAPTERS OF DRAFT CONVERSION OF THE TARIFF SCHEDULES OF THE UNITED STATES INTO THE FORMAT OF THE BRUSSELS TARIFF NOMENCLATURE

Public Notice of Hearings

The U.S. Tariff Commission hereby gives notice that preliminary drafts of the following chapters of the Tariff

Schedules of the United States (TSUS) converted to the format of the Brussels Tariff Nomenclature (BTN):

Chapter 16: Preparations of meat, of fish, of crustaceans or molluscs.

Chapter 21: Miscellaneous edible preparations.

Chapter 26: Metallic ores, slag and ash.

Chapter 65: Headgear and parts thereof.

Chapter 66: Umbrellas, sunshades, walking-sticks, whips, riding crops and parts thereof.

Chapter 74: Copper and articles thereof.

Chapter 75: Nickel and articles thereof.

Chapter 77: Magnesium and beryllium and articles thereof.

Chapter 78: Lead and articles thereof.

Chapter 79: Zinc and articles thereof.

Chapter 80: Tin and articles thereof.

are being released today and that public hearings thereon will begin at 10:00 a.m., e.d.t., on July 8, 1974, in Court Room Number 2, Fourth Floor, Room 461, U.S. Customs Courthouse, 1 Federal Plaza, New York, New York 10007. The purpose of this hearing is to obtain the comments and views of interested parties on the preliminary draft conversion.

Requests to appear at the hearings on these chapters must be filed in writing with the Secretary of the Commission not later than July 1, 1974. Parties who have properly entered an appearance by this date will be individually notified of the date on which they are scheduled to appear. Such notice will be sent as soon as possible after July 1, 1974. Any person who fails to receive such notification by July 3, 1974, should immediately communicate with the Office of the Secretary of the Commission.

In its public notice issued March 8, 1974, regarding hearings on other chapters of the draft converted schedules (39 FR 9719 of March 13, 1974) interested parties were notified regarding the rules governing the conduct of the hearings, and the submission of written statements. The Commission's notice of March 8, 1974, applies to the hearings on the chapters being released today to the extent that it is applicable.

As each of the chapters is completed and released, copies thereof are made available for public inspection at the Offices of the Commission in Washington, D.C., and New York, New York; at all field offices of the Department of Commerce; and at the offices of Regional and District Directors of Customs. The locations of these offices are listed in the notice of March 8, 1974.

By order of the Commission:

Issued: June 7, 1974.

[SEAL] KENNETH R. MASON,
Secretary.

[FR Doc.74-13485 Filed 6-11-74;8:45 am]

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federal register

WEDNESDAY, JUNE 12, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 114

PART II



DEPARTMENT OF TRANSPORTATION

**Federal Highway
Administration**



INTERSTATE HIGHWAY SYSTEM

Title 23—Highways

CHAPTER I—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

PART 476—INTERSTATE HIGHWAY SYSTEM

In the March 11, 1974, edition of the *FEDERAL REGISTER* (39 FR 9522), the Federal Highway Administration and the Urban Mass Transportation Administration published a notice of proposed rulemaking to add a new Part 476 to 23 CFR Ch. I. The regulations in Part 476 would implement certain provisions of title 23, United States Code, which were added or amended by the Federal-Aid Highway Act of 1973 (87 Stat. 250). These provisions concern modification and revision of the Interstate System of Highways, including removal, withdrawal, substitution and addition of Interstate segments, and substitution of nonhighway public mass transit projects in lieu of Interstate segments.

The public was invited to participate in this rulemaking through submission of written comments. Over one hundred comments were received from interested groups and individuals. Commentators included the Committee on Public Works of the House of Representatives, the U.S. Environmental Protection Agency, the National League of Cities and U.S. Conference of Mayors, the National Association of Counties, the Institute for Rapid Transit, the American Transit Association, the Highway Users Federation, the National Resources Defense Council, and several private citizens, as well as a number of State highway and transportation departments, mass transit authorities, regional planning agencies, and officials of individual cities and counties across the nation.

In the preparation of the final regulations, set forth below, FHWA and UMTA have given due consideration to all comments received in response to the notice of proposed rulemaking, insofar as they relate to matters within the scope of the notice. Except for editorial changes, and except as specifically discussed herein, after these regulations and the reasons therefor are the same as contained in the notice. Review of the comments indicated the necessity for making a number of changes in the regulations of Part 476 as proposed. Most of these changes are clarifications rather than substantive alterations. However, in view of the interest evinced in these regulations, each section of these final regulations which has been revised or which was the subject of major commentary is discussed in detail below.

SUBPART A

Subpart A contains the definitions of essential terms used in Part 476, and also provides that terms not otherwise defined are used as defined in 23 U.S.C. 101(a). Terms used in these regulations with the special meaning contained in 23 U.S.C. 101(a) include "urbanized area", "construction", and "State high-

way department". One comment suggested that "or State Department of Transportation" be added after "State highway department" throughout the regulations, inasmuch as some States do not have highway departments. This change is not necessary, since "State highway department" is defined in 23 U.S.C. 101(a) as " * * * that department, commission, board, or official of any State charged by its laws with the responsibility for highway construction."

The proposed rules defined "responsible local officials" as the principal elected officials of general purpose local governments, acting through the area-wide transportation planning agency designated by the Governor. The proposed definition proved quite controversial; more comments were addressed to this definition than to any other portion of the proposed regulations. The definition is an important one, since "responsible local officials" have a major role under the provisions of Subparts C and D of Part 476 dealing with withdrawal of Interstate segments and substitution of other segments or of mass transit projects. One comment pointed out that the definition as proposed would not include the Mayor of the District of Columbia. We have adopted this comment and amended the definition accordingly.

Most of the comments addressed to this proposed definition objected to or expressed confusion as to the meaning of the phrase, "acting through the area-wide transportation planning agency designated by the Governor". On the other hand, a number of comments supported the concept embodied in that phrase. Many of those objecting felt that the proposed definition made the designated planning agency itself the entity which is to initiate mass transit substitution actions and to take the other actions required of responsible local officials. This was not the intent or meaning of the definition. The definition means, simply that actions or decisions of local officials must be presented to and endorsed by the designated agency before they can be the basis for subsequent actions under these regulations. For example, when considering the substitution of mass transit projects for withdrawn Interstate segments under Subpart D of these regulations, the stipulation that local officials act through the designated area-wide transportation planning agency means that, while individual officials may initiate or approve transportation investment proposals, the proposals must be presented to and endorsed by the designated planning agency. Each planning agency has a process by which transportation investment proposals are assigned a priority or placed on a program of projects to be undertaken in the area. Proposals initiated or approved by local officials are to be presented to and endorsed by the planning agency in conformance with that process. Such a review and endorsement process assures that decisions having a regional impact will be made with benefit of a regional

perspective. Accordingly, we have not altered this portion of the definition.

The other definitions in § 476.2 did not prove particularly controversial. Several comments did request that busways be included as a "non-highway public mass transit project" which could be substituted for a withdrawn Interstate segment. We have reconsidered this question, and again come to the conclusion that busways should not be included in this definition. A busway may well be a viable alternative to a currently planned, multi-lane Interstate facility, and certainly can be an important component of the overall public mass transportation system in the local area. Under the provisions of 23 U.S.C. 142, exclusive and preferential busways may be built on any Federal-aid highway system, including the Interstate System. A presently planned Interstate segment can be redesignated as a busway if the appropriate State and local officials determine that such a facility would best serve their needs. Inasmuch as busways can be constructed with Federal-aid highway funds, it is not necessary to include busways as nonhighway public mass transit projects, which are eligible for general funds.

Another comment on "non-highway public mass transportation project" asked if carpooling support facilities would be eligible. As with busways, while carpooling is recognized as an important mode of travel, we do not feel it can properly be termed a non-highway project. Finally, one comment asked that the eligibility of people movers and personal rapid transit facilities should be expressly stated in the definition. While we feel that these facilities are within the range of eligible projects under the definition, any attempt to list all eligible projects would no doubt result in the inadvertent omission of some projects which would be eligible.

We have, however, after due consideration determined that the law requires that mass transit support facilities and equipment are eligible for funding under the provisions of these regulations only if such support facilities are part of a program for the development of an urban mass transit system which includes either the construction of fixed rail facilities or the purchase of passenger equipment. The definition is accordingly altered as follows:

"Nonhighway public mass transit project" means any undertaking to develop or improve public mass transit facilities or equipment. A project must be included in and related to a program for the development or improvement of an urban public mass transit system which includes either the construction of fixed rail facilities, or the purchase of passenger equipment, or both. Passenger equipment includes buses, fixed rail rolling stock, and other transportation equipment.

