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PART I

HIGHLIGHTS OF THIS ISSUE

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

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REMINDERS

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

Rules Going Into Effect Today

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

page no. and date

DOT—Revocations of certain delegations of authority..... 38 FR 2693; 1–29–73

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List of CFR Parts Affected

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

A cumulative guide is published separately at the end of each month. The guide lists the parts and sections affected by documents published since January 1, 1973, and specifies how they are affected.

Presidential Documents

Title 3—The President

PROCLAMATION 4257

Wright Brothers Day, 1973

By the President of the United States of America

A Proclamation

Seventy years ago, on December 17, 1903, Orville and Wilbur Wright, two bicycle makers from Dayton, Ohio, helped to launch mankind on a new and exciting adventure.

Their historic first flight over the sand dunes of Kitty Hawk, North Carolina, in a crude machine they had designed and built themselves, lasted only 12 seconds and covered a mere 120 feet. It represented, however, a critical step in a process which has revolutionized modern society.

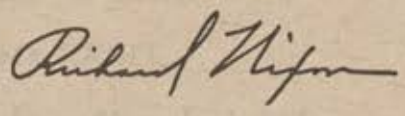
The airplane's ability to move people and goods swiftly, safely, and efficiently is unrivaled. The social ramifications of this development, measured in terms of human mobility and global communications, have been boundless. The airplane has brought people closer together, and thereby has opened hitherto unimagined opportunities for commercial, political, and cultural exchange. While the airplane has worked to shrink our world in physical terms, it has enormously expanded the human potentialities within it.

It is both fitting and proper, therefore, on this 70th anniversary of powered flight, that we should commemorate the achievements of two resourceful and farsighted men who have come to symbolize America's inventive genius. To this end, the Congress, by a joint resolution approved December 17, 1963 (77 Stat. 402), has designated the seventeenth day of December of each year as Wright Brothers Day and has requested the President to issue a proclamation inviting the people of the United States to observe that day with appropriate ceremonies and activities.

NOW, THEREFORE, I, RICHARD NIXON, President of the United States of America, do hereby call upon the people of this Nation and their local and national government officials to observe Wright

Brothers Day, December 17, 1973, with appropriate ceremonies and activities, both to recall the accomplishment of the Wright brothers and to provide a stimulus to the further progress of aviation in this country and throughout the world.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of December, in the year of our Lord nineteen hundred seventy-three, and of the Independence of the United States of America the one hundred ninety-eighth.



[FR Doc.73-26837 Filed 12-17-73;10:49 am]

EXECUTIVE ORDER 11751

Authorizing the Secretary of Transportation To Grant Exemptions From Daylight Saving Time and Realignments of Time Zone Limits

By virtue of the authority vested in me by section 3(b) of the Emergency Daylight Saving Time Energy Conservation Act of 1973 (Public Law 93–182) (hereinafter "the Act"), section 301 of title 3 of the United States Code, and as President of the United States, it is hereby ordered as follows:

SECTION 1. The Secretary of Transportation (hereinafter "the Secretary") is hereby designated and empowered to exercise the authority vested in me by section 3(b) of the Act to grant an exemption from section 3(a) of the Act (which establishes daylight saving time as standard time), or a realignment of a time zone limit, pursuant to a proclamation of a Governor of a State finding that the exemption or realignment is necessary to avoid undue hardship or to conserve fuel in the State or a part thereof.

SEC. 2. In deciding to grant or deny an exemption or realignment, the Secretary shall consider, among other things, the policy of the United States, as expressed in sections 2 and 4 of the Uniform Time Act of 1966 (80 Stat. 107, 108; 15 U.S.C. 260, 261), to promote the adoption and observance of uniform time within the standard time zones of the United States and the convenience of commerce, as well as possible energy savings, undue hardship to large segments of the population, and the possible impact on the success of and cooperation with the national energy conservation program.

SEC. 3. In carrying out his responsibilities under this order, the Secretary shall, as he deems necessary, consult with the Department of Health, Education, and Welfare, the Federal Energy Office (or any agency which hereafter may succeed to its functions), and any other interested agency and he may call upon those agencies for information and advice. Each interested department or agency shall assist the Secretary, as necessary, to carry out the provisions of this order.

Richard Nixon

THE WHITE HOUSE,
December 15, 1973.

[FR Doc.73–26838 Filed 12–17–73;10:49 am]

Rules and Regulations

Title 7—Agriculture

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

[Navel Orange Reg. 302, Amdt. 1]

PART 907—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

Limitation of Handling

This regulation increases the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period Dec. 7–13, 1973. The quantity that may be shipped is increased due to improved market conditions for Navel oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907.

(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 907, as amended (7 CFR Part 907), regulating the handling of Navel oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), and upon the basis of the recommendations and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such Navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Navel Orange Regulation 302 (38 FR 33761). The marketing picture now indicates that there is a greater demand for Navel oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Navel oranges to fill the current market demand thereby making a greater quantity of Navel oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until January 17, 1973 (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1)(i) of § 907.602 (Navel Orange Regulation 302 (38 FR 33761)) are hereby amended to read as follows:

"(i) District 1: 1,300,000 cartons."

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

Dated: December 12, 1973.

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

[FR Doc.73-26706 Filed 12-17-73;8:45 am]

Title 8—Aliens and Nationality

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE, DEPARTMENT OF JUSTICE

PART 299—IMMIGRATION FORMS

Reproduction of Form I–94; Extension of Effective Date

Reference is made to the order published in the FEDERAL REGISTER of August 15, 1973 (38 FR 21995) pertaining to an amendment to § 299.3 of Chapter I of Title 8, Code of Federal Regulations, requiring all printed or reproduced Forms I–94 to bear a preprinted seven-digit sequential number, said order to become effective on January 1, 1974.

Due to technical difficulties, the prenumbered Forms I–94 will not be available for implementation of the amended regulation on January 1, 1974. Accordingly, the effective date of the order of August 15, 1973 (38 FR 21995) is hereby extended to March 1, 1974. The use of prenumbered Forms I–94 prior to March 1, 1974 is optional; on and after March 1, 1974, all Forms I–94 must bear the prescribed preprinted sequential number.

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

Dated: December 12, 1973.

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

[FR Doc.73-26678 Filed 12-17-73;8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER E—VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS: ORGANISMS AND VECTORS

PART 113—STANDARD REQUIREMENTS

Miscellaneous Amendments

On June 12, 1973, a notice of proposed amendments to Part 113 was published in the FEDERAL REGISTER, Volume 38, Number 112, page 15450.

On October 30, 1973, there was published in the FEDERAL REGISTER, Volume 38, Number 208, page 29885, miscellaneous amendments to the regulations relating to viruses, serums, toxins, and analogous products in Part 113 of Title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158) which became effective on November 29, 1973. The proposed § 113.33 was withheld when such miscellaneous amendments were published.

After due consideration of all relevant matters, including the proposals set forth in the notice of rulemaking, and the comments and views submitted by interested persons, and pursuant to the authority contained in the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158), the proposed § 113.33 as contained in the aforesaid notice is adopted as an amendment to Part 113 of Subchapter E, Chapter 1, Title 9 of the Code of Federal Regulations, subject to the following noted modifications:

An exemption is made for products containing ingredients lethal or toxic to mice provided safety can be demonstrated by other tests.

The tests are made applicable to live virus vaccines only. The caption is changed to "Mouse safety tests."

Section 113.33 is added to read:

§ 113.33 **Mouse safety tests.**

One of the mouse safety tests provided in this section shall be conducted when such test is prescribed in a Standard Requirement or in the filed Outline of Production for a biological product recommended for animals other than poultry: *Provided*, That if the inherent nature of one or more ingredients makes the biological product lethal or toxic for mice but not lethal or toxic for the animals for which it is recommended, the licensee shall demonstrate the safety of such product by an acceptable test written into such Outline of Production.

(a) Final container samples of completed product from live virus vaccines

shall be tested for safety using young adult mice in accordance with the test provided in this paragraph.

(1) Vaccine, prepared for use as recommended on the label, shall be tested. Eight mice shall be inoculated intracerebrally with 0.03 ml and eight mice shall be inoculated intraperitoneally with 0.5 ml. Both groups shall be observed for 7 days.

(2) If unfavorable reactions attributable to the product occur in two or more mice in either group during the observation period, the serial or subserial is unsatisfactory. If unfavorable reactions which are not attributable to the product occur in two or more mice in either group, the test shall be declared inconclusive and may be repeated; *Provided*, That, if the test is not repeated, the serial or subserial shall be declared unsatisfactory.

It is hereby found that further notice of rulemaking and public procedure thereon are impracticable, unnecessary, and this amendment should be made on the date below.

Effective date. This amendment takes effect January 18, 1974.

Done at Washington, D.C., this 13th day of December 1973.

E. E. SAULMON,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.73-26766 Filed 12-17-73;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-SO-78]

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

Alteration of Transition Area

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

The Crossville transition area is described in § 71.181 (38 FR 435). In the description, an extension is predicated on the 063° bearing from the Crossville RBN. Effective December 31, 1973, the RBN will be decommissioned and the instrument approach procedure predicated thereon will be cancelled. It is necessary to alter the description to revoke this extension. Since this amendment is less restrictive in nature, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended, effective 0901 GMT, December 31, 1973, as hereinafter set forth.

In § 71.181 (38 FR 435), the Crossville, Tenn., transition area is amended as follows:

All after "VORTAC 334° radial," is deleted and "extending from the 6.5-mile radius area to the VORTAC." is substituted therefor.

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

Issued in East Point, Ga., on December 3, 1973.

PHILLIP M. SWATEK,
Director, Southern Region.

[FR Doc.73-26711 Filed 12-17-73;8:45 am]

[Airspace Docket No. 73-AL-23]

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

Alteration of Colored Federal Airways, and Redesignation of Low Altitude Reporting Points

The purpose of this amendment to Part 71 of the Federal Aviation Regulations is to redescribe Colored Federal Airways and redesignate low altitude reporting points.

This action is based on the conversion of the Petersburg, Alaska, low frequency range to a nondirectional radio beacon.

On March 1, 1971, the Federal Aviation Administration issued a notice under Aeronautical Study No. 71-AL-18NR, proposing to convert all four-course radio ranges in Alaska to nondirectional radio beacons. No objections were received.

Therefore, the Petersburg low frequency range will be permanently converted to a nondirectional radio beacon, effective February 28, 1974.

Since this amendment changes only the type of navigational aid on which a portion of the low frequency airway system is described and makes no change to the current airspace configuration, notice and public procedure hereon are unnecessary. However, in order to allow sufficient time to make appropriate editorial changes to aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 71 of the Federal Aviation Regulations is amended effective 0901 G.m.t., February 28, 1974, as hereinafter set forth.

1. Section 71.105 (38 F.R. 305) is amended as follows:

In A-15 "Petersburg, Alaska, RR;" is deleted and "Petersburg, Alaska, RBN;" is substituted therefor.

2. Section 71.109 (38 F.R. 306) is amended as follows:

In B-38 "Petersburg, Alaska, RR" is deleted and "Petersburg, Alaska, RBN;" is substituted therefor.

3. Section 71.211 (38 F.R. 632) is amended as follows:

a. In Hazy Island INT * * * "southwest course of Petersburg, Alaska, RR." is deleted and * * * "235° bearing Petersburg, Alaska, RBN." is substituted therefor.

b. In Petersburg, Alaska, "RR" is deleted and "RBN" is substituted therefor.

c. In Port Alexander INT * * * "southwest course of Petersburg, Alaska, RR" is deleted and * * * "235° bearing Petersburg, Alaska, RBN." is substituted therefor.

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

Issued in Anchorage, Alaska, on December 6, 1973.

LYLE K. BROWN,
Director, Alaskan Region.

[FR Doc.73-26712 Filed 12-17-73;8:45 am]

[Airspace Docket No. 73-GL-43]

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

Designation of Transition Area

On Page 26389 of the FEDERAL REGISTER dated September 20, 1973, the Federal Aviation Administration published a Notice of Proposed Rule Making which would amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to designate a transition area at Ashland, Ohio.

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

No objections have been received and the proposed amendment is hereby adopted without change and is set forth below.

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

ASHLAND, OHIO

That airspace extending upward from 700 feet above the surface within a 5½-mile radius of the Ashland County Airport (latitude 40°54'11" N., longitude 82°15'21" W.); within 3 miles each side of the 002° bearing from the airport extending from the 5½-mile-radius area to 12 miles north of the airport excluding that portion which overlies the Mansfield, Ohio transition area.

This amendment shall be effective 0901 G.m.t., January 31, 1974.

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

Issued in Des Plaines, Illinois on November 27, 1973.

JOHN M. CYROCKI,
Director, Great Lakes Region.

[FR Doc.73-26713 Filed 12-17-73;8:45 am]

Title 15—Commerce and Foreign Trade

CHAPTER II—NATIONAL BUREAU OF STANDARDS, DEPARTMENT OF COMMERCE

SUBCHAPTER F—STANDARDS FOR SAFETY DEVICES

PART 260—STANDARD FOR DEVICES TO PERMIT THE OPENING OF HOUSEHOLD REFRIGERATOR DOORS FROM THE INSIDE

Revision and Transfer of Regulations

Appearing elsewhere in this issue of the FEDERAL REGISTER is a document deleting 15 CFR Part 260 and revising and reissuing the material, for reasons given, as Part 1750 of Title 16, Chapter II, Subchapter F.

Dated: December 10, 1973.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.73-26709 Filed 12-17-73;8:45 am]

Title 16—Commercial Practices

CHAPTER II—CONSUMER PRODUCT SAFETY COMMISSION

SUBCHAPTER F—REFRIGERATOR SAFETY ACT REGULATIONS

PART 1750—STANDARD FOR DEVICES TO PERMIT THE OPENING OF HOUSEHOLD REFRIGERATOR DOORS FROM THE INSIDE

Effective May 14, 1973, section 30(c) of the Consumer Product Safety Act (Pub. L. 92–573, 86 Stat. 1231; 15 U.S.C. 2079 (c)) transferred from the Secretary of Commerce and the Federal Trade Commission to the Consumer Product Safety Commission functions under the Act of August 2, 1956, also known as the Refrigerator Safety Act (Pub. L. 84–930, 70 Stat. 953; 15 U.S.C. 1211–14).

Before May 14, 1973, the Secretary of Commerce promulgated regulations under the Refrigerator Safety Act which appear in the Code of Federal Regulations as 15 CFR Part 260. The purpose of this document is to revise and transfer those regulations.

The material is revised to update names, titles, cross-references, etc., and to convert the measurements to the metric system.

Accordingly, pursuant to section 30 (c) of the Consumer Product Safety Act, the Consumer Product Safety Commission hereby (1) deletes Part 260 from Title 15, Chapter II, Subchapter F, and (2) revises and reissues the regulations under the Refrigerator Safety Act as Part 1750 of Title 16, Chapter II, Subchapter F, as set forth below.

Since no new requirements are added by this revision and transfer, notice and public procedure are not prerequisites to this issuance.

Part 1750 of Title 16, Chapter II, Subchapter F, reads as follows:

Sec.

AUTHORITY: Pub. L. 84-930, sec. 3, 70 Stat. 953 (15 U.S.C. 1213).

§ 1750.1 Definitions.

As used in this part:

(a) "Act" means the Refrigerator Safety Act (Pub. L. 84–930, 70 Stat. 953; 15 U.S.C 1211–14), enacted August 2, 1956.

(b) "Commission" means the Consumer Product Safety Commission established by the Consumer Product Safety Act (Pub. L. 92–573, sec. 4, 86 Stat. 1210; 15 U.S.C. 2053).