This definition in practice would require, for example, that a project for the purchase of bus shelters or the construction of a bus garage would be eligible for funding under these provisions only if it were included in a planned transit development program contemplating the purchase of buses, or other passenger

rolling stock or the construction of fixed rail facilities. It would not be necessary, however, that all projects included in any such program be funded under the provisions of these regulations.

The definition of "initial basic construction" has been altered and clarified in response to a comment requesting that modification projects on existing Interstate segments be included. The term is used in establishing the Interstate segments for which the States must submit the information required by Subpart B of these regulations. We have adopted the comment and altered the definition accordingly.

The definition of "Interstate segment" has not been changed, despite a comment that requested the definition include the term "portion" so that a locality could request withdrawal of lanes but not mileage from an Interstate highway and use the resulting cost savings for mass transit purposes. Interstate mileage must be given up in order to obtain substitute funding for mass transit projects, since the statute speaks of the mileage withdrawn under the substitute provision as being available for designation elsewhere. Further, we do not believe that it was Congress' intent that the simple redesign of an Interstate facility should result in the availability of substitute funds for transit. The substitute funds are available when the determination is made that transit facilities rather than Interstate highway facilities best serve local needs and requirements.

SUBPART B

Subpart B contains the regulations implementing 23 U.S.C. 103(g), which authorizes the Secretary to remove from the Interstate System designated Interstate segments for which the States fail to take certain actions by specific dates.

Several commentators, including the House Public Works Committee, expressed reservations about § 476.102, which provides that information submitted in accordance with Subpart B does not preclude subsequent actions under the Cramer-Howard and transit substitution provisions implemented by Subparts C and D. The commentators felt that § 476.102 might encourage indecision and delay with respect to plans for Interstate segments and did not express Congress' sense of urgency that the problems of controversial Interstate segments be resolved. Alternatively, it was suggested that a date certain be established by which time substitution proposals would have to be made.

We have reconsidered § 476.102, and determined not to amend the section. While we are aware of, and share, Congress' concern that plans for controversial segments be finalized as quickly as possible, we do not feel it would be proper to force hasty and irrevocable decisions with respect to these segments. Further, we believe that 23 U.S.C. 103(g) must be read in pari materia with 23 U.S.C. 103 (e) (2) and (e) (4), so that the options made available by the latter provisions are not foreclosed by an unnecessarily strict interpretation of the

former. We have amended a later section, § 476.106, to incorporate language expressing the sense of urgency that the problems of controversial segments be faced and resolved. Finally, we do not think it practicable to establish time limitations within which the substitution options must be exercised, other than those already contained in the law. With respect to transit substitutions, the law requires that substitute funds be obligated by June 30, 1981. The Cramer-Howard provision contains no such deadline, and should remain available as an option until the Interstate System is completed, to allow alterations to be made should circumstances require.

Section 476.106 discusses the information that must be supplied to the Federal Highway Administration by June 17, 1974, with respect to Interstate segments to which the Subpart is applicable. Under the proposed regulations, the reporting date was June 1, 1974. However, due to delay in publication of these final regulations, we have changed the date to June 17, 1974. Several commentators, including the House Public Works Committee, objected to this section on the basis that it does not properly reflect the intent of Congress, either because it does not require notification of a State's intent to construct the segment, with all other segments being removed from the Interstate System, or because it does not provide for direct expression of intent to substitute mass transit projects.

As discussed above, we have amended § 476.106 to clarify that the necessary notifications are to be made in good faith, thereby requiring that they be the best result of due deliberation and considered judgment, not mere pro forma statements. However, after reconsideration, we have decided not to alter the content of the required notification. We share the congressional concern that plans for controversial segments be settled as quickly as possible and have adopted § 476.106 in order to meet that concern. We believe that our procedure for implementing 23 U.S.C. 103(g) will, by permitting the States to provide an assessment of an unsettled intent to construct, provide us with more accurate information. If a simple notification of intent to construct were required, the States would be inclined to omit discussion of substitution proposals and announce an intent to construct in order to preserve a segment on the system. Our regulations recognize, as does title 23, that a State's true intent may well be to construct a segment if a substitution or some alternate highway project proves impossible to implement. We have therefore chosen to emphasize the informational aspects of the 1974 reporting date rather than requiring unreliable notifications of intent to construct that would be submitted to preserve future options.

Several other comments on § 476.106 need mention. One comment asked that the regulations define who is to act as the "State" in making the required submissions. The statute uses the term "State", and we have not chosen to define this term further. We anticipate that in some cases the submission will be from

the Governor and in other cases from the State highway department, depending on local variations in authority and decision making apparatus. Another comment asked that the views of local officials be included in the submission, so that formal expressions of opposition to construction of a segment could be made part of the record. The Department of Transportation encourages local officials to express and submit their views on Interstate projects at any time. We feel that requiring these views as part of the notification of intent would result in delay and "red tape" if imposed at this time.

Section 476.108 requires that a schedule for construction, an assurance that the schedule will be met, and supporting material be submitted to FHWA by July 1, 1975, with respect to each Interstate segment to which these regulations are applicable. Several comments were addressed to the supporting material which the regulations require. One comment said that this material is not required by law and constitutes "red tape". We believe, however, that these supporting materials are essential for establishing a proper administrative record with respect to the affected segments, and are of such a nature as to be readily available. Therefore, we have not adopted this comment. Another comment said it was inconsistent to include a discussion of the status of the Environmental Impact Statement (EIS) as part of the supporting materials when a schedule for an assurance of construction could not properly be submitted prior to completion of the EIS. We have not adopted this comment, because we feel it is based on a misconstruction of the purpose and effect of the required 1975 submission. That submission is for programming purposes, and does not represent a decision to build the segment. The schedule will be based on the expectation that an EIS will be carefully reviewed by the responsible officials before decisions are made on design and location of any proposed major highway project. An EIS normally includes an analysis of alternatives to a proposed project, including the possibility of not constructing a project at all.

Section 476.110 details the action which FHWA will take if the States do not submit the required information with respect to affected Interstate segments. At the suggestion of the House Public Works Committee, we have added a new paragraph (d) which makes clear that the mileage from segments removed from the Interstate System because of a State's failure to submit the required information is available for designation on the Interstate System in accordance with the usual Interstate designation procedures. One comment on this section requested that FHWA take into account the possibly incomplete status of local transportation control strategies being developed to meet clean air standards before removing segments in 1975. In response to this comment, we reiterate that the information submitted by July 1, 1975, will not represent a decision to build the particular seg-

ment. Rather, it is programing information based on the expectation that all controversies and problems surrounding the segment will be resolved and the segment subsequently constructed. If air quality transportation control strategies have not been finalized by July 1, 1975, the States should submit the required information based on their good faith estimation of the eventual results of the strategies. A final decision on these issues will be made, after consultation with the Environmental Protection Agency, at the time of project approval. Finally, one commentator requested that, in the event a State failed to make the required submissions, responsible local officials be given a 30-day period to prepare and submit a mass transit substitute proposal. We do not believe the law contemplates such a procedure.

SUBPART C

Subpart C contains the regulations implementing 23 U.S.C. 103(e)(2), commonly known as the Cramer-Howard Amendment, which allows a State to request withdrawal of an Interstate segment and to use the mileage of that segment as well as a limited amount of additional mileage for substitute or additional segments. This Subpart produced fewer comments than the others, but a few changes have been made and several of the comments merit discussion.

Section 476.202 establishes which Interstate segments may be withdrawn and used as the basis of Cramer-Howard transfers. Two commentators, including the House Public Works Committee, expressed disagreement with our conclusion that Interstate segments selected and approved prior to August 13, 1973, were eligible segments. They believe that the eligibility date is January 2, 1968, when the Cramer-Howard Amendment was first enacted. This position is based on the fact that section 103(e)(2) of title 23, United States Code, was not re-enacted in whole in the Federal-Aid Highway Act of 1973; rather, section 137(a) of the 1973 Act made several specific amendments to 23 U.S.C. 103(e)(2). The language establishing eligible segments as those " * * * selected and approved in accordance with this title prior to the enactment of this paragraph * * *" was not amended by section 137(a) of the 1973 Act.