(c) "Device" means the mechanism or the means provided for enabling the doors of household refrigerators to be opened from the inside.

(d) "Effective date" means the date under the provisions of the act after which all household refrigerators manufactured and introduced or delivered for introduction into interstate commerce must comply with this standard. This date is October 30, 1958.

(e) "Household refrigerator" means a cabinet or any part of a cabinet designed for the storage of food at temperatures above 0° C. (32° F.), having a source of refrigeration, and intended for household use.

(f) "Opened" as applied to a refrigerator door means to effect release of the latching mechanism so that a trapped child would have to apply little or no further effort in order to escape.

(g) "Shelving" means any shelf, basket, drawer, or baffle which can be readily removed from the refrigerator without the use of tools.

§ 1750.2 Transfer of functions.

Effective May 14, 1973, section 30(c) of the Consumer Product Safety Act (86 Stat. 1231; 15 U.S.C. 2079(c)) transferred functions under the Refrigerator Safety Act from the Secretary of Commerce and the Federal Trade Commission to the Consumer Product Safety Commission.

§ 1750.3 Scope and application.

This standard shall apply to devices furnished with household refrigerators manufactured and introduced or delivered for introduction into interstate commerce after the effective date (October 30, 1958) which enable such refrigerators to be opened from the inside. The requirements of this standard shall apply to household refrigerators in their normal operating position only. The releasing feature(s) of the device shall be accessible from all spaces which (a) are bounded by interior walls or shelving, (b) are directly accessible when the exterior hinged door(s) is (are) opened, and (c) have a minimum dimension of 20.3 centimeters (8 inches) or more and a volume of 56.6 cubic decimeters (2 cubic feet) or more either with all shelving in place or as the result of the removal or the rearrangement of any or all of the shelving.

§ 1750.4 General requirements.

Household refrigerators shall be equipped with a device enabling the doors thereof to be opened easily from the inside, either by the application of an outwardly directed force to the inside of the door or by the rotation of a knob similar to a conventional doorknob. The device shall not render the refrigerator unsatisfactory for the preservation of food under any or all normal conditions of use.

§ 1750.5 Detailed requirements.

(a) *Releasing forces.* As determined by the tests prescribed by § 1750.6, the device:

(1) Shall permit the refrigerator door to be opened on the application of a force equivalent to one which, if directed perpendicularly to the plane of the door and applied anywhere along the latch edge of the inside of the closed door, shall not exceed 66.7 newtons (15 pounds);

(2) Shall permit the refrigerator door to be opened on the application of clockwise or counterclockwise turning moment of not more than 0.57 newton-meter (5 inch-pounds) to a knob on the door through an angle of rotation of 45°±15° in either direction; or

(3) Shall function automatically to permit the door to be opened with a force of 66.7 newtons (15 pounds) or less applied as described in paragraph (a)(1) of this section whenever space(s) exist(s) or is (are) created with dimensions and volumes exceeding the dimensions and volumes imposed by § 1750.3.

(b) *Description and location of knob(s).* The knob(s) shall resemble a conventional doorknob in shape and size and shall be mounted near the latch side of the door extending into the cabinet at least 6.3 millimeters (¼ inch) beyond any inner door surface within a 15.2-centimeter (6-inch) radius of the knob center. The knob(s) shall be mounted in such a manner that there is a minimum of 19.0-millimeter (¾-inch) clearance between the inner periphery of the knob(s) and adjacent inner door surfaces. The knob(s) shall be located so as to provide the accessibility required by § 1750.3.

(c) *Wear.* The device shall comply with the requirements of paragraph (a) of this section after 300,000 cycles of operation of the door as determined by the tests prescribed by § 1750.6.

(d) *Protection against adverse effects from spillage, cleaning, defrosting, and condensation.* Devices shall be designed so that spillage of foods or beverages, cleaning or defrosting in accordance with manufacturer's recommendations, or normal condensation will not so adversely affect the operation of the device as to result in its failure to meet the requirements of paragraph (a) of this section, as determined by the tests prescribed by § 1750.6.

(e) *Devices which permit door to be opened as a result of forces or turning moments applied to movable components inside the refrigerator.* Those components of a device upon which the safety features of the device depend shall not break, crack, permanently deform, nor show other visible damage when subjected to forces and moments specified in the tests under § 1750.6(c). The requirements of paragraph (a) of this section shall be satisfied after the device has been subjected to the tests under §1750.6(c).

(f) *Power supply.* The device shall operate in accordance with the requirements of this standard with the electric, gas, or other fuel supply either on or off.

§ 1750.6 Tests.

It is the intent of this standard that where tests are not specified, the general and detailed requirements shall be checked by inspection, simple measurement, and by consideration of pertinent standard commercial practices. Compliance with the requirements of § 1750.5 (a), (c), (d), and (e) shall be checked with the aid of the following tests:

(a) *Test for releasing force on door.* The force measurements shall be made by means of a force gage with a calibrated accuracy within ±1.3 newtons

(±0.3 pound) when measuring a force of 66.7 newtons (15 pounds). The dial of the gage shall be graduated with finest divisions not exceeding 0.9 newton (0.2 pound), and the full-scale range shall not exceed 133.4 newtons (30 pounds). Measurements shall be made at three points on the door near the inside latch edge—one point near the top of the interior space created by removal of all shelving, one point near the bottom, and one point midway between these two points. The requirements of § 1750.5(a)(1) shall be satisfied.

(b) *Test for knob torque.* The measurement of the turning moment required to operate the knob release shall be made with a torque gage adapted for attachment to the knob or knob shaft. The gage shall have a calibrated accuracy within ±0.011 newton-meter (0.10 inch-pound) when measuring a moment of 0.57 newton-meter (5 inch-pounds). The finest graduations on the dial of the gage shall correspond to a moment increment not greater than 0.011 newton-meter (0.10 inch-pound) and the full-scale range shall not exceed 1.13 newton-meters (10 inch-pounds) in each direction from the null reading. The turning moment shall be applied so as to rotate the knob the full amount required for release, in both a clockwise and a counterclockwise direction. The angle of rotation required for release shall be checked by means of an angle gage adapted to measure the angle of rotation about the longitudinal axis of the knob shaft. The gage shall have a calibrated accuracy within ±1° at an angle of 45° and the finest divisions shall not exceed 1°. The requirements of § 1750.5(a)(2) shall be satisfied.

(c) *Tests for strength of device components which affect the safety features of the device.* (1) The tests prescribed by paragraph (c)(2) of this section shall apply only to devices which permit the door to be opened as a result of forces or turning moments applied to movable components inside the refrigerator.

(2) A turning moment of 2.26 newton-meters (20 inch-pounds) shall be applied for 50 successive operations in a clockwise direction, followed by 50 successive similar operations in a counterclockwise direction, to components designed to permit the door to be opened as a result of the application of a turning moment to them. The turning moment shall be applied to the outer periphery of the component provided. The gage used for registering the moment applied shall have a calibrated accuracy within ±0.044 newton-meter (±0.4 inch-pound) when measuring a moment of 2.26 newton-meters (20 inch-pounds). The finest graduations on the dial of the gage shall correspond to a moment increment not greater than 0.044 newton-meter (0.4 inch-pound) and the full-scale range of the gage shall not exceed 4.52 newton-meters (40 inch-pounds) in each direction from the null reading. The turning moment applied in each operation shall be applied for a period of time sufficient for the component to come to rest after completing the extent of movement for which designed. A pushing force of 89.0 newtons (20 pounds) shall be applied for 50 successive operations, followed, if applicable, by 50 successive similar operations with a pulling force, to components designed to permit the door to be opened as a result of the application of a force to them. Areas which may be, in service, subjected to pushing or pulling forces which create maximum stresses (for example, points on the outer periphery of components designed to transmit a turning moment, or unsupported portions of members or areas designed for transmitting a force) shall be subjected to test. The gage used for registering the force applied shall have a calibrated accuracy within ±1.8 newtons (±0.4 pound) when measuring a force of 89.0 newtons (20 pounds). The finest graduations on the dial of the gage shall correspond to a force not in excess of 1.8 newtons (0.4 pound) and the full-scale range shall not exceed 177.9 newtons (40 pounds).

(3) Upon being subjected to the tests prescribed by paragraph (c)(2) of this section, no device component on which the safety features of the device depend shall break, crack, permanently deform, or show other visible damage. The device must satisfy the requirements of § 1750.5(a) after being subjected to the tests in paragraph (c)(2).

(d) *Simulated use test.* Tests shall be conducted on the completely assembled refrigerator in its normal operating position to determine that the release device complies with the requirements of § 1750.5 during and after the 300,000 cycles of door operation and following exposure to spillage of foods and beverages, to cleaning and defrosting in accordance with the manufacturer's recommendations, and to condensation. The equipment provided for operating the door shall open the door sufficiently on each cycle to assure a complete cycle of operation for the latch mechanism.

§ 1750.7 Provision for changes in the standard.

(a) Section 5 of the act provides for the possibility of changes in the commercial standard first established pursuant to section 3 of the act and allows a period of 1 year and 90 days for compliance with such changes after they are published.

(b) Any person wishing to propose a change in this standard shall submit to the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, the proposed change. Before a change is recommended, the Consumer Product Safety Commission shall secure advice and consultation from public or private sources including particularly the household refrigerator manufacturing industry and the Children's Bureau of the Department of Health, Education, and Welfare. The Commission shall then take such action as it deems appropriate.

(Public Law 84-930, sec. 3, 70 Stat. 953; 15 U.S.C. 1213)

Dated: December 10, 1973.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.73-26710 Filed 12-17-73;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER C—DRUGS

PART 135c—NEW ANIMAL DRUGS IN ORAL DOSAGE FORMS

PART 135g—TOLERANCES FOR RESIDUES OF NEW ANIMAL DRUGS IN FOOD

Potassium Penicillin G

The Commissioner of Food and Drugs has evaluated a new animal drug application (55-060V) filed by E. R. Squibb & Sons, Georges Road, New Brunswick, N.J. 08902, proposing safe and effective use of potassium penicillin G for the treatment of turkeys. The application is approved.

This drug is subject to certification under the provisions of 512(n) of the Federal Food, Drug, and Cosmetic Act; however, in the absence of an appropriate certification monograph, in lieu of certification the drug is batch released under the provisions of section 512(n)(1) of the act.

The Commissioner concludes that the regulations should be amended to provide for a negligible residue of penicillin in edible tissues of turkeys treated with the drug.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512 (i) and (n), 82 Stat. 347, 350-351; 21 U.S.C. 360b (i) and (n)) and under authority delegated to the Commissioner (21 CFR 2.120), Parts 135c and 135g are amended as follows:

1. Part 135c is amended by adding a new section to read as follows:

§ 135.118 Potassium penicillin G, veterinary.

(a) *Specifications.* The drug contains 0.384 billion units of potassium penicillin G per container. Potassium penicillin G must conform to the specifications in § 146a.24 of this chapter, except for sterility and pyrogens.

(b) *Sponsor.* See code No. 035 in § 135.501(c).

(c) *Conditions of use.* (1) The drug is intended for use in turkeys for treatment of erysipelas caused by *Erysipelothrix insidiosa.*

(2) It is administered in the drinking water of turkeys at the rate of 1,500,000 units per gallon of water for 5 days.

(3) Concentrated stock solutions prepared for use with medication proportioners must be prepared fresh every 24 hours. Recommended use levels (gravity flow watering system) must be prepared fresh every 12 hours. For best results treatment should be started at the first sign of infection.

(4) Discontinue treatment at least 1 day prior to slaughter of the turkeys. Not to be used in turkeys producing eggs for human consumption.

2. Part 135g is amended in § 135g.12 by revising paragraph (b) and adding a new paragraph (c) as follows:

§ 135g.12 Penicillin.

* * * * *

(b) Zero in the uncooked edible tissues of chickens, pheasants, quail, and swine;

in eggs; and in milk or in any processed food in which such milk has been used.

(c) 0.01 part per million in the uncooked edible tissues of turkeys.

Effective date. This order shall effective December 18, 1973.

(Sec. 512(i) and (n), 82 Stat. 347, 350–351; 21 U.S.C. 360b(i) and (n).)

Dated: December 11, 1973.

C. D. VAN HOUWELING,
Director, Bureau of Veterinary Medicine.

[FR Doc.73-26676 Filed 12-17-73;8:45 am]

Title 32—National Defense

CHAPTER XVI—SELECTIVE SERVICE SYSTEM

PART 1604—SELECTIVE SERVICE OFFICERS

Methods for Transmitting Orders to Registrants

Whereas, on November 7, 1973, the Director of Selective Service published a notice of proposed amendment of Selective Service regulations 38 FR 30749 of November 7, 1973; and

Whereas more than thirty days have elapsed subsequent to such publication during which period comments from the public have been received and considered. The new section prescribes the methods for transmitting orders and official papers to registrants.

Now therefore by virtue of the authority vested in me by the Military Selective Service Act, as amended (50 App. U.S.C. sections 451 *et seq.*) and § 1604.1 of Selective Service regulations (32 CFR 1604.1), the Selective Service regulations, constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulations, are hereby amended by adding § 1604.60, effective 11:59 p.m. E.S.T. on December 31, 1973, as follows:

§ 1604.60 Transmission of orders and other official papers to registrants.

Personnel of the Selective Service System will transmit orders or other official papers addressed to a registrant by handing them to him personally or mailing them to him to the address last reported by him in writing to his local board.

BYRON V. PEPITONE,
Director.

DECEMBER 10, 1973.

[FR Doc.73-26672 Filed 12-17-73;8:45 am]

PART 1641—DUTY OF REGISTRANTS

Mail to Registrants

Whereas, on November 7, 1973, the Director of Selective Service published a notice of proposed amendments of Selective Service regulations 38 FR 30749 of November 7, 1973; and

Whereas such publication complied with the publication requirement of section 13(b) of the Military Selective Service Act (50 App. U.S.C. sections 451 et seq.) in that more than thirty days have elapsed subsequent to such publication during which period comments from the public have been received and considered; and I certify that I have requested the views of officials named in section 2(a) of Executive Order 11623 and none of them has timely requested that the matter be referred to the President for decision.

The amendment revokes § 1641.2 which is no longer considered appropriate for a Selective Service Regulation.

Now therefore by virtue of the authority vested in me by the Military Selective Service Act, as amended (50 App. U.S.C. sections 451 et seq.) and Executive Order 11623 of October 12, 1971, the Selective Service Regulations, constituting a portion of Chapter XVI of Title 32 of the Code of Federal Regulations, are hereby amended, effective 11:59 p.m. E.S.T. on December 31, 1973, as follows:

§ 1641.2 [Revoked]

1. Section 1641.2 *Effect of mailing a communication to a registrant,* is revoked.

BYRON V. PEPITONE,
Director.

DECEMBER 10, 1973.

[FR Doc.73-26673 Filed 12-17-73;8:45 am]

Title 34—Government Management

CHAPTER II—OFFICE OF FEDERAL MANAGEMENT POLICY, GENERAL SERVICES ADMINISTRATION

SUBCHAPTER B—PROCUREMENT MANAGEMENT

PART 211—COST SHARING ON FEDERAL RESEARCH (FMC 73–3)

This document converts Office of Management and Budget Circular A–100 into a General Services Administration Federal Management Circular (FMC 73–3) pursuant to Executive Order 11717 and Office of Management and Budget Bulletin 74–4 which transferred certain Office of Management and Budget responsibilities to the General Services Administration.