A legal opinion prepared by FHWA on the question of the eligibility date for Cramer-Howard transfers concluded that valid precepts of statutory construction could support either interpretation of the eligibility date, and that under such circumstances the agency should use its discretion to adopt that interpretation which better furthers the needs of the Interstate program and the general purposes of the statute. On the one hand, a traditional rule of statutory interpretation is that language which is left unchanged by amendatory legislation is not to be considered as having been altered. New language is to be read back into the Act, and the statute or provision then read as if originally enacted in the amended form. If this traditional

approach were followed, 1968 would be the operative date in 23 U.S.C. 103(e)(2). However, another basic principle of statutory interpretation is that an act is to be read as a whole, so as to carry out the legislative intent and further the purposes of the legislation. The legal opinion concluded that Congress, by increasing the Cramer-Howard additional mileage through section 137(a) of the 1973 Act, recognized that the need remains for the Interstate segment flexibility which was the original impetus for the Cramer-Howard provisions. Since this need may well exist with respect to segments selected and approved after January 1968, the opinion concluded that it would best further the legislative and statutory purposes to allow the FHWA to withdraw approval of those routes. We have reconsidered this opinion, and conclude that its reasoning is valid. Accordingly, we have not changed the Cramer-Howard eligibility date in these regulations.

We have, however, amended § 476.202 to further clarify which segments are eligible. One comment suggested that segments which were selected, approved, or withdrawn prior to August 1973, be eligible. We do not believe that Congress intended that segments which were withdrawn at an earlier date, for reasons unrelated to the Cramer-Howard provision, could now be used as a basis for a Cramer-Howard transfer. Accordingly, we have added a new paragraph (b) to § 476.202 which clarifies that a segment must have been a designated part of the Interstate System as of August 13, 1973, in order for it now to be used as the basis for a Cramer-Howard transfer. Similarly, we have added a new paragraph (c) to § 476.202 to clarify that segments are not eligible which were designated as a part of the Interstate System under 23 U.S.C. 139(a), which allows existing routes on the Federal-aid primary system without mileage charge to be designated as Interstate routes when the Secretary determines that designation appropriate.

Section 476.204 concerns the requirements for a withdrawal request submitted under 23 U.S.C. 103(e)(2). Several comments were addressed to the participants and their roles as established by the proposed regulations. Some comments suggested that approval of responsible local officials and local governments concerned be required for a withdrawal request, rather than the consultation with these parties which was required in the proposed regulations. Another comment objected to any role being provided for these parties. This matter was seriously considered during the formulation of the proposed regulations. There is no statutory requirement for local approval of withdrawal requests under 23 U.S.C. 103(e)(2); but we do believe that, given the interrelation of the various statutory provisions covered by these regulations, it is appropriate to require consultation at the local level to assure that local governments will be heard before a decision that vitally concerns them

is made. Accordingly, we have not amended this portion of § 476.204.

Another comment suggested that, where the Interstate segment being considered for withdrawal has a present or planned transit component, such as a rail line in the median, the concurrence of the affected transit agency should be required for a withdrawal request. There is no statutory authority for requiring concurrence under these circumstances. We do agree, however, that the affected transit agency or operator be consulted prior to submission of a withdrawal request for a segment which has a transit component and have amended § 476.204 accordingly.

Finally, we have made technical changes in § 476.204(b) concerning the supporting material required in a withdrawal request. A withdrawn segment cannot become a part of the Interstate System, and a statement to this effect must accompany the withdrawal request. The technical change made in § 476.204(b)(1)(i) clarifies one of the necessary bases for making this statement. The withdrawal request must discuss the reasons why the segment will not be completed as a part of the Interstate System or, although technically completed, cannot become a functional part of the Interstate System. This amendment makes clear that a segment which is partially constructed or even technically completed is eligible for withdrawal under 23 U.S.C. 103(e)(2) if it is not essential to a unified and connected Interstate System and if it is either not going to be completed as a part of the System, or although completed, cannot for other reasons become a functional part of the System.

Section 476.206(b) provides that a request for a substitute or additional Interstate segment under 23 U.S.C. 103(e)(2) can be combined with a request for substitute mass transit projects under 23 U.S.C. 103(e)(4). Section 476.312 also provides for such combination proposals. Several comments asked that the regulations cover the parameters and mechanics of these combination proposals or expressed confusion about them because mileage from segments withdrawn under section 103(e)(2) is available for use in substitute segments in the same State, while mileage from segments withdrawn under section 103(e)(4) is available for designation only in other States. We do not feel it necessary to specify in these regulations the programmatic details of combined proposals; these details will depend on the individual proposals. However, because of the different statutory requirements attaching to the mileage from segments withdrawn under the two provisions, it will be necessary for a combined proposal to identify which portion of the withdrawn segment is to be utilized for purposes of a Cramer-Howard substitute or additional segment, and which portion is to be utilized for purposes of substitute mass transit projects.

Section 476.212 provides that all the provisions of title 23, United States Code, apply to substitute and additional segments approved under 23 U.S.C. 103(e)

(2) except that the total Federal cost for those segments cannot exceed the total Federal share of the cost for the segments which are withdrawn, as the cost is included in the 1972 Interstate System Cost Estimate. Paragraphs (b) and (c) of § 476.212 cover what happens when the requested substitute or additional segment costs either less or more than the segment which has been withdrawn. Several comments reflected confusion about the cost limitation on Cramer-Howard transfer segments. We have made a technical change, removing the term "currently estimated" from paragraph (a) to avoid this confusion. There is an aggregate limitation on the costs of Cramer-Howard transfer segments, based on the 1972 Cost Estimate costs of all segments withdrawn under 23 U.S.C. 103(e)(2). Under the statute, these transfer segments are not entitled to the usual cost escalation procedures provided for regular Interstate segments through periodic revision of the cost estimates. By virtue of the Cramer-Howard Amendment, States can obtain additional mileage for Interstate segments, but the Federal participation in the costs of that mileage is limited to 1972 Cost Estimate levels. For purposes of establishing the limit for each substitute and additional segment, so as to allow sound programming of Cramer-Howard transfers, the State must submit current estimates for costs of requested Cramer-Howard transfer segments. Those figures will be used for defining the permissible Federal cost for each such segment.

SUBPART D

The regulations in Subpart D implement 23 U.S.C. 103(e)(4), which allows public mass transit projects to be substituted for Interstate segments under certain conditions. A number of comments received on the proposed regulations indicated the need to clarify a number of the sections of this Subpart with respect to two general areas of concern.

First, several comments expressed confusion about whether more than one mass transit project could be substituted for a withdrawn segment. One or more substitute transit projects may be proposed, the only limitation being one of cost. By virtue of 23 U.S.C. 103(e)(4), a certain amount of money becomes available for substitute transit projects upon and by virtue of withdrawal of an Interstate segment. This money may be used all in one project, in several projects, or in one or more phases of one or more projects. Accordingly, amendments have been made to §§ 476.206, 476.304, 476.306, 476.308, 476.312, 476.314, and § 476.316 to clarify this matter.

The second general area of concern reflected in the comments is the possibility of using funds obtained through the regular grant program of the Urban Mass Transportation Administration in combination with funds available for transit projects under 23 U.S.C. 103(e)(4) by virtue of a withdrawn Interstate segment. The law specifically contemplates such combinations, by providing

that the funds made available under 23 U.S.C. 103(e)(4) are supplementary to those funds available under the Urban Mass Transportation Act of 1964. The proposed regulations did not adequately convey that fact. Whenever the funds available by virtue of the withdrawn segment would not be sufficient to provide 80 percent of a substitute transit project, supplementary financial assistance can be applied for from the Urban Mass Transportation Administration. Any UMTA funds received are not subject to the cost limitation which affects the funds available under section 103(e)(4). However, it should be noted that there is and can be no guaranteed supplementary assistance from UMTA Act funds for these substitute transit projects. Amendments have been made to §§ 476.306, 476.312, 476.314, and § 476.316 of these regulations to clarify this matter.

Section 476.304 concerns the request to withdraw an Interstate segment under the provisions of 23 U.S.C. 103(e)(4). Several comments were addressed to the parties to this withdrawal request, which under the regulations is to be submitted jointly by the Governor and local governments concerned, with the concurrence of responsible local officials. Two comments suggested that transit operating officials should have a role in the withdrawal request; another comment suggested that concurrence of responsible local officials not be required. We do not believe it necessary or appropriate to specifically involve transit operating officials in the withdrawal request; we do, however, believe it essential for responsible local officials to be involved, since they will concurrently or subsequently be involved in substitute project determinations.