FMC 73–3, dated December 4, 1973, provides guidelines for Federal agencies concerning participation by the performing organizations in the cost of research supported by Federal agencies. Also, it requires the heads of executive departments and agencies to establish administrative procedures to ensure that appropriate consideration is given to the need and desirability for cost sharing, in compliance with existing statutory requirements.

Effective date. This regulation is effective March 31, 1971.

Dated: December 4, 1973.

ARTHUR F. SAMPSON,
Administrator of General Services.

Part 211, Cost sharing on Federal research, is added as set forth below.

Sec.

Authority: Executive Order 11717 (38 FR 12315, May 11, 1973)

§ 211.1 Purpose.

This part provides guidelines for Federal agencies concerning participation by the performing organizations in the cost of research supported by Federal agencies.

§ 211.2 Effective date.

The guidelines set forth in this part shall be applied to all research agreements which are awarded or extended with additional funds after March 31, 1971, and may be observed earlier. This effective date is the same as that provided in Office of Management and Budget Circular A–100 which is being replaced by this circular.

§ 211.3 Supersession.

This part supersedes Office of Management and Budget Circular No. A–100 which, at the time it was issued, rescinded and replaced Circular No. A–74, dated December 13, 1965.

§ 211.4 Background.

The policy guidelines which follow are the same as those in OMB Circular A–100 except for changes designating the General Services Administration as the cognizant office. The executive branch is currently considering recommendation B–8 of the Commission on Government Procurement. A position on that recommendation could result in changes to the existent policy guidelines.

§ 211.5 Policy intent.

The purpose of this part is not primarily to implement specific statutory requirements for cost sharing, but rather to provide guidance to all agencies regarding cost sharing, whether or not it is required by statute. Guidance is provided for determining:

(a) The amount of cost sharing to be obtained when cost sharing is required by statute; and

(b) Whether performing organizations should be requested to participate in the cost of the research even though cost sharing is not required by statute, and, if so, in what amount.

§ 211.6 Applicability and scope.

(a) These guidelines are applicable to all Federal agencies' research grants, contracts, or other research agreements (hereinafter referred to collectively as research agreements) with educational institutions, other not-for-profit or nonprofit organizations, commercial or industrial organizations, or any other recipients except other Federal agencies. The term "research" as used in this part includes both basic research and applied research.

(b) These guidelines need not be applied to development projects; i.e., projects for which the principal purpose is the production of, or design, testing, or

improvement of products, materials, devices, systems, or methods. However, agencies may apply some or all of these guidelines to development projects as they consider appropriate.

(c) This part is not intended to provide complete guidance on the implementation of all statutory requirements for cost sharing which may be applicable to particular agencies. The agencies shall be responsible for assuring compliance with such statutory requirements.

§ 211.7 Guidelines.

(a) *Cost participation by performing organizations.* (1) Participation by performing organizations in the cost of conducting research projects is intended to serve the mutual interests of the Federal Government and the performing organizations by helping to assure efficient utilization of the resources available for the conduct of research projects and by promoting sound planning and prudent fiscal policies by the performing organizations. In implementing the guidelines of this part, Federal agencies should exercise care to assure that their procedures and practices reflect these mutual interests and the research needs of the Federal Government.

(2) Agencies shall require performing organizations to contribute to the cost of performing research under Federal research agreements if the agency is required by statute to obtain such cost sharing. If cost sharing is not required by statute, agencies shall encourage organizations to contribute to the cost of performing research under Federal research agreements unless the agency concludes that a request for cost sharing would not be appropriate because of any of the following circumstances:

(i) The particular research objective or scope of effort for the project is specified by the Government rather than proposed by the performing organizations; this would usually include any formal Government request for proposals for a specific project.

(ii) The research effort has only minor relevance to the non-Federal activities of the performing organization, and the organization is proposing to undertake the research primarily as a service to the Government.

(iii) The organization has little or no non-Federal sources of funds from which to make a cost contribution. Cost sharing should generally not be requested if cost sharing would mean that the Government would have to provide funds through some other means (such as fees) to enable the organization to cost share. It should be recognized that those organizations which are predominantly engaged in research and development and have little or no production or other service activities may not be in a favorable position to make a cost contribution.

(3) Except when cost sharing is required by statute, cost sharing need not be a prerequisite to the award of a research agreement if the agency concludes that payment of the full cost of the research effort is necessary in order to obtain the services of the particular organization.

(b) *Amount of cost sharing.* When cost sharing is required or determined to be appropriate in accordance with § 211.7 (a), the amount of cost participation by the performing organizations may vary in accordance with a number of factors relating to the performing organization and the character of the research effort. In the final analysis, the amount of cost participation should reflect the mutual agreement of the parties, provided that it is consistent with any statutory requirements. Factors which the agencies may consider in any negotiations with performing organizations regarding the amount of cost participation include the following:

(1) Cost participation by educational institutions and other not-for-profit or nonprofit organizations should normally be at least 1 percent of total project cost. In many cases cost sharing of less than 5 percent of total project cost would be appropriate in view of the organizations' nonprofit status and their normally limited ability to recover the cost of such participation from non-Federal sources. However, in some cases it may be appropriate for educational institutions to provide a higher degree of cost sharing, such as when the cost of the research consists primarily of the academic year salary of faculty members, or when the equipment acquired by the institution for the project will be of significant value to the institution in its educational activities.

(2) The amount of cost participation by commercial or industrial organizations should depend to a large extent on whether the research effort or results are likely to enhance the performing organization's capability, expertise, or competitive position and the value of such enhancement to the performing organization. It should be recognized that those organizations which are predominantly engaged in research and development and have little or no production or other service activities may not be in a favorable position to derive a monetary benefit from their research under Federal agreements. Therefore, cost participation by commercial or industrial organizations could reasonably range from as little as 1 percent or less of the total project cost to more than 50 percent of total project cost.

(3) If the performing organization will not acquire title to or the right to use inventions, patents, or technical information resulting from the research project, it would genrally be apropriatee to obtain less cost sharing than in cases in which the performer acquires such rights.

(4) When cost sharing is required by statute, cost participation of less than 1 percent may be appropriate if any of the circumstances listed in § 211.7(a)(2) are present.

(5) A relatively low degree of cost sharing may be appropriate if, in the view of the Federal agency, an area of research requires special stimulus in the national interest.

(6) A fee or profit will usually not be paid to the performing organization if the organization is to contribute to the cost of the research effort, but the amount of cost sharing may be reduced to reflect the fact that the organization is foregoing its normal fee or profit on the research. However, if the research is expected to be of only minor value to the performing organization and if cost sharing is not required by statute, it may be appropriate for the performer to make a contribution in the form of a reduced fee or profit rather than sharing the costs of the project.

(c) *Administration.* (1) Cost participation may be accomplished by a contribution to any of the cost elements of research projects supported by Federal research agreements, either direct or indirect costs, provided that such costs would otherwise be allowable in accordance with any cost principles applicable to the research agreements, and that the costs are not charged to the Federal Government under any other grant or contract.

(2) The amount of cost participation by a performer may be determined for each individual research project, or, if the supporting agency desires, for the aggregate of all or some of the research projects supported by an agency at a given organization. When the amount of cost sharing is determined for individual projects, the supporting agency may consider the organization's participation over the total term of the project so that a relatively high contribution in one year may be offset by a relatively low contribution in another year. If the amount of cost sharing is to be determined for the aggregate of all or some of the agency's projects at an organization, the Federal agency and the performer may agree that relatively high contributions on some projects may be offset by relatively low contributions on other projects.

(3) Federal agencies shall require recipients of research agreements to maintain records of all research project costs claimed by the performer as being its contribution, as well as records of costs to be paid by the Government. Such records should be subject to audit by the Federal Government.

§ 211.8 Responsibilities.

All agencies shall establish administrative procedures to assure that responsible agency personnel give appropriate consideration to the need for or desirability of cost sharing and the amount of such cost sharing by performing organizations in accordance with the policies and principles of this part.

§ 211.9 Inquiries.

Further information concerning this part may be obtained by contacting:

General Services Administration (AMC), Washington, DC 20405.

Telephone: IDS 183-6201, FTS 202-343-6201.

[FR Doc.73-26355 Filed 12-17-73;8:45 am]

SUBCHAPTER E—MANAGEMENT SYSTEMS

PART 271—CENTRAL SUPPORT SERVICES (FMC 73-4)

This document converts Office of Management and Budget Circular A-68 into

a General Services Administration Federal Management Circular (FMC 73–4) in accordance with Executive Order 11717 and Office of Management and Budget Bulletin 74–4 which transferred certain Office of Management and Budget responsibilities to the General Services Administration.

FMC 73–4, dated December 4, 1973, provides policies and procedures under which certain supporting services may be established in Federal office buildings occupied by a number of executive departments and establishments, and operated, where appropriate, by the General Services Administration or other agencies. The objective of the centralization program is to increase efficiency and to achieve economies without hampering program activities or essential internal administration of the executive departments and establishments to be served.

Effective date: This regulation is effective December 4, 1973.

Date: December 4, 1973.

ARTHUR F. SAMPSON,
Administrator of General Services.

Part 271, Central Support Services, is added to read as set forth below.

Sec.
271.1 Purpose.
271.2 Supersession.
271.3 Background.
271.4 Policy intent.
271.5 Scope.
271.6 Policies and procedures.
271.7 Inquiries.

AUTHORITY: Executive Order 11717 (38 FR 12315, May 11, 1973)

§ 271.1 Purpose.

This part provides policies and procedures under which central supporting services may be established in Federal office buildings occupied by a number of executive departments and establishments, and operated, where appropriate, by the General Services Administration (GSA) or other agencies.

§ 271.2 Supersession.

This part supersedes Office of Management and Budget Circular No. A–68, August 28, 1964.

§ 271.3 Background.

GSA is currently providing various centralized services to executive departments and establishments in such fields as office and storage space, supplies and materials, communications, records management, and transportation services. Centralization of other supporting services or activities such as health units, printing and duplicating shops, use of training devices and facilities, use of large conference rooms, and central facilities for receipt and dispatch of mail, may be feasible with resulting economies in personnel and space. Opportunities to effect economies through planned consolidation of such services occur particularly during the design stage of the construction of new Federal buildings.

§ 271.4 Policy intent.

The objectives of this centralization program are to increase efficiency and to achieve economies without hampering program activities or essential internal administration of the executive departments and establishments to be served.

§ 271.5 Scope.

The provisions of this part apply to all executive departments and establishments (hereafter referred to as executive agencies) occupying Federal office buildings.

§ 271.6 Policies and procedures.

(a) *Agency cooperation.* Executive agencies are encouraged and expected to cooperate fully in studies regarding prospective establishment of central supporting services and in the use of such services after they are established as a means of achieving economies and improving use of manpower, equipment, and space. Agencies will be expected to discontinue similar services where a central support service is available.

(b) *Reimbursement.* Arrangements for reimbursement for central supporting services shall conform to existing law. Normally, reimbursement shall be made for the use of established services except where the cost is nominal or where reimbursement may not be practicable.

(c) *Studies.* (1) GSA on its own initiative or at the request of an interested agency will conduct studies of locations where a centralized supporting service facility may be feasible. Before initiating any such study, the Administrator of General Services will give at least 30 days' notice to the head of any executive agency that would be served by the proposed facility. The notice will contain an indication of cost elements involved and will indicate intended procedures to be followed in the study. The head of each executive agency receiving such a notice will be asked to designate one or more officials at the location with whom representatives of GSA may consult and to make available such information and assistance as is required or pertinent for an adequate review of the proposed installation.

(2) If the Administrator of General Services determines, on the basis of the study, that establishment of the proposed facility is in accord with the objectives of this program, he will prepare a formal report to that effect. If mutual agreement is reached, an agency other than GSA may be designated by the Administrator of General Services to administer the service or facility. Each report will include:

(i) An explanation of advantages to be gained from increased economy, efficiency, and service, with due regard to the program and internal administrative requirements of the agencies to be served;

(ii) A comparison between estimated costs of the proposed centralized operation and those of separate agency operations. Estimated savings will be projected on an annual basis over a 3-year period; and

(iii) A statement of the date the facility can be fully operational.

(3) The Administrator of General Services will send a copy of this report to the head of each executive agency affected and to the Director of the Office of Management and Budget.

(d) *Establishment and operation.* (1) Negotiations, arrangements, and agreements for participation are primarily the responsibilities of GSA and the agencies involved. While a formal appeal procedure is believed unnecessary under this program, any agency desiring to explain its inability to participate may do so by sending a letter to the Director of the Office of Management and Budget and a copy of the letter to the Administrator of General Services.

(2) Any proposed centralization of printing activities under this program shall be in accord with the rules and regulations of the Joint Committee on Printing.

(3) "Tenant committees" shall be established to assist GSA or whatever other agency may be responsible for the administration and coordination of the facility or service.

(4) Agency heads may bring problems of service and cost to the attention of the Administrator of General Services, who will give such problems prompt attention.

(5) Services provided by a facility established under this program may be discontinued or curtailed if no actual savings are realized from its operation during a reasonable period. Once established, a facility should be operated for a minimum of 1 year in order to develop accurate cost information. The Administrator of General Services will consult with agencies in regard to timing of curtailment or discontinuance of any service, and, in any event, will give agency heads concerned at least 60 days' notice before taking such action.

(e) *Development of program criteria.* On the basis of experience under this program the Administrator of General Services will develop criteria for cost comparisons, production needs, size of building population, number of agencies involved, and other appropriate factors for consideration in determining the practicability of establishing various types of common services.

(f) *Budget review.* The costs, staffing, and utilization of established central service facilities, similar facilities operated by nonparticipating agencies, and proposals for the establishment of new central services will be considered by the Office of Management and Budget in its annual review of budget requirements.

§ 271.7 Inquiries.

Further information concerning this part may be obtained by contacting:

General Services Administration (AMM), Washington, DC 20405.
Telephone: IDS 183–7461, FTS 202–343–7461.

[FR Doc.73-26356 Filed 12-17-73;8:45 am]

Title 35—Panama Canal

CHAPTER I—CANAL ZONE REGULATIONS

PART 105—PILOTAGE

Waiver of Compulsory Pilotage Rule

This document revokes the amendment of the regulations containing compul-

sory pilotage rules for vessels calling in Canal Zone waters [35 CFR 105.1(d), as added, 38 FR 27386, October 3, 1973]. The purpose of this revocation is to rescind the delegation of authority to the Governor of the Canal Zone that under certain circumstances would have permitted designated vessels to navigate in the Canal Zone without a licensed Panama Canal pilot aboard.

Section 105.1(d) is hereby revoked.

Effective date: This revocation is effective December 11, 1973.

(2 C.Z.C. sec. 1331, 76A Stat. 46; 35 CFR 3.1(a)(1))

Dated: December 11, 1973.

HOWARD H. CALLAWAY,
Secretary of the Army.

[FR Doc.73-26752 Filed 12-17-73;8:45 am]

Title 38—Pensions, Bonuses, and Veterans' Relief

CHAPTER I—VETERANS ADMINISTRATION

PART 1—GENERAL PROVISIONS

Licensing of Government-Owned Inventions

Section 1.666 is added to give notice to the public that the administrative licensing function for Government inventions in the control and custody of the Veterans Administration will be handled by the Department of Health, Education, and Welfare.

It is found that it is impracticable and contrary to the public interest to give preliminary notice and postpone the effective date of this regulation until 30 days after publication thereof in the FEDERAL REGISTER (§ 1.12 of this chapter) because this regulation will reflect a statement of Veterans Administration policy and procedure.

Section 1.666 is added to read as follows:

§ 1.666 Licensing of Government-owned inventions.

The licensing of Government-owned inventions under Veterans Administration control and custody will be conducted pursuant to the regulations on the licensing of Government-owned inventions promulgated by the General Services Administration in 41 CFR Subpart 101-4.1. By mutual agreement, the Department of Health, Education, and Welfare will administer the licensing of such inventions.

This VA Regulation is effective December 18, 1973.

Approved: December 11, 1973.

By direction of the Administrator:

[SEAL] RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.73-26719 Filed 12-17-73;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

PART 87—CONTROL OF AIR POLLUTION FROM AIRCRAFT AND AIRCRAFT ENGINES

Emission Standards and Test Procedures for Aircraft

Correction

In FR Doc. 73-14493 appearing at page 19087 in the issue of Tuesday, July 17, 1973, make the following changes:

1. In § 87.70:

a. The second line of the formula in paragraphs (a)(2) and (3) should read:

1,000 hp.-hr., as appropriate/cycle

b. The word "of" in the parenthesis in paragraph (b)(4) should read "or".

c. The first heading in the table directly under paragraph (d) should read "Time in mode (minutes)".

2. The word "exvhaust" in the heading of § 89.93(d) should read "exhaust".

3. In the heading of § 87.96(a), the third symbol "CO" should read "CO_2".

4. In Appendix A:

a. The designation for "Repeatability" in the sixth line should read:

Repeatability—±1 percent of full scale.

b. In the sixth line of paragraph (3)(i), "2 p.p.m.C.C. hydrocarbon." should read "2 p.p.m.C hydrocarbon.".

PART 87—CONTROL OF AIR POLLUTION FROM AIRCRAFT AND AIRCRAFT ENGINES

Corrections

In the regulations promulgated on July 17, 1973 for control of pollution from aircraft and aircraft engines (38 FR 19088) several minor errors were made. To avoid confusion and to insure that the regulations will be executed as intended, the corrections are listed in this notice.

Part 87 of Chapter I, Title 40 of the Code of Federal Regulations as applicable beginning in 1979 is amended as follows, effective December 18, 1973.

The provisions of this Part 87 are issued under section 231 of the Clean Air Act, as amended (42 U.S.C. 1857f-9).

Dated: December 13, 1973.

RUSSELL E. TRAIN,
Administrator.

Part 87, Title 40, Code of Federal Regulations, is corrected as follows:

1. In § 87.64, a line in paragraph (c)(1)(ii)(*c*) was omitted. As corrected, the section reads as follows:

§ 87.64 Sampling and analytical system for measuring exhaust emissions.

* * * * *

(c) * * *

(1) * * *

(ii) * * *

(*c*) If the minimum of 12 sampling points is used, the points in circumferentially adjacent sampling areas shall be separated by at least 80° angular displacement. No two sampling points shall be separated in any direction by a distance less than 0.1 tailpipe radius or 0.1 annular height, as applicable. If the number of sampling points (n) is greater than 12, they shall be equal in number in each quadrant or sector and the minimum separations specified above shall be reduced by a factor=12/n.

* * * * *

2. In § 87.66, there were typing errors in paragraphs (a)(6)(i) and (vi). As corrected, the section reads as follows:

§ 87.66 Calibration and instrument checks.

(a) * * *

(6) * * *

(i) Attach the NO/N_2 supply (150-350 p.p.m.) at C2, the O_2 supply at C1 and the analyzer inlet connection to the efficiency detector at C3. If lower concentrations of NO are used, air may be used in place of O_2 to facilitate better control of the NO_2 generated during step (iv).

* * * * *

(vi) Turn off the ozonator and allow the analyzer reading to stabilize. The mixture NO+O_2 is still passing through the converter. This reading is the total NOx concentration of the dilute NO span gas used at step (iii). Record this concentration.

* * * * *

3. In § 87.70, the definition of (CO_2) in paragraph (e)(4)(iii) was cited incorrectly. As corrected, the citation reads as follows:

§ 87.70 Calculations.

* * * * *

(e) * * *

(4) * * *

(iii) (CO_2)=concentration of carbon dioxide in the exhaust sample in volume percent.

* * * * *

4. In § 87.99, the definitions of CO emission rate in paragraph (e)(2)(ii) and of HC conc. in paragraph (e)(5)(i) were cited incorrectly. As corrected, the citations read as follows:

§ 87.99 Calculations.

* * * * *

(e) * * *

(2) * * *

(ii) CO emission rate=pounds/hour of exhaust carbon monoxide emitted in an operational mode.

* * * * *

(5)(i) HC conc.=hydrocarbon concentration of the exhaust sample in

parts per million carbon equivalent, i.e., equivalent propane x 3.

* * * * *

5. In paragraph (a) to Appendix A the word "charged" appeared as the word "changed". As corrected, the paragraph reads as follows:

APPENDIX A—INSTRUMENTATION (AIRCRAFT GAS TURBINE ENGINE MEASUREMENTS)

(a) *NDIR instruments.* Nondispersive infrared (NDIR) analyzers shall be used for the continuous monitoring of carbon monoxide and carbon dioxide.

The NDIR instruments operate on the principle of differential energy absorption from parallel beams of infrared energy. The energy is transmitted to a differential detector through parallel cells, one containing a reference gas, and the other, sample gas. The detector, charged with the component to be measured, transduces the optical signal to an electrical signal. The electrical signal thus generated is amplified and continuously recorded. The NDIR analyzer used in accordance with Subpart H of this part shall meet the following specifications:

* * * * *

[FR Doc.73-26701 Filed 12-17-73;8:45 am]

Title 50—Wildlife and Fisheries

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

PART 33—SPORT FISHING

Arapaho National Wildlife Refuge, Colorado

The following special regulation is issued and is effective on December 18, 1973.

§ 33.5 **Special regulations; sport fishing for individual wildlife refuge areas.**

COLORADO

ARAPAHO NATIONAL WILDLIFE REFUGE

Sport fishing on the Arapaho National Wildlife Refuge, Colorado, is permitted from January 1 through May 31 and August 1 through December 31, 1974, inclusive, on the area designated by signs as open to fishing. This open area is delineated on maps available at refuge headquarters, Walden, Colorado 80480, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Sport fishing shall be in accordance with all applicable State regulations.

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

V. CARROL DONNER,
Refuge Manager, Arapaho National Wildlife Refuge, Walden, Colorado.

DECEMBER 10, 1973.

[FR Doc.73-26753 Filed 12-17-73;8:45 am]

PART 33—SPORT FISHING

Pathfinder National Wildlife Refuge, Wyoming

The following special regulation is issued and is effective on December 18, 1973.

§ 33.5 **Special regulations; sport fishing, for individual wildlife refuge areas.**

WYOMING

PATHFINDER NATIONAL WILDLIFE REFUGE

Sport fishing on the Pathfinder National Wildlife Refuge, Wyoming, is permitted from January 1 through December 31, 1974, inclusive, on all areas not designated as closed to fishing by signs. These open areas, comprising 16,807 acres, are delineated on maps available at refuge headquarters, Walden, Colorado 80480, and from the Regional Director, Bureau of Sport Fisheries and Wildlife, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225. Sport fishing shall be in accordance with all applicable State regulations.

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

V. CARROL DONNER,
Refuge Manager, Pathfinder National Wildlife Refuge, Walden, Colorado.

DECEMBER 10, 1973.

[FR Doc.73-26754 Filed 12-17-73;8:45 am]

Title 32A—National Defense Appendix

CHAPTER XIII—FEDERAL ENERGY OFFICE [1]

[Order No. 9]

EPO REG. 3—MANDATORY ALLOCATION PROGRAM FOR PROPANE

Propane Reporting Interpretation

Present reporting methods have resulted in substantial underreporting of propane inventories. To provide an accurate report of propane inventories, the administrative determination has been made that section 4(a) of EPO Reg. 3 (38 FR 27397, Oct. 3, 1973) shall be interpreted to provide that all owners and operators of storage facilities with a capacity in excess of 500,000 gallons who store propane shall report to the Administrator the total volume, locations and ownership of all propane held in storage including propane owned by the storage facilities owner, operator and affiliated companies and also that propane held in transit.

Each owner, operator and company which, within 5 days after the end of November, did not report the complete propane inventory held in storage in any status by that owner, operator, or company is hereby directed to file a complete report of the propane inventory held at the close of business on November 30, 1973. The complete report should be forwarded immediately, postmarked no later than December 19, 1973, addressed to: Storage Report, U.S. Department of the Interior, P.O. Box 19407, Washington, D.C. 20036.

Dated: December 13, 1973.

FRANK G. ZARB,
Acting Administrator, Office of Petroleum Allocation.

[FR Doc.73-26834 Filed 12-17-73;10:40 am]

[1] As a result of Executive Order 11748 (38 FR 33575, December 6, 1973), the Federal Energy Office succeeds the Energy Policy Office; the heading of Chapter XIII has been changed accordingly.

Proposed Rules

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rulemaking prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[9 CFR Parts 108, 114, & 116]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS

Sanitation, Production and Recordkeeping Requirements for Licensed Establishments

Notice is hereby given in accordance with the provisions contained in section 553(b) of Title 5, United States Code (1966), that it is proposed to amend certain of the regulations relating to viruses, serums, toxins, and analogous products in Parts 108, 114, and 116 of Title 9, Code of Federal Regulations, issued pursuant to the provisions of the Virus-Serum-Toxin Act of March 4, 1913 (21 U.S.C. 151–158).

These proposed amendments would include a revision of the regulations pertaining to the facilities required at licensed establishments. As revised, they would change the title of Part 108 to "Facility Requirements for Licensed Establishments" and would codify in Part 108 regulations pertaining to such facilities. Blueprint and legend requirements now issued in administrative memorandum form would be included. Other facility requirements now in Part 108 would be restated for clarity. Water quality requirements as affected by the Water Quality Improvement Act of 1970 would also be included.

These proposed amendments would include a revision of requirements pertaining to the production of biological products now in Part 114 and would codify in Part 114 those now in administrative memorandum form. These would include identification requirements of ingredients, portions of biological products, and finished product.

Designation of an official representative of each licensee would be required to act as contact with Veterinary Services. Biographical summaries would be required for personnel responsible for products. Other personnel requirements would be specified. Unsanitary practices would be prohibited.

The regulations pertaining to an Outline of Production would be revised. Requirements now published in administrative memorandums and notices would be codified including guidelines for preparing outlines.

"Gentamicin" would be added to the list of permitted antibiotics to be used as a preservative.

Requirements for biological products prepared from animal blood would be amended to require an examination of animals by a veterinarian; to specify conditions under which the animals could not be used; and to provide for inclusion of tests to be conducted on such animals in the Outline of Production.

The criteria to be considered in establishing expiration dates would be prescribed in these amendments. Methods to determine the harvest dates for various types of products would be prescribed. Extension of the expiration dates would be provided for with specified restrictions.

Clarification of the restrictions placed on joint use of facilities by licensees and subsidiaries would be provided. Separate production requirements would be prescribed.

Provisions would be made for rebottling and reprocessing biological products. Authorization by the Deputy Administrator is provided with limiting conditions prescribed.

These proposed amendments would include a revision of Part 116. The regulations in Part 116 would be expanded by codifying more detailed record requirements now published in administrative memorandums.

PART 108—FACILITY REQUIREMENTS FOR LICENSED ESTABLISHMENTS

1. Part 108—*Sanitation Requirements for Licensed Establishments*—is amended to read:

Sec.

AUTHORITY: 37 Stat. 832–833; 21 U.S.C. 151–158.

§ 108.1 Applicability.

Unless otherwise authorized by the Deputy Administrator, all buildings, appurtenances, and equipment used in the preparation of biological products shall be in compliance with the regulations in this part. Each land area on which such buildings and appurtenances are located shall be identified by an address which shall appear on the establishment license.

§ 108.2 Plot plans, blueprints, and legends required.

Each applicant for an establishment license shall prepare a plot plan showing all buildings for each particular land area, blueprints for each building used in the preparation and shipment of biological products and legends containing detailed explanation of all activities in each room or area.

§ 108.3 Preparation of plot plans.

Plot plans shall show all of the buildings on a particular land area, whether or not they are all used for the preparation and initial shipping of biological products; *Provided*, That, when a great number of buildings are on the same premises, only those surrounding the buildings used for preparation and initial shipping of biological products shall be shown. The presence of the remainder of the buildings may be accounted for by a single statement denoting the total number of such buildings not used for the preparation or shipping of biological products.

(a) Reduce the entire premises to any standard scale on one sheet of paper which meets any of the American standard trimmed sizes. Indicate the scale used.

(b) Clearly mark the boundaries of the licensed premises and indicate what marking denotes the boundaries. Such boundaries shall coincide with some readily apparent perimeter line. Identify all fences, walls, or streets.

(c) Show buildings as reduced dimensional drawings in the proper scale distance relationship with each other.

(d) Number, letter, or otherwise identify all buildings so that they may be correlated with the respective blueprints and legends.

(e) Describe on the plot plan the use of immediate adjacent properties such as, residential area, pasture, box factory, or the like.

(f) Show compass points.

(g) Show date of preparation.

(h) Apply signature of responsible official of the firm.

§ 108.4 Preparation of blueprints.

(a) Blueprints, drawn to any suitable scale, on regular blueprint paper or a good grade of white paper of any one of the American standard trimmed sizes shall be acceptable; *Provided*, That the same scale shall be used for future revisions unless the entire blueprint is revised. Indicate the scale used.

(b) Use a single sheet of paper for each floor of all buildings in which biological products are prepared. Illustrate in detail the areas in each building utilized for such preparation.

(c) If only a portion of a floor is used in the preparation of a biological product, the blueprint shall illustrate the entire floor in essentially the same detail throughout. All functions or activities

performed in the remainder of the floor shall be indicated.

(d) Identify the floors if the drawing is not for all floors in a multiple-story building and identify activities on each floor.

(e) Identify all rooms by letters or numbers.

(f) Show the location of important stationary equipment by a suitable code which will be further identified on legends.

(g) Explain on the blueprint or on the legend, by a statement or listing, which rooms are equipped with water outlets, drains, and lighting. Show the location of doors and windows.

(h) Show compass points.

(i) Show building number.

(j) Show date of preparation.

(k) Apply signature of responsible official of firm.

§ 108.5 Preparation of legends.

Detailed explanation of the activities performed in each room or area shall be prepared as provided in this section and shall be referred to as a legend. Legends shall be provided for each plot plan and each blueprint or drawing. All pages of the legends shall be numbered, identified with corresponding plot plan or blueprint, and submitted in booklet form either stapled together or clipped into a suitable folder.

(a) Plot plan legends shall show the following:

(1) Number of each building and the functions performed in each: *Provided*, That if it is a multiple-story building in which biological products are prepared or handled, briefly describe functions performed on each floor.

(2) A practical and nontechnical description of construction materials used throughout those buildings used entirely or partially for production and handling of biological products.

(b) Blueprint legends shall show the following:

(1) A listing of all rooms by identifying letters or numbers and the product code numbers for products prepared in whole or in part in each room. Exceptions may be listed for general purpose areas or rooms. Functions performed in each area and room shall be described.

(2) A listing of the coded stationary equipment.

(3) A general listing of other essential biological equipment such as mills, centrifuges, mixing tanks, bottling and sealing equipment, and the like, which are not regarded as stationary but are maintained in certain rooms.

§ 108.6 Revision of plot plans, blueprints, and legends.