One comment proposed that § 476.304 be revised to detail the procedure by which the withdrawal request is coordinated between the Governor and the local governments concerned, and to require that disagreements about the essentiality of the segment be formally articulated. We have not adopted this comment. These decisions are to be made at the State and local level, and the specific arrangements and determinations must be cooperatively worked out at that level. The Federal Government will not be an arbiter in these matters of State and local decision making.

Section 476.306 concerns the approval of a request to withdraw a segment. Several questions were raised concerning the finding which must be made that the segment is not essential or would no longer be essential because of substitute mass transit projects. In order to clarify the elements of essentiality, we have added a reference to 23 U.S.C. 103(e)(1) which describes the nature and purpose of the Interstate System. In response to a comment from the House Public Works Committee questioning the validity of a determination that a segment would no longer be essential because of mass transit projects, we have rewritten § 476.306(a)(2) to clarify the circumstances under which this determination

could be made. Where the needs of through traffic service for interstate private and commercial vehicles are or will be served by other Interstate routes, and the segment is principally important for intraurban transportation service, a determination can be made that transit projects together with the local street and highway network could provide an adequate level of intraurban service, and thus withdrawal of the segment would be permissible. The distinction between different situations may be a fine one in practice, heavily dependent on varying local circumstances. However, we believe the distinction should be expressed and that it gives effect to the statutory language of 23 U.S.C. 103(e)(4).

Finally, one comment suggested that planning agencies and processes should be considered in approving withdrawal requests. We note that this concept is already contained in the regulations, through the requirement that responsible local officials must concur in the withdrawal request, which involves coordination through the areawide transportation planning agency.

Section 476.308 concerns the development of proposals for substitute mass transit projects and the materials which must be included in those proposals. Under the draft regulations, responsible local officials were first to determine that their needs require mass transit projects in lieu of the withdrawn Interstate segment and then were to prepare the proposal for substitute projects in consultation with local transit operating officials. The proposal was then to be forwarded to the Governor for submission to UMTA. As a part of our review of the definition of responsible local officials, and in response to several comments requesting that transit operating officials be given a larger role in the substitution process, we have amended this section to provide increased flexibility in the manner in which substitute transit proposals can be initiated at the local level. Under the final regulations, responsible local officials determine that their needs require one or more substitute mass transit projects in lieu of the withdrawn Interstate segment. The actual proposal for a substitute project may be developed either by local elected officials of general purpose governments in consultation with local transit operating officials, or by local transit operating officials themselves. The proposal must then be approved by responsible local officials before it can be forwarded to the Governor for submission to UMTA.

Several other comments on § 476.308 concerned the materials which must be included in a substitute project proposal. One comment requested that we further clarify the statutory requirement that there be an assurance that the substitute projects will be fully utilized, by amending the regulations to say that the assurance is that the project will be fully utilized by the public mass transportation system. This is the statutory language, and we believe this change better expresses the Congressional intent. The full utilization determination is one that

is to be made with a system-wide perspective, rather than relating to the individual utilization of each specific project. Sections 476.308, 476.310, and 476.314 have been amended accordingly.

One comment suggested that the words "or private carriers" be added after "local transit operating officials" in § 476.308(b)(6), which discusses the assurance of full utilization and the bases of that assurance. We have not adopted this comment, since we did not intend and do not believe that the term "local transit operating officials" refers exclusively to public officials. Another comment objected to § 476.308(b)(7), which makes a determination that the proposed substitute projects are in accord with and entitled to priority under the 23 U.S.C. 134 planning process a part of the locally developed proposal. The comment noted that this determination, under the statute, is to be made by the State highway department. We feel it appropriate that this determination be made initially on the local level, inasmuch as the section 134 agency is locally based. By virtue of the requirement in § 476.310(a)(2) of the regulations that the State highway department concur in this determination, that department's statutory authority is preserved.

Section 476.310 provides that the proposal for substitute mass transit projects is to be submitted to UMTA by the Governor, provided that he and the State highway department concur in certain of the determinations included in the proposal. Several comments objected to anyone but local officials being involved in the submission process. However, we believe that the regulations properly reflect the statute, which vests principal initiating and decision making powers at the local level, but also requires State level actions with respect to the section 134 planning requirements and the assurance of full utilization. A related comment asked that the regulations require that the Governor act within a specified time period on any proposal he receives, and that any non-concurrence with respect to the planning and utilization findings be formally articulated. We have not adopted this suggestion. Again, these are matters to be worked out at the State and local level; the Federal Government has no role at this stage of a proposal's development and it would not be appropriate for the Federal Government to act as an arbiter in these matters.

Section 476.314 concerns the preconditions which a proposed substitute transit project must meet before it can be considered for approval by UMTA. One of these is that the project must serve the urbanized area from which the Interstate segment was withdrawn. One comment pointed out that there was an inconsistency between the regulations as proposed (§ 476.314(a)(1)), which said that the substitute project need not utilize the same corridor as the withdrawn segment, and the explanatory language in the preamble to the proposed regulations, which in addition stated that the substitute project need

not be physically located in the urbanized area. We agree that this may have been confusing and have amended the regulations to include the language that was in the preamble. We believe this provision enhances local decision-making flexibility; there may well be situations, particularly where there are contiguous urbanized areas, where local needs will best be served by locating a substitute project in whole or in part outside of the particular urbanized area.

Section 476.316 concerns approval by UMTA of substitute transit projects. One comment asked that the regulations include a provision that UMTA procedures will apply in the administration of the projects after approval. These regulations do not cover project administration and we have therefore not adopted this comment. Nevertheless, it is correct that UMTA administrative procedures will apply to approved substitute projects. Another comment addressed the provision in this section that UMTA can approve a substitute project or a phase thereof; the commentator requested that "phase thereof" be further defined in the regulations. We use that term because it is inclusive, covering all matters of project development beyond systems planning action, and because we felt such a term was preferable to an extended list of eligible items. The term does and is intended to include such actions as preliminary engineering, design, and right-of-way acquisition. The term also recognizes that a project may contain a number of different elements which may be considered as discrete parts or phases for the purposes of obtaining Federal funds. For example, an applicant may wish to advance one phase of an overall project, such as preliminary engineering or design, while seeking funding for subsequent phases of the project at a later time or from alternative sources.

Finally, the House Public Works Committee pointed out that § 476.316(c), which provides that the State's Interstate apportionment is reduced by an equivalent amount when general funds are obligated for substitute transit projects, should be amended to clarify that this reduction only occurs when the apportionment is based on an Interstate System Cost Estimate which includes the withdrawn segment for which the transit project is being substituted. Section 476.316(c) has been amended accordingly.

Section 476.318 is concerned with the redesignation of Interstate mileage from segments withdrawn under 23 U.S.C. 103(e)(4). Such mileage is not subject to any cost limitation and can be redesignated in any State other than that from which it was withdrawn. The regulations also state, for purposes of clarity, the fact that redesignation cannot cause the overall Interstate mileage limitation to be exceeded. Several comments objected to the prohibition against redesignating the mileage in the State from which withdrawn. This was not an administrative decision; it is mandated by 23 U.S.C. 103(e)(4). Several comments also ex-

pressed confusion about this provision, finding it inconsistent with § 476.206(b) which is concerned with the mileage withdrawn under 23 U.S.C. 103(e)(2). As noted in the discussion under Subpart C, the statutory requirements with respect to mileage withdrawn under 23 U.S.C. 103(e)(2) and under 23 U.S.C. 103(e)(4) are different. Mileage withdrawn under section 103(e)(2) is available to the State from which withdrawn as well as to other States; mileage withdrawn under section 103(e)(4) is available only to other States. Therefore, when a proposal combining the options available under these two subsections is submitted, it will be necessary to specify which portions of the withdrawn segment are to be utilized for which purposes.

GENERAL

Several further general comments on the proposed regulations are worthy of mention. A number of comments felt that the regulations were deficient in that environmental concerns were not mentioned as factors to be considered in local decision making or in Federal approvals. Environmental concerns are normally important in these matters. It is not the purpose of these regulations, however, to detail all elements necessary for approval of specific projects.

One commentator alleged that promulgation of the regulations itself constitutes a "major Federal action significantly affecting the human environment" within the meaning of the National Environmental Policy Act, thereby requiring the preparation and circulation of an environmental impact statement on their alleged impact. It is our view that the regulations do not "significantly affect the quality of the human environment" since the regulations are essentially procedural. The impact of any actions taken pursuant to the regulation will be fully analyzed before Federal approvals of any substitute projects, highway or mass transportation, are given, in accordance with current CEQ, DOT, FHWA and UMTA regulations implementing the National Environmental Policy Act.

Another commentator wanted to know whether unanimous action was required under these regulations by responsible local officials or local governments concerned. We do not feel that unanimity is required; neither do we feel it feasible to prescribe a numerical standard for local actions. We expect that local officials will act cooperatively and that proposed actions will have the support of a substantial majority of those concerned. These decisions will often be of a political and practical nature, reflecting competing interests. The involvement of the area-wide transportation planning agency will insure a certain regional perspective in the actions taken. These essentially are matters that must be worked out locally, and we do not believe Federal Government should do anything more than establish the necessary outer parameters for these local actions.

These regulations have also been amended to show their relation to the

provisions of 23 U.S.C. 103(h), which authorizes the construction of a segment of the Interstate System which was a designated part of the System on June 1, 1973, and is entirely within the boundaries of an incorporated city when such city enters into an agreement with the Secretary to pay all non-Federal costs of construction of the segment. The provisions of 23 U.S.C. 103(h) will be implemented by Subpart G of Part 476 of title 23 of the Code of Federal Regulations. A proposed Subpart G was published for notice and comment in the April 24, 1974, edition of the FEDERAL REGISTER (39 FR 14517). Sections 476.102, 476.106, and 476.110 of these regulations have been amended to show the relation to Subpart G.

These regulations do not cover the disposition of Federal monies previously committed to an Interstate segment withdrawn under the provisions of 23 U.S.C. 103 (e) (2) and (e) (4). This issue will be covered in Subpart E of Part 476. A proposed Subpart E will be published in the FEDERAL REGISTER for notice and comment in the near future.

In consideration of the foregoing, and under the authority of 23 U.S.C. 103(e) (2), 103(e) (4), 103(g), 103(h), and 315, and the delegation of authority by the Secretary of Transportation at 49 CFR 1.48(b) and 1.50(f), Chapter I of title 23 of the Code of Federal Regulations is amended by adding a new Part 476 as set forth below.

Effective date. Sections 476.100, 476.102, 476.104, and 476.106 require certain actions by the several State highway departments by June 17, 1974. They have been coordinated extensively with the appropriate State officials over the past year, and we know that all State highway departments are prepared to comply. Since an immediate effective date will not impose any undue burden on any parties, these regulations are effective upon publication, June 12, 1974.

NORBERT T. TIEMANN,
Federal Highway Administrator.

FRANK C. HERRINGER,
Urban Mass Transportation
Administrator.

JUNE 6, 1974.

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AUTHORITY: (23 U.S.C. 103(e) (2), 103(e) (4), 103(g), 103(h) and 315); delegation of authority in 49 CFR 1.48(b) and 1.50(f).

Subpart A—General

§ 476.2 Definitions.

(a) Except as otherwise provided, terms defined in 23 U.S.C. 101(a) are used in this Part as so defined.

(b) The following terms, where used in the regulations in this Part, have the following meaning—

"Interstate segment" means any designated, toll-free route, or portion thereof, of the Interstate System described in 23 U.S.C. 103(e) (1) and 23 U.S.C. 103(e) (3).

"Initial basic construction" means the first physical construction to be financed with Federal matching funds apportioned under 23 U.S.C. 104(b) (5)—

(1) which is on, or directly connected with the through traffic lanes of a highway project (including grading, drainage, paving, and the construction of grade separations, interchanges, and major stream crossing structures, but not including the construction of frontage roads); or

(2) which is on an existing highway facility designated as an Interstate segment, to improve the segment to Interstate standards.

"Local governments concerned" means local units of general purpose government under State law within whose jurisdiction the Interstate segment lies, or is to be withdrawn, added, or substituted.

"Nonhighway public mass transit project" means any undertaking to develop or improve public mass transit facilities or equipment. A project must be included in and related to a program for the development or improvement of an urban public mass transit system which includes either the construction of fixed rail facilities, or the purchase of passenger equipment, or both. Passenger equipment includes buses, fixed rail rolling stock, and other transportation equipment.

"Responsible local officials" means the principal elected officials of general purpose local governments (and until Janu-

ary 2, 1975, the Commissioner of the District of Columbia), acting through the areawide transportation planning agency designated by the Governor.

Subpart B—Required State Actions Regarding Designated Segments of the Interstate System

§ 476.100 Purpose.

The purpose of the regulations in this Subpart is to implement 23 U.S.C. 103(g), which requires that States provide certain information to the Secretary with respect to segments of the Interstate System to which these regulations apply. Failure to supply the required information may result in removal of a segment from the Interstate System.

§ 476.102 Relation to Subparts C, D, and G.

Any information or schedule provided to the Federal Highway Administrator under this Subpart will not prevent the State highway department; the Governor, local governments concerned, and responsible local officials; or incorporated cities from subsequently exercising the options provided by Subparts C, D, and G of this part.

§ 476.104 Applicability.

The regulations in this Subpart shall be applicable to each Interstate segment for which the State highway department has not received Federal Highway Administration authorization to advertise for bids for initial basic construction and to each proposed alternative Interstate segment substituted therefor, except that this Subpart shall not apply to District of Columbia Interstate System segments referred to in section 23(a), Federal-Aid Highway Act of 1968, 82 Stat. 815.

§ 476.106 Required State Action—June 17, 1974.

With respect to each Interstate segment to which these regulations are applicable, the State shall submit to the Federal Highway Administrator by June 17, 1974, a good faith notification that:

(a) It presently intends to construct the segment;

(b) It presently intends to construct the segment, but anticipates that:

(1) The State highway department may request withdrawal of the segment and substitution of an alternative segment as provided in Subpart C of this Part;

(2) The State highway department may request modification or revision of the segment under the provisions of 23 U.S.C. 103(e) (1) or (f);

(3) The Governor, the local governments concerned, and responsible local officials may request withdrawal of the segment and substitution of one or more public mass transit projects as provided in Subpart D of this Part; or

(4) Any combination of paragraphs (b) (1), (2), and (3) of this section may occur;

(c) It has requested withdrawal of the segment as provided in Subpart C or D of this Part; or

(d) It anticipates that an incorporated city will file a notice of intent under Subpart G of this Part with respect to construction of a segment which is entirely within the boundaries of an incorporated city.

§ 476.108 Required State Action—July 1, 1975.

(a) Unless a request for withdrawal of the segment has been made as provided in Subpart D of this Part, the State shall submit the following to the Federal Highway Administrator by July 1, 1975, with respect to each Interstate segment or proposed alternative segment to which these regulations are applicable:

(1) A schedule for the expenditure of funds for completion of construction of the segment within the period of availability of funds authorized to be appropriated for completion of the Interstate System; and

(2) An assurance that the segment will be built according to that schedule.

(b) The schedule and assurance shall be accompanied by, and the assurance shall discuss, the following supporting material:

(1) A description of the basis for the schedule (which shall include, but not be limited to, assumed completion date, assumed funding level, and use of five year plan);

(2) A detailed analysis of the current status of the segment (which shall include, but not be limited to, hearings, environmental impact statement, and section 4(f) determination);

(3) A discussion of any controversy concerning the segment, including litigation and local opposition, together with an estimation of the probable outcome of the controversy; and

(4) A summary of any further information and considerations supporting the assurance statement, including a statement of the views of responsible local officials and local governments concerned.

§ 476.110 Noncompliance—Action by the Federal Highway Administrator.

(a) On July 1, 1974, the Federal Highway Administrator shall remove from the Interstate System any segment for which the State has not submitted a notification as provided in § 476.106, unless he finds that the segment is essential to completion of a unified and connected Interstate System or unless an incorporated city has submitted a notice of intent under Subpart G of this Part.

(b) As soon after July 1, 1975, as practicable, the Federal Highway Administrator shall remove from the Interstate System any segment for which the State has not met the requirements of § 476.108.

(c) A segment removed for noncompliance under § 476.110(b) shall not be redesignated as a part of the Interstate System except upon a finding by the Federal Highway Administrator that it is necessary in the interest of national defense or for other reasons of national interest.

(d) The mileage from segments re-

moved from the Interstate System under paragraphs (a) and (b) of this section is available for designation on the Interstate System in accordance with the provisions of 23 U.S.C. 103 (e) (1) and (f).

Subpart C—Interstate System Modifications Under 23 U.S.C. 103(e)(2) (Cramer-Howard Amendment)

§ 476.200 Purpose.

The purpose of the regulations in this subpart is to implement 23 U.S.C. 103 (e) (2), which permits withdrawal of a segment from the Interstate System and substitution or addition of other Interstate segments.

§ 476.202 Applicability.