When remodeling is anticipated, new buildings are to be constructed or old ones are to be torn down, or other workflow changes are to be made, the licensee shall:

(a) Prepare revised plot plans, blueprints, or legends and submit to Veterinary Services for review and filing before changes are made. Prepare a statement to accompany each revision to identify, by date of the superseded item, what is being superseded.

(b) Prepare a drawing of the revised rooms, unit, or section to the same scale as the blueprint on file which shall be stamped and applied to the existing blueprint. If changes are numerous, prepare a new blueprint.

(c) Drawings of new buildings may be added to existing plot plans. Indicate the distance from surrounding buildings and boundary lines.

(d) Any change prescribed in this section shall necessitate a change in one or more pages of the respective legends. The revised pages shall carry the same numbers as superseded pages.

§ 108.7 Filing of plot plans, blueprints, and legends.

Three copies of all plot plans, blueprints, and legends, including revisions, shall be submitted to Veterinary Services for review and filing. When the reviewer takes exception to a submitted item, such item shall be returned with appropriate comments for correction and resubmission. Acceptable submissions shall be stamped as filed and the date noted. One stamped copy shall be returned and two copies retained for Veterinary Services files.

§ 108.8 Construction of buildings.

(a) The floors, walls, ceilings, partitions, posts, doors, and all other parts of all structures at licensed establishments shall be of such material, construction, and finish as may be readily and thoroughly cleaned.

(b) All rooms used in connection with the preparation of biological products shall be so constructed and arranged as to prevent cross-contamination of such biological products. Halls or walkways shall be provided for the movement of personnel or materials to each room without going through another room.

(c) Rooms or compartments separate from the remainder of the establishment shall be provided at licensed establishments for preparing, handling, and storing virulent or dangerous microorganisms and products.

(d) All rooms and compartments at licensed establishments shall have an adequate air handling system to supply proper ventilation sufficient to insure sanitary and hygienic conditions for the protection of the products and personnel.

(e) The supply of hot and cold water at licensed establishments shall be ample and clean. Adequate facilities shall be provided for the distribution of water in each establishment and for the washing of all containers, machinery, instruments, other equipment, and animals used in the preparation of a biological product.

(f) There shall be an efficient drainage and plumbing system for each licensed establishment and premises thereof, and all drains and gutters shall be properly installed with approved traps and vents.

§ 108.9 Dressing rooms and other facilities.

Each licensed establishment shall have dressing rooms, toilet facilities, and lavatory accommodations, including hot and cold running water, soap, towels, and the like. They shall be in sufficient number, ample in size, conveniently located, properly ventilated, and meeting all requirements as to sanitary construction and equipment.

(a) These rooms and facilities shall be separate from rooms or compartments in which biological products are prepared, handled, or stored.

(b) These rooms and facilities shall be so located in the establishment as to be readily accessible to all persons without having to enter or pass through biological production areas.

§ 108.10 Outer premises and stables.

(a) The outer premises of licensed establishments, embracing docks, driveways, approaches, yards, pens, chutes, and alleys shall be drained properly and kept in a clean and orderly condition. No nuisance shall be allowed in any licensed establishment or on its premises.

(b) Stables or other premises for animals used in the production or testing of biological products at licensed establishments shall be properly ventilated and lighted, appropriately drained and guttered, and kept in sanitary condition.

(c) Every practical precaution shall be taken to keep licensed establishments free of flies, rats, mice, and other vermin. The accumulation, on the premises of an establishment, of any material in which flies or other vermin may breed is forbidden. Suitable arrangements, in keeping with the local health practices, shall be made for the disposal of all refuse.

§ 108.11 Water quality requirements.

A certification from the appropriate water pollution control agency, that the establishment is in compliance with applicable water quality control standards, pursuant to section 401 of the Federal Water Pollution Control Act, as amended (86 Stat. 877; 33 U.S.C. 1341), shall be filed with Veterinary Services for each licensed establishment.

PART 114—PRODUCTION REQUIREMENTS FOR BIOLOGICAL PRODUCTS

2. Part 114—*Production Requirements For Biological Products*—is amended to read:

Sec.

Sec.
114.13 Expiration date determination.
114.14 Extension of the expiration date for a serial or subserial.
114.15 Disposal of unsatisfactory products and byproducts.
114.16 Producing subsidiaries.
114.17 Rebottling of biological products.
114.18 Reprocessing of biological products.

AUTHORITY: 37 Stat. 832-833; 21 U.S.C. 151-158.

§ 114.1 Applicability.

Unless otherwise authorized by the Deputy Administrator, all biological products prepared for shipment or delivered for shipment from one State or territory or the District of Columbia to another State or territory or the District of Columbia shall be prepared in accordance with the regulations in this part. The licensee or permittee shall adopt and enforce all necessary measures and shall comply with all directions the Deputy Administrator prescribes for carrying out such regulations.

§ 114.2 Products not prepared under license.

(a) When an establishment license is issued, if biological products which were not prepared in compliance with the regulations are in the establishment, such products shall not be shipped or delivered for shipment or otherwise dealt with as having been prepared under such regulations.

(b) After an establishment license has been issued, biological products shall not be prepared in or brought onto the premises of the licensed establishment if such products are not prepared in compliance with the regulations.

§ 114.3 Separation of establishments.

(a) Each licensed establishment shall be separate and distinct from any other establishment in which a biological product is prepared.

(b) No biological products authorized to be prepared in a licensed establishment shall be prepared in whole or in part by another licensed establishment unless authorized in advance by the Deputy Administrator.

§ 114.4 Identification of biological products.

Suitable tags or labels of a distinct design shall be used for identifying all ingredients used in the preparation of biological products, all component parts to be combined to form a biological product, all biological products while in the course of preparation and all completed biological products held in storage at licensed establishments: *Provided*, That, if such ingredients, components, or biological products are not so identified, they shall be disposed of as provided in § 114.15.

§ 114.5 Micro-organisms used as seed.

Micro-organisms used in the preparation of biological products at licensed establishments shall be free from the causative agents of other diseases or conditions. A complete record of such micro-organisms shall be kept currently correct and a list submitted to Veterinary Services upon request of the Deputy Administrator for a product, only the Outline of Production currently being used shall be included.

§ 114.6 Mixing biological products.

Each biological product, when in liquid form, shall be mixed thoroughly in a single container. During bottling operations, the product shall be constantly agitated. A serial number, with any other markings that may be necessary for ready identification of the serial, shall be applied to identify it with the records of preparation and labeling.

§ 114.7 Personnel at licensed establishments.

(a) Each licensee shall designate a person(s) to make all official contacts with Veterinary Services on matters pertaining to the preparation of biological products under the Virus-Serum-Toxin Act. The licensee shall file three copies of biographical summary with Veterinary Services for such designated person and for each person responsible for any phase of preparation of a biological product.

(b) When an employee in a key position is replaced, a list of the products and the serial numbers of the first serials to be prepared by his successor shall be furnished to Veterinary Services with a biographical summary of such successor.

(c) All personnel employed in the preparation of biological products at a licensed establishment shall be well versed in good laboratory techniques through education or training, or both, so as to consistently prepare high quality products.

(d) All biological products prepared at licensed establishments shall be prepared and handled with due sanitary precautions. Good sanitary measures shall be practiced at all times by all personnel involved in such preparation and handling of biological products.

(1) The clothing worn by persons while preparing biological products shall be clean. All persons, immediately before entering laboratory rooms of a licensed establishment, shall change their outer clothing or effectively cover the same with gowns or other satisfactory clean garments.

(2) Unsanitary practices such as, but not limited to, eating or smoking in laboratories or expectorating on the floors or otherwise creating a nuisance in any room, compartment, or place in which biological products are prepared, handled, or stored at licensed establishments are prohibited.

§ 114.8 Outline of Production required.

An Outline of Production shall be on file with Veterinary Services for each licensed biological product or for each biological product authorized to be imported into the United States for Distribution and Sale. Preparation of a biological product in a licensed establishment shall be in accordance with the Outline of Production for such product filed with Veterinary Services as provided in this section, but subject to changes as may be required under § 114.8(f).

(a) The Outline of Production shall be prepared as prescribed in § 114.9 and submitted to Veterinary Services for filing. When objectionable features, if any, are corrected and no further exceptions are taken by Veterinary Services to an Outline of Production for a biological product, such Outline of Production shall be approved for filing.

(b) Each page shall be stamped as filed on the date such action was taken in the bottom right hand corner. Although the filed outline may be referred to as an approved outline, approval for filing constitutes no endorsement by Veterinary Services of such biological product or the methods and procedures used to prepare such biological product.

(c) The original and two copies shall be retained by Veterinary Services and the remaining copies returned.

(d) Each licensee shall review each Outline of Production for accuracy and sufficiency not less frequently than once a year. Revisions necessary to bring an Outline of Production into compliance shall be submitted to Veterinary Services.

(e) When a list of licensed products to be continued in production at a licensed establishment is requested by the Deputy Administrator in accordance with § 102.5 (d) of this subchapter, the licensee shall supplement the list with information for each product as follows:

(1) The Outline of Production currently being used shall be identified as to the date filed with Veterinary Services and the date of the last review made by the licensee.

(2) The Outline of Production to be kept in the active file shall be designated. If more than one has been filed for a product, only the Outline of Production currently being used shall be included.

(f) The Deputy Administrator may, upon the basis of information not available to him at the time the current Outline of Production for a biological product was filed, object to the methods or procedures being used in the preparation of such biological product and notify the licensee to modify the filed Outline of Production to eliminate such objections. If the licensee does not comply with the notice, the Deputy Administrator may, after affording opportunity for a hearing to the licensee, suspend the product license for the biological product involved; in which case, the licensee shall not prepare such product until subsequent notice of withdrawal of the suspension is given to the licensee.

§ 114.9 Outline of Production guidelines.

Each Outline of Production shall be prepared in accordance with the applicable directions provided in this section.

(a) *General requirements.* (1) The original and not more than four copies of each Outline of Production or special outline or revised pages of either shall be prepared on heavy paper (8.5" x 11") of a type receptive to permanent stamp ink.

(2) The name of the biological product (or component), the establishment license number, and the date prepared

shall appear on a front cover page and each page of the Outline of Production or special outline. The name of the licensee (or foreign manufacturer) shall appear on the front cover page.

(3) The pages shall be numbered in the upper center. At least 1½ inch margin shall be left at the top of the first page and a 2 inch margin at the bottom of each page for the Veterinary Services stamp.

(4) Amended pages shall be numbered the same as those being superseded. They shall bear the date prepared and refer to the date on the pages being superseded. If one replacement page supersedes more than one page, the new page shall indicate same, but if several replacement pages are added to supersede one page, the page number followed by letters shall be used.

(5) The last page of the original and one copy of either a new or a completely rewritten Outline of Production and each page revised separately shall be signed in the lower left corner by the authorized representative of the licensee (or foreign producer). Stamped or facsimile signatures are not acceptable.

(6) A summary of changes shall appear on an attached page and refer to each page, paragraph, or subparagraph being changed.

(7) Transmittal forms shall be used for the original and subsequent revisions. Blank forms shall be available upon request to Veterinary Services.

(b) *Special outline.* An outline describing the preparation of a component of a biological product or an operation performed in the preparation of a biological product may be required if such special outline could be referred to in Outlines of Production to eliminate repetition. Each special outline shall be identified by number and shall not be used until accepted and filed by Veterinary Services.

(c) Outline of Production for antiserum, antitoxin, and normal serum shall be written according to the following:

OUTLINE GUIDE FOR PRODUCTION OF ANTISERUM AND ANTITOXIN AND NORMAL SERUM

License No. Name of Product Date

I. *Serum animals.* A. Species, conditions, age, and general health.

B. Examination, preparation, care, quarantine, tests, and treatment of animals before injections are started.

C. Holding, handling, exercising, and monitoring the condition of animals after injections are started.

II. *Antigens.* A. Composition and character of the antigen.

1. Micro-organisms.

2. Source and date of accession of each micro-organism.

3. Strains.

4. Proportions of each micro-organism and strain.

B. Identification methods used for each micro-organism and frequency with which these methods are applied.

C. Virulence and purity of cultures or antigen and the determination and maintenance thereof. Range of subcultures or passages to be used in production.

D. Attenuation, if any, before use for production purposes.

E. Character, size, and shape of containers used for growing micro-organisms.

F. Media used for stock, seed, and antigen cultures (composition and reaction of). May refer to a special outline by number.

G. Preparation of the antigen or toxin and toxoid. Complete and full description of each step and its manner of accomplishment and number these steps in sequence. Include all tests for each antigen, and the specifications for character, identity, virulence, concentration, and standardization.

III. *Immunization of animals.* A. Outline fully with special attention given to the following:

1. Character and dose of the antigen.

2. Method and frequency of injections.

3. Time required for immunization or hyperimmunization.

4. Preliminary bleedings and tests, if any, to ascertain quality of serum.

5. All other similar matters, including treatments between bleedings.

B. Period of time elapsing between last injection and first bleeding; and between bleedings.

C. Technique of bleeding operations; volume of blood collected at each bleeding; and period of rest.

IV. *Preparation of the biological product.* A. Describe fully and show each step of preparation from the first bleeding to the completion of the preserved product in bulk containers prior to filling of final containers.

B. Composition of the preservative and proportions used. Indicate at which step of production, and the method used in adding the preservative.

C. Agglutination and complement-fixation titers and the methods of their determinations.

D. Disposition of unsatisfactory biological products and infective materials not used in production.

E. Assembly of units to make a serial; volume of the average serial; and the volume of the maximum serial.

V. *Testing.* Indicate the stages in the preparation of the biological product at which samples are collected. Refer to all applicable Standard Requirements by number. Outline all additional tests in detail and state minimum requirements for each satisfactory test.

A. Purity.

B. Safety.

C. Potency.

D. Other tests.

VI. *Post preparatory steps.* A. Methods and technique of filling final containers.

B. Form and size of final containers in which the product is to be distributed.

C. Collection, storage, and submission of representative samples. Indicate at which steps in the production these samples are taken.

D. Expiration date based on the earliest date of harvest and the date of the last satisfactory potency test.

E. Use, dosage, and route of administration for each animal species for which it is recommended.

F. Include any additional pertinent information.

(d) Outline of Production for *vaccines, bacterins, antigens,* and *toxoids* shall be written according to the following:

OUTLINE GUIDE FOR VACCINES, BACTERINS, ANTIGENS, AND TOXOIDS

License No. Name of Product Date

I. *Composition, etc., of the product.* A. Micro-organisms used. Give the isolation and passage history.

B. Source and date of accession of each micro-organism.

C. Strains.

D. Proportions of each strain.

II. *Cultures.* A. Brief description of methods of identifying each micro-organism and the frequency with which these methods are applied.

B. Virulence and purity of cultures and the determination and maintenance thereof. Range of subcultures or passages to be used in production.

C. Composition and reaction of media used for seed and production cultures. Include the source of eggs, tissue, or cell cultures, and the tests to determine that eggs, tissues, and cells are free of contamination.

D. Character, size, and shape of containers used for growing cultures.

E. Storage conditions of seed cultures.

F. Methods of preparing suspensions for seeding or inoculation.

G. Technique of inoculating (1) seed media; (2) production media. Titer or concentration of inoculum, and the volume of medium for each size and type of culture container.

H. Period of time and conditions for incubation and degree of temperature used for each micro-organism or group of micro-organisms.

I. Character and amount of growth; observation as to contamination of growth.

J. Method of attenuation, if any, before used for production purposes.

III. *Harvest.* A. Handling and preparation of cultures and media (including eggs) before removal of micro-organisms or tissues for production purposes.