(a) Except as provided in paragraphs (b) and (c) of this section, the regulations in this subpart apply to Interstate segments selected and approved under title 23, United States Code, prior to August 13, 1973, at any stage of development.

(b) The regulations in this subpart shall not apply to a segment removed from the Interstate System prior to August 13, 1973.

(c) The regulations in this subpart shall not apply to Interstate segments designated under 23 U.S.C. 139(a).

§ 476.204 Withdrawal request.

(a) A request to withdraw an Interstate segment from the Interstate System shall be submitted by the State highway department, *Provided*, That:

(1) If the segment is located in an urbanized area, the request shall be submitted only after consultation with the local governments concerned and responsible local officials of that urbanized area; and

(2) If the segment has a present or planned transit component, the request shall be submitted only after consultation with the affected transit agency or operator.

(b) The request for withdrawal shall include the following:

(1) A statement that the segment will not become a part of the Interstate System, and a statement of the basis for this determination, including:

(i) Reasons why the segment is not essential to the completion of a unified and connected Interstate System (including consideration of urban routes necessary for metropolitan transportation); and

(ii) Reasons why it will not be completed as a part of the Interstate System, or cannot become a functional part of the Interstate System;

(2) A statement of mileage and cost of the segment to be withdrawn as included in the 1972 Interstate System Cost Estimate; and

(3) An assurance that a toll road will not be constructed in the traffic corridor which would be served by the segment.

§ 476.206 Request for substitute or additional segment.

(a) A State highway department may request use of the mileage withdrawn

under § 476.204, or of the additional Interstate mileage authorized by 23 U.S.C. 103(e) (2), or both, for a substitute or additional segment. If the substitute or additional segment is to be located in an urbanized area, the request must be submitted by the State highway department after consultation with the local governments concerned and responsible local officials of that urbanized area.

(b) A request for a substitute or additional Interstate segment may be combined with a proposal for one or more public mass transit projects submitted under the provisions of Subpart D of this Part.

§ 476.208 Withdrawal approval by the Federal Highway Administrator.

The Federal Highway Administrator may withdraw the approval of an Interstate segment if:

(a) He determines that it is not essential to completion of a unified and connected Interstate System (including consideration of urban routes necessary for metropolitan transportation);

(b) The segment will not become a part of the Interstate System; and

(c) He receives the assurance required in § 476.204(b) (3).

§ 476.210 Approval of substitute and additional segments by the Federal Highway Administrator.

In considering requests for substitute or additional Interstate segments, the Federal Highway Administrator shall:

(a) Consult with the States and local governments concerned;

(b) Give due regard to Interstate highway type needs on a nationwide basis; and

(c) Give preference to:

(1) Segments in States in which he has withdrawn approval of other segments; and

(2) The extension of segments which terminate within municipalities served by a single Interstate route, so as to provide service entirely through those municipalities.

§ 476.212 Applicability of title 23, United States Code.

(a) All the provisions of title 23, United States Code, shall be applicable to substitute and additional mileage except that the Federal cost of any mileage requested shall not exceed the Federal cost of the mileage withdrawn as included in the 1972 Interstate System Cost Estimate except as provided in paragraph (c) of this section.

(b) If the cost of the withdrawn mileage exceeds the current estimated cost of the substitute or additional mileage requested by a State highway department, the Federal Highway Administrator may make the excess funds available for other substitute or additional Interstate segments in the same State or in other States.

(c) If the current estimated Federal cost of the substitute or additional mileage requested exceeds the permissible cost, the Federal Highway Administrator

may approve the request *Provided*, That:

(1) The State highway department agrees to provide the excess cost with other than Federal-aid Interstate funds; or

(2) The Federal Highway Administrator agrees to provide the excess cost from funds available under paragraph (b) of this section.

Subpart D—Withdrawal of Interstate Segments and Substitution of Public Mass Transit Projects

§ 476.300 Purpose.

The purpose of the regulations in this subpart is to prescribe policies and procedures for implementation of 23 U.S.C. 103(e) (4), which permits the withdrawal of Interstate System segments and the substitution of public mass transit projects.

§ 476.302 Applicability.

(a) Except as provided in paragraphs (b) and (c) of this section, an Interstate segment at any stage of development may be withdrawn, and public mass transit projects substituted in lieu thereof, if:

(1) The segment is within an urbanized area as defined in 23 U.S.C. 101(a); and

(2) The segment was selected and approved as part of the Interstate System prior to August 13, 1973.

(b) The regulations in this subpart shall not apply to a segment removed from the Interstate System prior to August 13, 1973.

(c) The regulations in this subpart shall not apply to Interstate segments designated under 23 U.S.C. 139(a).

§ 476.304 Withdrawal request.

(a) A request to withdraw a segment under this subpart shall be submitted to the Federal Highway Administrator and the Urban Mass Transportation Administrator through the Federal Highway Administrator.

(b) A withdrawal request submitted under this Subpart shall:

(1) Be submitted jointly by the Governor and local governments concerned, with the concurrence of responsible local officials;

(2) Include a statement that the request is filed pursuant to 23 U.S.C. 103(e) (4);

(3) State the reasons why the segment is not essential to the completion of a unified and connected Interstate System, under the standards of 23 U.S.C. 103(e) (1), or would not be essential after completion of one or more substitute public mass transit projects;

(4) Include a statement of intent to submit a mass transit proposal upon approval of the withdrawal; and

(5) Include an assurance that a toll road will not be constructed in the traffic corridor which would be served by the segment.

§ 476.306 Withdrawal approval.

(a) The Federal Highway Administrator may approve the withdrawal of an

Interstate segment under the provisions of this subpart if:

(1) The requirements of § 476.304 are met; and

(2) He determines that the segment is not essential to completion of a unified and connected Interstate System under the standards of 23 U.S.C. 103(e) (1), or the Federal Highway Administrator and the Urban Mass Transportation Administrator determine that the needs of interstate traffic are provided for by other planned or existing Interstate segments in the area and that substitute public mass transit projects together with the local street and highway network could provide an adequate level of intraurban transportation service.

(b) When the Federal Highway Administrator approves the withdrawal of an Interstate segment under paragraph (a) of this section, an amount not to exceed the Federal share of the cost which would have been paid for the withdrawn segment (as that cost is included in the 1972 Interstate System Cost Estimate) will be available for obligation until June 30, 1981, out of the general funds in the Treasury to pay all or part of the Federal share of substitute public mass transit projects or phases thereof, provided that the substitute projects or phases thereof are approved under § 476.316.

§ 476.308 Proposal for substitute public mass transit projects.

(a) When responsible local officials determine that their needs require one or more public mass transit projects in lieu of a withdrawn Interstate segment, they shall notify the State highway department of this determination. Proposals for mass transit projects shall be developed by:

(1) Elected officials of general purpose units of government in consultation with local transit operating officials; or

(2) Local transit operating officials.

(b) The proposal for each substitute project shall include the following:

(1) A statement of the reasons for the determination that one or more substitute public mass transit projects are required;

(2) A description of each proposed substitute project;

(3) A cost estimate for each proposed substitute project, accompanied by supporting documentation;

(4) A statement of the Federal share of the cost of the withdrawn Interstate segment for which the proposed public mass transit projects are to be substituted as the cost is shown in the 1972 Interstate System Cost Estimate;

(5) Where the Federal share of the cost of the withdrawn segment is less than 80 percent of the cost estimate of the proposed substitute projects, an assurance that adequate funding to complete the projects will be provided from other sources, with a discussion of the basis of that assurance.

(6) An assurance that the proposed substitute projects will be fully utilized by the public mass transportation sys-

tem, with a discussion of the relevant information provided by local transit operating officials and other bases of that assurance; and

(7) A determination that the proposed substitute projects are in accord with and entitled to priority under the 23 U.S.C. 134 planning process, with a discussion of the basis of the determination.

(c) When responsible local officials approve a proposal, it shall be forwarded to the Governor for submission to the Urban Mass Transportation Administrator in accordance with the provisions of § 476.310.

§ 476.310 Submission of proposal for substitute public mass transit projects by Governor.

(a) When the Governor receives a proposal for one or more substitute public mass transit projects from responsible local officials which meets the requirements of § 476.308, he shall submit the proposal to the Urban Mass Transportation Administrator, *Provided*, That:

(1) He concurs in the assurance that the proposed project will be fully utilized by the public mass transportation system; and

(2) The State highway department concurs in the determination that the proposed projects are in accord with and entitled to priority under the 23 U.S.C. 134 planning process.

(b) A proposal for substitute public mass transit projects may be submitted to the Urban Mass Transportation Administrator at the same time as a withdrawal request is submitted to the Federal Highway Administrator under § 476.304.

§ 476.312 Combined proposal.

(a) A proposal for one or more substitute public mass transit projects may be combined with a request for a substitute or additional Interstate segment submitted under the provisions of Subpart C of this part.

(b) A proposal for one or more substitute public mass transit projects may be combined with an application for Federal financial assistance under the Urban Mass Transportation Act of 1964, as amended. Any Federal financial assistance received under the Urban Mass Transportation Act of 1964, as amended, is supplementary to the amount that is available under the provisions of this subpart by virtue of the withdrawal of an Interstate segment, and is not constrained by § 476.316(b) (1).

§ 476.314 Administrators' review of proposal for substitute public mass transit projects.

(a) The Urban Mass Transportation Administrator and the Federal Highway Administrator shall review the proposal for one or more substitute public mass transit projects to determine whether the following criteria have been met:

(1) The proposed projects must serve the urbanized area from which the Interstate segment is withdrawn, but need not utilize the same transportation cor-

ridor as the withdrawn segment and need not be physically located within that urbanized area;

(2) The Federal share of the costs of the proposed projects, which is to be provided under this Subpart by virtue of the withdrawal of an Interstate segment, does not exceed the Federal share of the cost of the withdrawn segment, as that cost is included in the 1972 Interstate System Cost Estimate; and

(3) The assurance that the proposed projects will be fully utilized by the public mass transportation system is satisfactory.

(b) The Urban Mass Transportation Administrators' determination that the criteria of paragraph (a) of this section have been met is a precondition to approval of a substitute public mass transit project. However, no Federal funds will be obligated to pay the Federal share of the cost of a substitute project until the conditions of § 476.316 have been met.

§ 476.316 Approval of substitute public mass transit projects.

(a) Approval of the plans, specifications, and estimates of a substitute public mass transit project, or any phase thereof, shall be deemed to occur on the date the Urban Mass Transportation Administrator approves the substitute project or phase thereof in accordance with the UMTA External Operating Manual (UMTA Order 1000.2, dated August 22, 1972). This approval of a substitute project or phase thereof obligates the United States to pay its proportional share of the cost of the project or phase thereof out of the general funds in the Treasury.

(b) The Federal proportional share of a substitute project or phase thereof is determined under the provisions of the Urban Mass Transportation Act of 1964, as amended. This Federal obligation is subject to the following conditions:

(1) The total Federal proportional share of the cost of one or more substitute public mass transit projects, which is provided under this Subpart by virtue of the withdrawal of an Interstate segment, cannot exceed the Federal share of the cost of the withdrawn segment, as that cost is included in the 1972 Interstate System Cost Estimate.

(2) No general funds shall be obligated under the provisions of this section after June 30, 1981.

(c) When Federal funds are obligated to pay the Federal share of the cost of a substitute public mass transit project or phase thereof, the State's Interstate apportionments based upon an Interstate System cost estimate which includes the withdrawn segment for which the public mass transit project is being substituted shall be reduced by the amount thus obligated.

§ 476.318 Redesignation of withdrawn mileage.

Mileage withdrawn under the provisions of this Subpart shall be available for redesignation under 23 U.S.C. 103(e)

(1) without cost limitation, but subject to the following conditions:

(a) It shall not be redesignated in the State from which withdrawn; and

(b) Its redesignation shall not cause the overall Interstate mileage limitation to be exceeded.

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[FHWA Docket No. 74-5]

PART 476—INTERSTATE HIGHWAY SYSTEM

Subpart G—Regulations for State Construction of Interstate Segments Located Entirely Within the Boundaries of an Incorporated City

In the FEDERAL REGISTER of April 24, 1974 (39 FR 14517), the Federal Highway Administration published a proposed new subpart G to 23 CFR Part 476, title 23 of the Code of Federal Regulations to provide procedural regulations implementing 23 U.S.C. 103(h). That section, added to title 23 by section 110 (b) of the Federal-Aid Highway Act of 1973 (August 13, 1973, Pub. L. 93-87, Title I, 82 Stat. 250), authorizes the construction of a segment of the Interstate System of federal-aid highways that was a designated part of such system on July 1, 1973, and lies entirely within the boundaries of an incorporated city when such city enters into an agreement with the Secretary (by delegation, the Federal Highway Administrator) to pay all non-Federal costs of construction of the segment.

Over 150 comments were received from government agencies, citizen groups, and interested citizens, nearly all of them concerning the proposed Chicago Crosstown Expressway, I-494, an Interstate segment to which the proposed regulations would be applicable. Most of them expressed opposition to the construction of that highway, apparently assuming either that the proposed regulations would require its construction or that this Department had determined that it should be built. Neither assumption is correct. The regulations provide only procedures for implementing the Congressional decision to permit a city instead of a state to make the basic decision whether to construct an Interstate segment. Further, many appear to have been prompted by the fear that the commentators' jobs would be lost by the taking of the Taylor Forge in Cicero. We are advised by the Acting Commissioner of the Chicago Department of Public Works that the Crosstown as presently proposed would not require the taking of that plant.

The great bulk of the comments were therefore not directly relevant to the proposed regulations. They will be kept in Federal Highway Administration files, however, for consideration if and when plans, specifications, and estimates are submitted for approval of a grant of federal aid.

Substantive comments were received from the Citizens Action Program (CAP), an organization opposed to the construction of the Crosstown, the City of Chicago, the Maryland Department

of Transportation, the Public Works Committee of the House of Representatives, the Illinois Department of Transportation, Region 10 (Portland, Oregon) of the Federal Highway Administration, and the Teamsters Union. In addition, the regulations were discussed in meetings with Mayor Daley of Chicago and representatives of the House Public Works Committee, a representative of the Illinois Department of Transportation, and Marshall Suloway, Acting Commissioner of Public Works for the City of Chicago. A record of each of these meetings has been included in the public docket.

The Citizens Action Program commented that the statute and enabling regulations should not apply to the Crosstown because a segment of that highway passes through the City of Cicero, Illinois, and that the Crosstown constitutes a single "Interstate segment." This comment does not require any amendment to the proposed regulations. However, it is our interpretation of the statute, and that of the House Public Works Committee, that the statute is applicable to the Crosstown as would be the proposed regulations.

The City of Chicago objected generally to the proposed regulations on the grounds that they would not permit a full substitution of a city for the State, thus enabling the city to undertake the actual construction responsibilities normally performed by the state highway agency. While we do recognize that the City of Chicago may be fully capable of exercising these functions, we do not believe that Title 23 permits such a substitution. Section 103(h) does not alter the basic state-federal relationship for the construction of federal-aid highways, except for the source of the non-federal share of construction costs and the basic decision of whether to construct. In the absence of an explicit exemption, responsibility for compliance with all the requirements of Title 23 and implementing regulations remains with the state, to which the matching 90 percent federal share is apportioned under 23 U.S.C. 104.

The City also objected that the proposed regulations do not explicitly provide that a segment for which a state has not provided the Federal Highway Administration with a notification of intent to construct under 23 U.S.C. 103(g) would not be removed from the Interstate System when a city has provided a notice of intent to sign an agreement under 23 U.S.C. 103(h). We believe that such a provision is unnecessary because section 103(h) is an explicit exemption from section 103(g). We have, however, amended § 476.110(a) in a rulemaking on section 103(g), published today in the FEDERAL REGISTER, to clarify this point. The City's further objection that a state might not provide the schedule for expenditure of funds required on July 1, 1975, by section 103(g) has been dealt with in § 476.612(a)(2), which requires that a state provide that schedule.

The City proposed several specific amendments to the regulations. First, it asked that a state's notification of intent to the Federal Highway Administrator to construct an Interstate segment also be sent to any affected city. We have adopted this suggestion, since it is the procedure most states would have followed in complying with § 476.606 in any event and will serve to simplify that requirement. With respect to § 476.610 as proposed, the City objected to the short time period in which it would be required to provide supporting material for an agreement with the Federal Highway Administrator. The House Public Works Committee made a similar comment, pointing out the exception language in section 103(h). We have accordingly made adjustments to the regulations. Under § 476.608, an incorporated city would still be required to state its intentions by July 1, 1974, primarily so that this Department can be fully informed as to state and city intentions with respect to all unconstructed Interstate segments. A new § 476.610 has been added to permit the actual signing of an agreement some time after that date. Also, after considering the City's suggestion regarding matters to be covered by the opinion of counsel described in § 476.610(b) of the proposed regulations, the requirement has been revised by modification of the language and by incorporating it in the new § 476.610.