B. Minimum or maximum period of time elapsing from time of inoculation until harvest.

C. Technique of harvesting micro-organisms or tissues (specify) for production purposes.

D. Specifications for acceptable harvest material.

E. Handling of discarded material not used in production.

F. Include any additional pertinent information.

IV. *Preparation of the product.* Describe fully and show each step of preparation from harvest of antigen containing tissues or production cultures to the completion of the finished product in final containers. In describing the preparation of the product, emphasize the following:

A. Method of inactivation, attenuation, or detoxification.

B. Composition of preservative, adjuvant or stabilizer, and proportions used; stage and method of addition.

C. Method and degree of concentration.

D. If product is standardized to give concentration of antigen, show procedures and calculations.

E. 1. Assembly of units to make a serial (illustrate by example).

2. Volume of average serial.

3. Volume of maximum serial.

4. Any other pertinent information.

F. Volume of fill for each size vial. Type of vial if unusual.

G. Method and technique of filling and sealing of final containers.

H. Desiccation, including moisture control. Give maximum percent moisture.

I. Amount of antigenic material per dose or doses in final container.

V. *Testing.* Indicate the stages in the preparation of the biological product at which the samples are collected. Refer to all applicable Standard Requirements. Outline all additional tests in detail and state the minimum requirement for each satisfactory test.

A. Purity.

B. Safety.

C. Potency.

D. Moisture, if desiccated.

E. Any other tests.

VI. *Post preparatory steps.* A. Form and size of final containers in which the product is to be distributed.

B. Collection, storage, and submission of representative samples. Indicate at which steps in the production these samples are taken.

C. Expiration date based on the earliest date of harvest and the date of the last satisfactory potency test. If applicable, give the date of lyophilization.

D. Use, dosage, and route of administration for each animal species for which the biological product is recommended.

(e) Outlines of Production for allergenic extracts shall be written according to the following:

OUTLINE GUIDE FOR ALLERGENIC EXTRACTS

License No. Name of Product Date

I. *Composition of the product.* A. Source and type of raw material.

B. Weight/volume concentration.

II. *Preparation of the product.* A. Describe fully and show each step of preparation to the completion of the finished product in true containers. In describing the preparation of the product, emphasize the following:

1. Method of extraction.

2. Composition of preservative, adjuvant or stabilizer, and proportions used; stage and method of addition.

3. Method and degree of concentration.

4. Standardization of the product.

5. (a) Assembly of units to make a serial.

(b) Volume of average serial.

(c) Maximum serial.

6. Volume of fill for each size vial.

7. Method and technique of filling and sealing of final containers.

8. Amount material per dose or doses in final container.

III. *Testing.* Indicate the stages in the preparation of the biological product at which the samples are collected. Refer to all applicable Standard Requirements. Outline all additional tests in detail and state the minimum requirement for each satisfactory test.

A. Purity.

B. Safety.

C. Potency.

D. Any other tests.

E. Include any additional pertinent information.

IV. *Post preparatory steps.* A. Form and size of final containers in which the product is to be distributed.

B. Collection, storage, and submission of representative samples. Indicate at which steps in the production these samples are taken.

C. Expiration date based on the earliest date of harvest and the date of the last satisfactory potency test.

D. Use, dosage, and route of administration for each animal species for which the biological product is recommended.

§ 114.10 Antibiotics as preservatives.

Antibiotics are authorized for use as preservatives for biological products if used within the limitations as to kinds and amounts prescribed in this section.

(a) When an antibiotic or combination of antibiotics, with or without a fungistat is to be used in the preparation of a biological product, the kind(s) and amount(s) of each shall be specified in the outline for such product in such a way that the concentration in the final product may be calculated. Except as may be approved by the Deputy Administrator, only those individual antibiotics or combinations of antibiotics listed in paragraphs (b) and (c) of this section shall be used.

(b) Permitted individual antibiotics:

(1) The antibiotic level of a specified individual antibiotic in one ml. of a biological product, when prepared as recommended for use, shall not exceed the amounts listed in this paragraph: *Provided*, That in the case a desiccated biological product is to be used with an indefinite quantity of water or other menstruum, the determination shall be based on 30 ml. per 1,000 dose vial or equivalent.

(2) Except as prescribed in paragraph (c) of this section, only one antibiotic shall be used as a preservative in a biological product. The kind and maximum amount per ml. of such antibiotic shall be restricted to:

Amphotericin B	2.5 mcg.
Nystatin (Mycostatin)	30.0 units
Tetracyclines	30.0 mcg.
Penicillin	30.0 units
Streptomycin	30.0 mcg.
Polymyxin B	30.0 mcg.
Neomycin	30.0 mcg.
Gentamicin	30.0 mcg.

(c) Permitted combinations:

(1) Either amphotericin B or nystatin, but not both, may be used with one of the other antibiotics listed in paragraph (b) of this section, or with a combination of penicillin and streptomycin, or with a combination of polymyxin B and neomycin.

(2) The maximum amount of each antibiotic in a combination shall be the amount prescribed for such antibiotic in paragraph (b) of this section.

(d) Antibiotics used in virus seed stock purification are not restricted as to kind or amounts provided carryover into the final product is controlled and specified in outlines of production.

§ 114.11 Storage and handling.

Biological products at licensed establishments shall be protected at all times against improper storage and handling. Completed product shall be kept under refrigeration at 35° to 45° F unless the inherent nature of the product makes storage at a different temperature advisable, in which case, the proper storage temperature shall be specified in the filed Outline of Production. All such biological products to be shipped or delivered shall be securely packed.

§ 114.12 Biological products prepared from animal blood.

Biological products of animal blood origin prepared in the United States shall be obtained from blood of animals maintained at licensed establishments. Such products offered for importation into the United States shall be prepared from the blood of animals maintained at the establishment entered on the permit as having prepared the product.

(a) Only healthy animals shall be used and the fitness shall be determined by physical examination by, or under the supervision of, a veterinarian and by tests for infectious diseases.

(1) No animal shall be used while showing clinical signs of disease. If the body temperature is normal, this restriction shall not apply to an animal having localized lesions, contusions, or slight lameness, but shall apply if the animal is feverish, in pain, or distress.

(2) New animals shall be subjected to applicable tests for the species. Such tests shall be listed in the filed Outline of Production and records maintained of results obtained. No animal shall be used for production of blood which has been found positive when tested for an infectious disease. Retests shall be conducted as deemed necessary by the Deputy Administrator.

(b) Serum and antiserum of equine origin shall be heated at 58.5° C. for 60 minutes, with a tolerance of 0.5° above and below that temperature. Serum and antiserum of bovine and porcine origin shall be heated in like manner for 30 minutes. Neither serum nor antiserum shall contain preservative at the time of heating.

(c) Serum and antiserum heated as provided in paragraph (b) of this section, shall be cooled immediately thereafter to 15° C. or lower, and thus held until properly preserved. It shall be preserved, mixed, and tested by methods described in the licensee's outline.

(d) Licensees shall keep detailed records relative to each batch of antiserum or serum pasteurized and each serial prepared for marketing. Recording thermometer charts shall bear full information concerning the antiserum or serum heated and tests made of the equipment.

§ 114.13 Expiration date determination.

Unless otherwise provided for in a Standard Requirement or filed Outline of Production, the expiration date for each serial and subserial shall be computed in accordance with the conditions provided in this section.

(a) *Harvest date.* The earliest date of harvest for any component of a biological product and the date of the last satisfactory potency test shall be considered in determining the expiration date.

(1) The date of harvest for products prepared from animal blood or live animal tissues including chicken embryos shall be the date such blood or tissues were collected.

(2) The date of harvest for products prepared by killing or inactivating micro-organisms shall be the date the chemical or physical killing method is applied.

(3) The date of harvest for products prepared with living micro-organisms grown in artificial media shall be the date the cultures are removed from the production incubators.

(4) If the harvest date cannot be established by the criteria provided in paragraph (a) (1), (2), or (3) of this section, the means of establishing the harvest date shall be written into the filed Outline of Production.

(b) *Live vaccines.* The expiration dates for live vaccines shall be determined in accordance with the conditions prescribed in this paragraph.

(1) Each serial of vaccine shall be tested for virus content at release and at its approximate expiration date until a statistically acceptable stability record

has been established. All estimations of virus content shall be based on valid 50 percent end point titrations.

(2) The date of lyophilization shall not exceed 12 months from date of harvest. The storage conditions from date of harvest to date of lyophilization shall be shown to be suitable as established by adequate data.

(c) *Inactivated biological products.* The expiration dates for inactivated (killed) products, normal serums, antiserums, and antitoxins shall be determined in accordance with the conditions prescribed in a Standard Requirement or filed Outline of Production for the product, at no time shall the date be more than 3 years from the date of harvest.

(1) The expiration date for a product shall be determined by stability tests confirmed by potency tests at 6-month intervals on at least five consecutive serials until 6 months beyond the date requested by the licensee.

(2) Subsequent changes in the expiration date may be granted based upon stability data designed to show adequate potency of the product on or after the dating requested.

§ 114.14 Extension of the expiration date for a serial or subserial.

(a) The expiration date shall not be extended:

(1) If a U.S. Standard of Potency has not been developed for all fractions of the product; or

(2) For a serial or portion of a serial which has left the licensed premises; or

(3) For a serial or portion of a serial if the expiration date has been extended previously.

(b) An extension of the expiration date may be granted if a request from the licensee is substantiated by valid test data obtained prior to the original expiration date and the following conditions are met:

(1) The new expiration date shall not exceed 6 months beyond the maximum time from harvest permitted by the currently filed Outline of Production; and

(2) Redated serials shall be retitrated or otherwise tested for potency by the licensee at the time of the original expiration date and the results submitted to Veterinary Services. If found to be below the potency standards established by Veterinary Services, such serials shall be removed from the market.

§ 114.15 Disposal of unsatisfactory products and byproducts.

All biological products found to be unsatisfactory for marketing, all refuse or other materials deemed unsatisfactory for production purposes, all carcasses (part or whole) of production or test animals, and all undesirable byproducts of manufacture shall be disposed of as may be required by the Deputy Administrator.

§ 114.16 Producing subsidiaries.

(a) A production facility shall be used by only one producer (licensee or subsidiary) at one time except when cultures are incubated and when in-process, partially processed, or completed products are stored.

(b) For the purpose of maintaining separate production:

(1) Beginning of production shall be when the media is inoculated; or when tissue-producing animals or cell cultures are inoculated; or when the bleeding of serum animals occurs.

(2) Ending of production shall be when the product is a completed product in bulk containers with only bottling, labeling, or testing remaining.

(c) There shall be sufficient delay between operations of two producers to permit proper cleaning and disinfection of facilities when required.

(d) Storage of completed products may be in a common facility provided they are adequately identified. If not labeled, tags or markers shall be used.

§ 114.17 Rebottling of biological products.

The Deputy Administrator may authorize the rebottling of a completed product in liquid form subject to the conditions prescribed in this section.

(a) All or part of a serial which has not left the licensed establishment may be aseptically returned to the mixing tank, thoroughly mixed, and rebottled in new final containers.

(b) The rebottled product shall be adequately identified by serial number or subserial number, as the case may be.

(c) Required purity tests for final container samples of the product shall be conducted on new samples selected from the rebottled product (serial or subserials). Rebottled product found to be unsatisfactory by such tests shall not be released.

(d) New test samples from each serial or subserial and copies of test reports of all tests conducted on the rebottled product shall be submitted to Veterinary Services.

(e) The licensee shall not release the rebottled product unless notified by Veterinary Services that such product is eligible for release. Production records shall show the results of all tests conducted and shall accurately reflect the actions taken.

§ 114.18 Reprocessing of biological products.

The Deputy Administrator may authorize a licensee to reprocess a serial of completed product in liquid form subject to the conditions prescribed in this section.

(a) Reprocessing shall not include any method or procedure which would be deleterious to the product.

(b) The serial shall be uniformly reprocessed and thoroughly mixed prior to bottling in final containers.

(c) All required tests for purity, safety, potency, and efficacy for the product shall be conducted on the reprocessed product. A serial found unsatisfactory by a required test shall not be released.

(d) The reprocessed serial shall be identified by the serial number with a "R" added. The records for the serial shall accurately reflect the action taken.

(e) Test samples of the reprocessed serial and test reports for all tests conducted shall be submitted to Veterinary Services. The licensee shall not release the serial until notified by Veterinary Services that the serial is eligible for release.

PART 116—RECORDS

3. Part 116, Records, is amended to read:

Sec.

AUTHORITY: 37 Stat. 832–833; 21 U.S.C. 151–158.

§ 116.1 Applicability and general considerations.

Each licensee and each foreign manufacturer of biological products imported into the United States shall maintain detailed records of information necessary to give a complete accounting of the activities within each establishment. Such records shall include, but shall not be limited to the items enumerated in this part.

(a) Records shall be made concurrently with the performance of successive steps in the preparation of a biological product. Such records shall include the time and date that each essential step was taken, the identity and quantity of ingredients added or removed at each step, and any loss or gain from start to finish in such preparation.

(b) Records shall be legible and indelible; shall be as detailed as necessary for a clear understanding of each step by one experienced in the preparation of biological products; and shall be verified by initials or signature of the person immediately responsible for the action taken.

(c) Records (other than disposition records) required by this part shall be completed by the licensee or the foreign manufacturer, as the case may be, before any portion of a serial of any product shall be marketed in the United States or exported.

§ 116.2 Inventory and disposition records.

(a) Records shall show the quantity and location of each biological product being prepared, in storage, and in distribution channels.

(b) Detailed disposition records, in a form satisfactory to the Deputy Administrator, shall be maintained by each licensee, each distributor, and each permittee showing the sale, shipment, or other disposition made of the biological products handled by such person.

§ 116.3 Label records.

(a) Each licensee and permittee shall maintain a list of all approved labels currently being used. Each label shall be identified as to:

(1) Name and product code number as it appears on the product license or permit for the product;

(2) Where applicable, the size of the package (doses, ml, cc, or units) on which the label shall be used;

(3) Label number and date assigned; and

(4) Name of licensee or subsidiary appearing on the label as the producer.

(b) All labels printed shall be accounted for and an inventory maintained. Records shall include the disposition of such labels including those not used in labeling a product.

§ 116.4 Sterilization and pasteurization records.

Records shall be made by means of automatic recording devices or an equivalent accurate and reliable system. Such records shall be identified with the ingredients, equipment, or biological product subjected to sterilization or pasteurization.

§ 116.5 Reports.

When required by the Deputy Administrator, reports containing accurate information of production activities in each establishment by the licensee or the foreign manufacturer whose products are either being offered for importation or being imported into the United States, as the case may be, shall be prepared and forwarded to Veterinary Services. Records necessary to make such reports shall be maintained in each establishment.

§ 116.6 Animal records.

Complete records shall be kept for all animals at a licensed establishment. Results of tests performed, antigens or treatment administered, maintenance and production records, disposition records, necropsy records, if any, and all other pertinent records shall be included.

§ 116.7 Test records.

Detailed records of all tests conducted on each serial and each subserial shall be maintained by the licensee. Summaries of such tests shall be prepared from such records and submitted to Veterinary Services prior to release of the serial or subserial. Blank forms for such summaries shall be available from Veterinary Services upon request.

§ 116.8 Completion and retention of records.

All records (other than disposition records) required by this part shall be completed by the licensee or the foreign manufacturer, as the case may be, before any portion of a serial of any product may be marketed in the United States or exported. Such records shall be retained for a period of 2 years after the expiration date of the product involved and for such longer period as may be required by the Deputy Administrator in specific cases.

Interested parties are invited to submit written data, views, or arguments regarding the proposed regulations to Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, Room 828–A, Federal Building, Hyattsville, Maryland 20782. All comments received on or before February 18, 1974, will be considered.

All written submissions made pursuant to this notice will be made available for public inspection at Biologics Licensing and Standards Staff, at the above address, during regular business hours (7 CFR 1.27 (b)).

Done at Washington, D.C., this 13th day of December 1973.

E. E. SAULMON,
Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service.

[FR Doc.73-26767 Filed 12-17-73;8:45 am]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 694]

[Administrative Order No. 628]

INDUSTRY COMMITTEE FOR VIRGIN ISLANDS

Appointment and Convention; Notice of Hearing

1. Pursuant to section 5 of the Fair Labor Standards Act of 1938 (29 U.S.C. 205) and Reorganization Plan No. 6 of 1950 (3 CFR 1949–53 Comp., p. 1004), I hereby appoint Special Industry Committee No. 14 for the Virgin Islands for the following classifications of industries.

2. These classifications are defined as follows:

(a) The hotel and motel classification in the Virgin Islands is defined as the operation of hotels, motels, apartment hotels which provide accommodations for transients, and tourist courts, engaged in providing lodging, with or without meals, for the general public, including all activities incidental to any of the foregoing.

(b) The restaurant and food service classification in the Virgin Islands is defined as the operation of restaurants and other food service establishments engaged in the preparation or offering of food or beverages for human consumption either on the premises or by such other services as catering, banquet, box lunch, or curb or counter service, to the public, to employees, or to members or guests of members of clubs: *Provided, however,* That the restaurant and food service classification in the Virgin Islands shall not include food service in retail establishments.

3. In accordance with section 8 of the Act (29 U.S.C. 208) and Reorganization Plant No. 6 of 1950, I hereby convene this Committee. I refer to it the question of the minimum rate or rates of wages to be fixed for these designated industries in the Virgin Islands to which section 6 of the Fair Labor Standards Act applies solely by reason of the Fair Labor Standards Amendments of 1966. The minimum wage rates to be recommended by Industry Committee No. 14 may not be in excess of $1.60 an hour.

4. Hearings will be held by this Industry Committee at the time and place indicated below. It shall investigate conditions in all industries in the Virgin Islands which are referred to in the preceding paragraphs and the Committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the Committee to perform its duties and functions under the Act.

5. The committee will meet in executive session at 9:30 a.m. and begin its public hearing at 11:00 a.m. on Monday, January 14, 1974. The meetings of the committee, including the public hearing, will be held on the premises of the College of the Virgin Islands on the island of St. Thomas. The exact location of the meetings will be posted at the Main Administration Building of the College on the day on which the proceedings begin.

6. The Industry Committee shall recommend to the Administrator of the Wage and Hour Division of this Department the highest minimum wage rates (not less than the currently effective rates) which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in the Virgin Islands a competitive advantage over any industry in the United States outside of Puerto Rico, the Virgin Islands, and American Samoa.

7. Whenever the Committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in an industry than may be determined for other employees in that industry, the Committee shall recommend such reasonable classifications within that industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set forth herein which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage rate shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within an industry, in making such classifications, and in determining the minimum wage rates for such classifications, the Committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by

representatives of their own choosing; and (3) wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

8. The Administrator shall prepare an economic report containing such data as he is able to assemble pertinent to the matters referred to the Committee. Copies of this report may be obtained at the Washington, D.C., and Puerto Rican Offices of the U.S. Department of Labor as soon as they are completed and prior to the hearing. The Committee will take official notice of the facts stated in the economic report to the extent they are not refuted by evidence received at the hearing.

9. The procedure for Industry Committee No. 14 for the Virgin Islands shall be governed by the regulations published in Part 511 of Title 29, Code of Federal Regulations. As a prerequisite to participation, those regulations require, among other things, that interested persons shall file prehearing statements, containing certain specified data not later than January 4, 1974.

Signed at Washington, D.C., this 12th day of December 1973.

PETER J. BRENNAN,
Secretary of Labor.

[FR Doc.73-26692 Filed 12-17-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-GL-57]

TRANSITION AREA

Proposed Designation

The Federal Aviation Administration is considering amending Part 71 of the Federal Aviation Regulations so as to designate a transition area at Orr, Minnesota.

Interested persons may participate in the proposed rulemaking by submitting such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Director, Great Lakes Region, Attention: Chief, Air Traffic Division, 2300 East Devon Avenue, Des Plaines, Illinois 60018. All communications received on or before January 17, 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 Regional Air Traffic Division Chief. Any data, views or arguments presented during such conference 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.

A public docket will be available for examination by interested persons in the Office of the Regional Counsel, Federal Aviation Administration, 2300 East Devon Avenue, Des Plaines, Illinois 60018.

An instrument approach procedure based on a NDB has been developed for the Orr, Minnesota, Municipal Airport. Consequently, it is necessary to provide controlled airspace protection for aircraft executing this new approach procedure by designating a transition area at Orr, Minnesota. The new procedure will become effective concurrently with the designation of the transition area.

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Part 71 of the Federal Aviation Regulations as hereinafter set forth:

In § 71.181 (38 FR 435), the following transition area is added:

ORR, MINN.

That airspace extending upward from 700 feet above the surface within a five mile radius of Orr Municipal Airport (latitude 48°01'00" N., longitude 92°51'21" W.); within three miles each side of the 312° bearing from the Orr Municipal Airport, extending from the five mile radius to eight miles northwest of the airport; and that airspace extending upward from 1200 feet above the surface within five miles east and 9½ miles west of the 312° bearing of the Orr Municipal Airport extending from the airport to 18½ miles northwest; within five miles each side of the 132° bearing of the Municipal Airport extending from the airport to 12 miles southeast of the airport.

(Section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Des Plaines, Illinois, on December 6, 1973.

R. O. ZIEGLER,
Acting Director,
Great Lakes Region.

[FR Doc.73-26714 Filed 12-17-73;8:45 am]

[14 CFR Part 71]

[Airspace Docket No. 73-WA-7]

PITTSBURGH, PA. TERMINAL CONTROL AREA

Supplemental Notice of Proposed Adoption

Correction

In FR Doc. 73-25837 appearing at page 33603 in the issue for Thursday, December 6, 1973, the sixth line of "Area B" (§ 71.401(b)) should read "the 076° T (081° M) radial clockwise to the".

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 52]

APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

Sulfur Dioxide Emissions In Arizona and New Mexico

On May 31, 1972 (37 FR 10842), pursuant to section 110 of the Clean Air Act and 40 CFR Part 51, the Administrator of the Environmental Protection Agency approved with specific exceptions, plans for implementation of the national ambient air quality standards submitted by Arizona and New Mexico. Shortly thereafter, on July 27, 1972 (37 FR 15094), the Administrator proposed regulations to correct deficiencies in the regulatory provisions of the plans for these States. On March 23, 1973 (38 FR 7554), the Administrator set forth regulations limiting sulfur dioxide emissions from the Navajo power plant located in the Arizona portion of the Four Corners Interstate Region and the Four Corners and San Juan power plants located in the New Mexico portion of the Four Corners Interstate Region. The Administrator had determined that an extension terminating no later than 36 months from the date of promulgation of the regulation was justified and therefore, granted such an extension to March 15, 1976.

Subsequent to March 23, 1973, promulgation, Arizona Public Service Company (APS), operator of the Four Corners power plant, and Salt River Project Agriculture Improvement and Power District (SRP), operator of the Navajo power plant, filed petitions for review of EPA's regulation, pursuant to section 307 of the Act, with the Courts of Appeal for both the Ninth and Tenth Circuit. APS and SRP also filed motions with the Courts of Appeal requesting that the July 23, 1973, deadline for the submission of compliance schedules be stayed pending the outcome of their petitions for review.

At the same time, representatives of both companies requested that they be given an opportunity to present newly developed data bearing on the March 23 regulations. Therefore, a meeting was convened in San Francisco on August 20, 1973, to receive this new information. In attendance at the meeting were representatives from APS and SRP, several other companies who were litigants in the proceedings before the Ninth and Tenth circuits, representatives of several environmental groups who were also involved in the circuit court cases, representatives from the National Oceanographic and Atmospheric Administration (NOAA), and EPA representatives. The information presented at the meeting by the power companies dealt with the following three main topics:

1. The validity of the assumptions employed in the diffusion model used to calculate the degree of control of sulfur dioxide emissions necessary to attain and maintain the national standards.

2. The final date by which each of the affected power plants must be in total compliance with the promulgated regulation.

3. The format of the equation in the promulgated regulation used to calculate the allowable sulfur oxides emissions.

A transcript of the meeting is available for public inspection at the Agency's Regional Offices in Denver, San Francisco, and Dallas.

As a result of EPA's re-evaluation of its March 23, 1973, regulations, the Courts of Appeal have agreed to stay further proceedings on the petitions for review pending the outcome of the Agency's actions on the newly developed data.

As indicated in the preamble to the March 23 regulations, EPA's emission limitations are based on diffusion modeling performed by NOAA as part of the Southwest Energy Study. Although there was considerable criticism of the NOAA model at the Agency's hearings on the proposed regulations, no data were presented which adequately demonstrated that the NOAA work was invalid. The power companies have since conducted several tests and studies to support their position regarding the accuracy of the NOAA model. The results of these tests and studies were presented to the Agency at the August 20, 1973, meeting in San Francisco.

The studies involved certain input parameters to the NOAA model particularly dealing with turbulence and diffusion rates. The results of a non-Gaussian diffusion model were also presented. In addition to the discussion of the theoretical aspects of diffusion modeling, the results of several field tests of atmospheric dispersion were presented. The plume at the Four Corners Plant was tracked and monitored by airplane, while a fluorescent-particle tracer study was conducted at the Navajo plant. Both studies were of rather short duration in terms of the number of days on which the tests were conducted. A detailed report of the tracer study was not available and will be presented to the Agency at a later date. Until these data are received and evaluated, the Administrator finds that there is insufficient evidence to alter his conclusion concerning the need for substantial control of sulfur oxides emissions at these power plants. Should the additional data submitted in the future alter these conclusions, the Administrator will propose appropriate changes to the emission limitations.

The data submitted by the power companies in support of the compliance date extension centered principally on the need for "front-end module testing." This refers to the testing of a full-sized control module, which is to be installed in parallel with a number of identical modules, to be constructed later, to form the complete control system. The power companies contended that the testing and optimization of one of the parallel modules before proceeding with the other modules in the system has substantial advantages in terms of reliability and control efficiency.

The March 15, 1976, compliance date was based on data presented in a report entitled "Projected Utilization of Stack-Gas Cleaning Systems by Steam-Electric Plants" prepared by the interagency Sulfur Oxides Control Technology Assessment Panel (SOCTAP). This report indicated that the design, fabrication, and installation of alkaline scrubbing systems coud be expected to take approximately 30 months from the time an order is placed. This 30 month period does not include time for front-end module testing.

In support of the need for front-end module testing, the power companies cited their experience with existing particulate matter scrubbers at the Four Corners plant. Although these scrubbers operate at very high collection efficiencies, APS has experienced a series of mechanical failures, involving the liquid circulation pumps, induced draft fans, and other components, which have drastically reduce unit availability. The difficulties which the power companies anticipate on the sulfur oxides control system and hope to resolve through front-end testing include: corrosion and fouling of the reheater, plugging of the demister, settling rate of solids in the thickener and separator, and erosion of the absorber lining and packing material. Because of the parallel installation of identical modules, a pump or fan problem on one module will very likely show up in all modules. Thus, the power companies contend that to proceed with construction of the entire control system without first testing and "debugging" one of the modules may result in unreliable operation of the entire control system which would be counterproductive to the long term interest of air pollution control.

SRP presented a detailed discussion of the front-end module testing program which is presently being conducted at the Mohave power plant in Nevada, the slightly different mode to simulate the Navajo plant. It will be necessary to operate the Mohave test modules in a slightly different mode to simulate the anticipated conditions at the Navajo plant. Testing in the "Navajo mode" will be performed after the Mohave mode testing has been completed. If SRP were to meet the March 15, 1976, compliance dae, they would have to place orders immediately for the full-scale control system thus losing the benefit of the effort that has been invested to date in the Mohave test project.

The Mohave test project, in addition to testing and debugging the mechanical components of the control systems, is intended to optimize the collection efficiency of the modules. There are two different types of modules being tested at the Mohave plant, one of which is of relatively recent design. By being allowed to complete the testing of these modules, SRP indicates that the final control system may result in more control than that required by the Agency's emission limitation.

Finally, the power companies outlined the problems in scheduling outages of needed generating equipment (all affected units will be operating by March 1976) so that the control equipment can be brought on line. In order to avoid significant power deficits, the control systems must be connected one unit at a time, rather than bringing all control systems on line at once. This scheduling adds to the 30 months installation period specified in the SOCTAP report.

Based on the above information presented by the power companies, it is the Administrator's judgment that there is considerable doubt as to whether the affected power plants could be in compliance with the Agency's emission limitation by March 1976 on a reliable basis. Further, the Administrator considers the allowance of additional time in which to conduct front-end module testing to be in the best interest of long-term environmental control. Therefore, it is proposed to extend the final compliance date and the date for attainment of the national standards for sulfur oxides in the Arizona and New Mexico portions of the Four Corners Interstate Region from March 15, 1976, to July 31, 1977.

The power companies have submitted compliance schedules, which are being proposed for approval below, that reflect the July 31, 1977, compliance date. It should be emphasized that these compliance schedules provide for start-up and operation of control equipment on some units well in advance of July 31, 1977, and that only the last unit will come into compliance on July 31, 1977.

The third issue which was discussed by the power companies involved suggested changes to the equation setting forth the allowable sulfur oxides emissions for the power plants. The general thrust of the suggested changes was to provide more flexibility in controlling sulfur oxides emissions while retaining the maximum emission limit specified in the Agency's March 23, 1973, regulations. The changes suggested by the power companies would allow them to reduce sulfur oxides emissions by pretreatment of the coal prior to combustion and by reducing the power output of the plant. Although not in the format suggested by the power companies, the emission limiting equation proposed below permits the use of these methods of reducing the sulfur oxides emissions.

The power companies also suggested that the emission limit be written on a total plant basis, rather than on a unit-by-unit basis. This would permit additional flexibility in the design of control equipment for each unit, as long as the overall degree of control for the plant as a whole does not fall below 70 percent. The Administrator does not consider it necessary to require simultaneous stack tests in order to determine compliance with this type of regulation. Since a manual stack test can be performed only on a relatively infrequent basis, the purpose of a stack test is to ensure that the control equipment is capable of the specified removal efficiency. Thus, compliance testing can be performed for each stack on different days so that this purpose is satisfied. Although not used for compliance testing, the Administrator will require that continuous stack monitoring instruments be installed to insure that the day-to-day operation of the control equipment is within the range required by the regulation.

In terms of the maximum air quality impact under the conditions calculated by NOAA, it makes little difference whether each unit achieves 70 percent removal efficiency or whether there is some variation between the unit efficiencies as long as the overall total plant control efficiency is 70 percent. In the Administrator's judgment, the additional flexibility provided by this suggestion will result in increased reliability and probability that the emission limitations will be met; ac-

cordingly, the emission limitation proposed below provides for compliance on a total plant basis.