The Secretary of Illinois Department of Transportation commented generally on the regulations. Several of his most important comments did not seek amendments to the regulations but do merit some discussion. He emphasized the support in the legislative history of the 1973 Highway Act for the proposition that the state remains responsible for all aspects of a 103(h) project, excepting only financing and the decision whether to construct. He also urged that the Federal Highway Administrator is not obliged to enter into an agreement with a city. We agree with this position, although we would point out that these regulations are intended to set forth all requirements for such an agreement. We do disagree with the Secretary on the next step, however. He alleges that full compliance with the National Environmental Policy Act, the Clean Air Act, section 4(f) of the Department of Transportation Act, and the Uniform Relocation Assistance Act must be accomplished before the Administrator can sign the agreement. That is incorrect. Compliance with all the above statutes will be accomplished as it is in all other federal-aid highway projects and will constitute, as usual, a necessary precondition to the approval of plans, specifications, and estimates under 23 U.S.C. 106. As mentioned above, until that approval is given, there is no final Federal decision to construct a highway under the provisions of Title 23, which applies in full to any project processed under these regulations.

The Secretary also asked that the regulations be amended to make explicit that the notice of intent, the agreement, and the schedule for the expenditure of funds

would not impair the ability of the state, local governments, and responsible local officials to request an alternative Interstate segment or a mass transportation project under 23 U.S.C. 103(e)(2) and (e)(4). We do not feel such an amendment is necessary. Those options are open to the state, and remain open, if the city involved concurs in them. Under 23 U.S.C. 103(e)(4), a withdrawal request preliminary to a mass transit substitution must be made jointly by a governor and the local governments concerned. If one were received, it would be deemed a revocation of any agreement entered into under -03(h). A so-called Cramer-Howard transfer under 23 U.S.C. 103(e)(2) could not be approved with respect to an Interstate segment that is the subject of a 103(h) notice or agreement unless the city involved withdraws from it.

Chairman Blatnik of the House Public Works Committee stated general agreement with the proposed regulations, and suggested three improvements. He commented that the July 1 deadline of § 476.610, as proposed, was unduly short in view of the considerable informational requirements and that a simple letter of intent should suffice to begin the process resulting in an agreement between a city and the Federal Highway Administrator. We agree, as outlined above in the discussion of the City of Chicago's comments, and have described there the pertinent changes. The Chairman also stated his belief that a letter of October 23, 1973, from Mayor Daley of Chicago to Secretary Brinegar would suffice as a notification of intent under § 476.610 of the proposed regulations, and § 476.608 of the final regulations. We anticipate that, if its intentions have not changed, Chicago will submit another such letter to the Federal Highway Administrator after reviewing these final regulations.

Finally, the Chairman expressed concern over the applicability section, § 476.602, which specifies segments "normally included in a single location study." That section gives effect to the legislative intent expressed in the course of debate in the Senate and in the basic provision, in section 103(e) of Title 23, for a unified and connected Interstate System. We are certain that the Chairman's intent will be fully recognized in the implementation of these regulations under the originally proposed applicability section, and have therefore not amended it.

The Secretary of the Maryland Department of Transportation simply reiterated the earlier position of the state departments of transportation that section 103(h) does not alter basic federal-state relationships in the Federal-aid highway program. He also expressed the opinion that the regulations would be little used.

Two additional substantive comments received after the close of the comment period have also been taken into consideration. Both comments, one from the Office of Environment and Design of the Federal Highway Administration's Region 10 in Portland, Oregon, the other from the General President of the International Brotherhood of Teamsters,

Chauffeurs, Warehousemen and Helpers, urged that § 476.608 be amended to require that the states notify cities only when they do not intend to construct a segment. They felt notification when the state does intend to construct a segment would be unnecessary and wasteful. We believe it is important that there be no doubt in the minds of city officials of a state's intentions with respect to Interstate segments. We have, however, amended the section to require only a copy of the notification the state must submit to the Federal Highway Administrator under § 476.106.

The Teamsters also suggested that the regulations make explicit that the failure of a state to notify under 23 U.S.C. 103(g) will not preclude city action under section 103(h). We believe this is clear on the face of the regulations, and have therefore not amended them in this regard. The Teamsters also made several points clarified in the discussion above, including the informational requirements and deadline in § 476.610 and the status of the City of Chicago's letter of October 23, 1973.

In consideration of the foregoing, and for the reasons discussed in the preamble to the proposed regulations, 39 FR 14517 (April 24, 1974), Part 476 of Subchapter E of 23 CFR Chapter I, is hereby amended by adding a new Subpart G as set forth below.

NORBERT T. TIEMANN,
Federal Highway Administrator.

JUNE 6, 1974.

Subpart G—Regulations for State Construction of Interstate Segments Entirely Within the Boundaries of an Incorporated City

Sec.	Purpose.
476.600	Applicability.
476.602	Interstate segments must connect to the System.
476.604	State must notify city of intentions regarding construction.
476.606	City's notice of intent to construct Interstate segment.
476.608	Agreement.
476.610	State Responsibility.

AUTHORITY: (23 U.S.C. 103(h), 23 U.S.C. 315), and 47 CFR 1.48(b).

§ 476.600 Purpose.

The purpose of this part is to implement section 103(h) of Title 23, United States Code.

§ 476.602 Applicability.

The regulations in this Subpart shall be applicable to any Interstate segment that was, on June 1, 1973, a designated part of the integrated and connected highway system described in 23 U.S.C. 103(e)(1) of substantial length between logical termini (major crossroad, population centers, major traffic generators, or similar major highway control elements) as normally included in a single location study.

§ 476.604 Interstate segments must connect to the system.

Individual segments that cross the boundary line between contiguous States or cities are to connect at the boundary line.

§ 476.606 State must notify city of intentions regarding construction.

Each State must provide, on or before June 17, 1974, to those incorporated cities that have Interstate segments entirely within their boundaries a copy of assurances provided to the Federal Highway Administrator with respect to such highways under 23 U.S.C. 103(g) and 23 CFR 476.106.

§ 476.608 City's notice of intent to construct Interstate segment.

(a) An incorporated city desiring to avail itself of the benefits of section 103(h) of Title 23, United States Code, must, on or before July 1, 1974, submit to the Federal Highway Administrator a notice of intent to pay for construction of Interstate segments entirely within the city's boundaries.

(b) The city shall furnish to the State highway department a copy of its notice at the same time it is transmitted to the Federal Highway Administrator.

§ 476.610 Agreement.

(a) Any city that has filed a notification of intent under § 476.610 shall, on or before January 1, 1975, submit the following information to the Federal Highway Administrator.

(1) Opinion of the incorporated city's legal counsel that the city has the constitutional and statutory authority to embark upon such a capital improvement

and that the governing body of the city has the legal authority to approve any agreement between the city and the Federal government to undertake such a project and to commit local funding.

(2) General description of the Interstate segment and city boundaries (appropriate maps may satisfy this requirement).

(3) Satisfactory assurances that the city will promptly enter into an agreement with the Federal Highway Administrator to pay all non-Federal costs of construction of such segment and of the availability and source of funds for this purpose.

(4) Any other pertinent information on the status of the Interstate segment as may be required by the Federal Highway Administrator.

(b) The Federal Highway Administrator shall take action on a city's application within 30 days of receipt of the information required in paragraph (a) of this section.

(c) When he is satisfied with a city's submission, the Federal Highway Administrator will provide it with a form of agreement, which the Administrator will sign when the agreement has been approved and executed by the city, acting through its duly authorized officials.

§ 476.612 State responsibility.

(a) Upon agreement between a city and the Federal Highway Administrator

with respect to payment of the non-Federal costs of construction, the State in which the Interstate segment is located shall:

(1) Undertake construction in accordance with the provisions of Title 23, United States Code, and other applicable Federal laws and regulations, and

(2) On or before July 1, 1975, submit a schedule for the expenditure of funds for completion of construction of such segment within the period of availability of funds authorized to be appropriated for completion of the Interstate System and provide assurances that such segment will be constructed as required by § 476.108.

(b) The State may delegate the responsibility of construction to the city, subject to the approval of the Federal Highway Administrator.

Effective date. Because of the need to resolve questions about the completion of the Interstate System as quickly as possible, the relationship of the requirements in these regulations to statutory deadlines in 23 U.S.C. 103(g), the limited number of governmental agencies to which the regulations are applicable, and the relative simplicity of the requirements imposed within the next 30 days, these regulations are effective upon publication in the *FEDERAL REGISTER*, June 12, 1974.

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