The modifications to the March 23 regulations proposed below do not affect the degree of control required in that they do not permit a greater maximum allowable quantity of emissions than is allowed under the present equation. The modified equation will, however, allow relatively high amounts of sulfur oxides per unit of heat input when the load conditions are relatively low. It is conceivable that this situation could lead to operation of the control equipment at less than maximum efficiency: In order to avoid this, the power companies have suggested wording that would require all operable sulfur oxides control equipment to be operated at the maximum practicable efficiency whatever the load conditions and without regard to the maximum allowable sulfur oxides emission determined according to the emission limiting equation.

The Agency's March 23, 1973, regulations also apply to the San Juan power plant, owned by the Public Service Company of New Mexico (PSCNM). Although they have not filed a petition for review and were not involved in the presentation of additional data to the Agency, PSCNM has submitted a compliance schedule which embodies several of the suggestions made by APS and SRP. Specifically, the compliance schedule does not show compliance until July 31, 1977, largely as a result of provisions for a front-end module testing program. Therefore, the modified regulations proposed below are also applicable to the San Juan plant, and the compliance schedule submitted by PSCNM is likewise being proposed for approval below.

Hearings will be held on these proposed regulations and compliance schedule approvals no sooner than 30 days and within 50 days following publication of these regulations. Copies of the compliance schedules along with evaluation reports for each may be obtained prior to the hearings by contacting the appropriate EPA Regional Office. The time and location of such hearings will be announced in a separate FEDERAL REGISTER within 20 days following publication of these regulations.

Interested parties may also participate in this rule making by submitting written comments, preferably in triplicate, to the Region VI Office concerning comments for New Mexico, and the Region IX Office concerning comments for Arizona. The addresses are as follows: EPA, Region VI, 1600 Patterson Street, Dallas, Texas 75201. EPA, Region IX, 100 California Street, San Francisco, California 94111. All relevant comments received within 30 days of this date will be considered. Comments received will be available for public inspection during normal business hours at each affected Regional Office.

(42 U.S.C. 1857c-5 and 9)

Dated December 11, 1973.

JOHN QUARLES,
Administrator.

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

Subpart D—Arizona

1. In § 52.122, paragraph (c) is revised as follows:

§ 52.122 Extensions.

* * * * *

(c) The Administrator hereby extends to July 31, 1977, the attainment date for the national primary standards for sulfur oxides in the Arizona portion of the Four Corners Interstate Region.

2. In § 52.125, paragraph (c) is revised to read as follows:

§ 52.125 Control strategy and regulations: Sulfur oxides.

* * * * *

(c) *Replacement regulation for Regulation 7-1-4(c) (Fossil fuel-fired steam generators in the Four Corners Interstate.)*

(1) This paragraph is applicable to the fossil fuel-fired steam generating equipment designated as Units 1, 2, and 3 at the Navajo Power Plant in the Arizona portion of the Four Corners Interstate Region (§ 81.121 of this chapter).

(2) No owner or operator of the fossil fuel-fired steam generating equipment to which this paragraph is applicable shall discharge or cause the discharge of sulfur oxides into the atmosphere in excess of the amount prescribed by the following equations:

$$E = 12{,}245\ S \text{ or } e = 1{,}540\ S$$

Where:
E = Allowable sulfur oxides emissions (lb./hr.) from all affected units.
e = Allowable sulfur oxides emissions (gm./sec.) from all affected units.
S = Sufur content, in percent by weight, prior to any pretreatment of the fuel being burned.

(3) For the purpose of this paragraph:
(i) E shall not exceed 21,270 lb./hr. (2,680 gm./sec.).
(ii) If emissions are less than 3,780 lb./hr. (475 gm./sec.), the requirements of paragraph (c)(2) of this section shall not apply.

(4) The owner or operator of the fossil fuel-fired steam generating equipment subject to this paragraph shall specify the control efficiency for each affected unit such that the emissions on a total plant basis do not exceed that specified in paragraphs (c) (2) and (3) of this section. Such information shall be submitted to the Administrator no later than October 1, 1975, for inclusion in this paragraph.

(5) All operable sulfur oxides control equipment at the fossil fuel-fired steam generating equipment to which this paragraph is applicable shall be operated at the maximum practicable efficiency without regard to the allowable sulfur oxides emissions determined according to paragraphs (c) (2) or (3) of this section.

(6) Compliance with this paragraph shall be in accordance with the provisions of § 52.134(a).

(7) The test methods and procedures used to determine compliance with this paragraph shall be those prescribed in § 60.46 (c), (d), and (e) of this chapter. The test methods for determining the sulfur content of fuel shall be those specified in § 60.45(c) of this chapter.

§ 52.131 [Amended]

3. In § 52.131, the attainment date table is amended by replacing the date "March 1976" for attainment of the primary and secondary standards for sulfur oxides in the Four Corners Interstate Region, with the date "July 31, 1977."

§ 52.134 Compliance schedules.

4. In § 52.134, paragraph (a)(2) is amended by replacing the date "March 15, 1976" for compliance with § 52.125(c) with the date "July 31, 1977".

Section 52.134 is amended by adding a new paragraph (b) as follows:

* * * * *

(b) Compliance schedules for the sources identified below are approved as meeting the requirements of § 52.134(a) of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	Regulation involved	Effective date	Final compliance date
Salt River Project Agriculture Improvement and Power District.	Coconino County.....	40 CFR 51.125(c)[1].....	Immediately..	July 31, 1977

[1] Federally promulgated regulation.

Subpart GG—New Mexico

5. In § 52.1624, paragraph (c) is revised to read as follows:

§ 52.1624 Control strategy and regulations: Sulfur oxides.

* * * * *

(c) *Replacement regulations for Regulation 602.B (Fossil fuel-fired steam generators in the Four Corners Interstate Region.)*

(1) No owner or operator of the fossil fuel-fired steam generating equipment designated as Units 1, 2, 3, 4, and 5 at the Four Corners power plant in the New Mexico portion of the Four Corners Interstate Region (§ 82.121 of this chapter) shall discharge or cause the discharge of sulfur oxides into the atmosphere in excess of the amount prescribed by the following equations:

$$E = 13{,}850\ S \text{ or } e = 1{,}745\ S$$

Where:
E = Allowable sulfur oxides emissions (lb./hr.) from all affected units.
e = Allowable sulfur oxides emissions (gm./sec.) from all affected units.
S = Sulfur content, in percent by weight, prior to any pretreatment of the fuel being burned.

(2) No owner or operator of the fossil fuel-fired steam generating equipment designated as Unit 2 at the San Juan power plant in the New Mexico portion of the Four Corners Interstate Region (§ 82.121 of this chapter) shall discharge or cause the discharge of sulfur oxides into the atmosphere in excess of the amount prescribed by the following equations:

$$E = 1{,}930\ S \text{ or } e = 240\ S$$

Where: E=Allowable sulfur oxides emissions (lb./hr.)
e=Allowable sulfur oxides emissions (gm./sec.)
S=Sulfur content, in percent by weight, prior to any pretreatment of the fuel being burned.

(3) For the purposes of paragraph (c) (1) of this section:

(i) E shall not exceed 17,495 lbs./hr. (2,210 gm./sec.).

(ii) If emissions are less than 3110 lbs./hr. (390 gm./sec.), the requirements of paragraph (c)(1) of this section shall not apply.

(4) For the purposes of paragraph (c) (2) of this paragraph:

(i) E shall not exceed 3,040 lbs./hr. (385 gm./sec.).

(ii) If emissions are less than 540 lbs./hr. (68 gm./sec.), the requirements of paragraph (c) of this paragraph shall not apply.

(5) The owner or operator of the fossil fuel-fired steam generating equipment subject to paragraphs (c)(1) and (3) of this section shall specify the control efficiency for each affected unit such that the emissions on a total plant basis do not exceed that specified in paragraphs (c)(1) and (3). Such information shall be submitted to the Administrator no later than October 1, 1975, for inclusion in this paragraph.

(6) All operable sulfur oxides control equipment at the fossil fuel-fired steam generating equipment to which this paragraph is applicable shall be operated at the maximum practicable efficiency without regard to the allowable sulfur oxides emissions determined according to paragraphs (c)(1), (2), (3), or (4) of this section.

(7) Compliance with this paragraph shall be in accordance with the provisions of § 52.1626(c).

(8) The test methods and procedures used to determine compliance with this paragraph shall be those prescribed in § 60.46 (c), (d), and (e) of this chapter. The test methods for determining the sulfur content of fuel shall be those specified in § 60.45(c) of this chapter.

§ 52.1626 Compliance schedules.

6. In § 52.1626, subparagraph (c)(3) is amended by replacing the date "March 15, 1976" for compliance with § 52.1624 (c) of this chapter with the date "July 31, 1977."

7. Section 52.1626 is amended by adding a new paragraph (e) as follows:

* * * * *

(e) Compliance schedules for the sources identified below are approved as meeting the requirements of § 52.1626(c) of this chapter. All regulations cited are air pollution control regulations of the State, unless otherwise noted.

Source	Location	Regulation involved	Effective date	Final compliance date
Arizona Public Service Co.	San Juan County	40 CFR 52.1624(c)[1]	Immediately	July 31, 1977
Public Service Co. of New Mexico	do	do	do	Do.

[1] Federally promulgated regulation.

§ 52.1630 [Amended]

8. In § 52.1630, the attainment date table is amended by replacing the date "March 1976" for attainment of the primary and secondary standards for sulfur oxides in the Four Corners Interstate Region, with the date "July 31, 1977."

9. In § 52.1631, paragraph (a) is revised to read as follows:

§ 52.1631 Extensions.

(a) The Administrator hereby extends to July 31, 1977, the attainment date for the primary standards for sulfur oxides in New Mexico's portion of the Four Corners Interstate Region.

[FR Doc.73-26702 Filed 12-17-73;8:45 am]

VETERANS ADMINISTRATION

[38 CFR Part 1]

RELEASE OF INFORMATION

Schedule of Fees for Copies of Records and Papers

The Veterans Administration is considering amending Part 1, Title 38 of the Code of Federal Regulations to update the schedule of fees in § 1.526 established for copying, certification, and search of records which are furnished the public. The proposed amendment is issued pursuant to provisions of Office of Management and Budget (formerly Bureau of the Budget) Circular No. A-25, as amended, which requires, in part, that:

Where a service (or privilege) provides special benefits to an identifiable recipient above and beyond those which accrue to the public at large, a charge should be imposed to recover the full cost to the Federal Government of rendering that service * * * Costs shall be determined or estimated from the best available records in the agency * * * The cost computation shall cover the direct and indirect costs to the Government of carrying out the activity * * *

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposal to the Administrator of Veterans Affairs (27H), Veterans Administration Central Office, 810 Vermont Ave., NW., Washington, D.C. 20420. All relevant material received before January 17, 1974 will be considered. All written comments received will be available for public inspection at the above address only between the hours of 8 a.m. and 4:30 p.m. Monday through Friday (except holidays) during the mentioned 30-day period and for 10 days thereafter. Any person visiting Central Office for the purpose of inspecting any such comments will be received by the Central Office Veterans Assistance Unit in room 132. Such visitors to any Veterans Administration field station will be informed that the records are available for inspection only in Central Office and furnished the address and the above room number.

Notice is also given that it is proposed to make any regulations that are adopted effective on the date of final approval of the Administrator.

In § 1.526, paragraphs (g) and (i) (2), (4) and (6) (i) are amended to read as follows:

§ 1.526 Copies of records and papers.

* * * * *

(g) In those cases where it is determined that a fee shall be charged, the applicant will be advised to deposit the amount of the lawful charge for the copy desired. The amount of such charge will be determined in accordance with the schedule of fees prescribed in paragraph (i) of this section. The desired copy will not be delivered, except under court subpoena, until the full amount of the lawful charge is deposited. Any excess deposit of $1 or more over the lawful charge will be returned to the applicant. Excess deposits of less than $1 will be returned upon request. When a deposit is received with an application, such a deposit will be returned to the applicant should the application be denied.

* * * * *

(i) Schedule of fees:

* * * * *

(2) Photocopy reproductions from all types of copying processes.

(i) First reproduction image	$0.25
(ii) Each additional reproduction image	.10

* * * * *

(4) Searching, per hour (minimum charge one-half hour)	4.00

* * * * *

(6) Office handling of files under court subpoena.

(i) When the file is in the office served with the subpoena	5.00

* * * * *

Approved: December 11, 1973.

By direction of the Administrator.

RUFUS H. WILSON,
Associate Deputy Administrator.

[FR Doc.73-26720 Filed 12-17-73;8:45 am]

Notices

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

DEPARTMENT OF THE TREASURY

Office of the Secretary

ADVISORY COMMITTEE ON EXPLOSIVES TAGGING, TECHNICAL SUBCOMMITTEE

Notice of Establishment

Pursuant to the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463, 86 Stat. 770-776; 5 U.S.C. App.) the Department of the Treasury announces establishment on November 19, 1973, of the following advisory committees:

Titles. The Advisory Committee on Explosives Tagging; and the Technical Subcommittee of the Advisory Committee on Explosives Tagging.

Purpose. These committees, composed of representatives of the scientific, technical, law enforcement and explosives industries and public sectors, will provide informed advice to the Director, Bureau of Alcohol, Tobacco and Firearms, relative to the eventual implementation of an explosives identification and detection system under the provisions of Title XI of the Organized Crime Control Act of 1970.

Authority for these committees will expire November 19, 1975, unless the Secretary of the Treasury formally determines that continuance is in the public interest.

Dated: December 11, 1973.

[SEAL] WARREN F. BRECHT,
Assistant Secretary for Administration.

[FR Doc.73-26760 Filed 12-17-73;8:45 am]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

ALASKA OUTER CONTINENTAL SHELF OFFICE

Notice of Designation and Opening

Notice is hereby given that the Bureau of Land Management has opened an Outer Continental Shelf Office at Anchorage, Alaska on September 24, 1973. This office is officially designated as the "Alaska Outer Continental Shelf Office." The mailing address is:

Alaska Outer Continental Shelf Office
Bureau of Land Management
P.O. Box 1159
Anchorage, Alaska 99510

The street address is:

121 West Fireweed Lane
Room 270
Anchorage, Alaska

The hours of business are 7:45 a.m. to 4:30 p.m. Alaska-Hawaii Standard Time.

This office is responsible for developing environmental studies and analyses related to the possibility of mineral leasing and development, and for mineral leasing on the Alaska Outer Continental Shelf.

ED HASTEY,
Acting Director,
Bureau of Land Management.

DECEMBER 7, 1973.

[FR Doc.73-26685 Filed 12-17-73;8:45 am]

ATLANTIC OUTER CONTINENTAL SHELF OFFICE

Designation and Opening

Notice is hereby given that the Bureau of Land Management has opened an Outer Continental Shelf Office at New York City, New York on November 26, 1973. This office is officially designated as the "Atlantic Outer Continental Shelf Office." The address is:

Atlantic Outer Continental Shelf Office
Bureau of Land Management
90 Church Street
Room 1305
New York City, New York 10007

The hours of business are 8:15 a.m. to 4:45 p.m. Eastern Standard Time.

This office is responsible for developing environmental studies and analyses relating to the possibility of mineral leasing on the Atlantic Outer Continental Shelf of the United States northward from the Florida-Georgia state line.

ED HASTEY,
Acting Director,
Bureau of Land Management.

DECEMBER 7, 1973.

[FR Doc.73-26684 Filed 12-17-73;8:45 am]

GULF OF MEXICO OUTER CONTINENTAL SHELF OFFICE

Notice of Redesignation

Notice is hereby given that the New Orleans Outer Continental Shelf Office of the Bureau of Land Management is officially redesignated the "Gulf of Mexico Outer Continental Shelf Office." The address is:

Gulf of Mexico Outer Continental Shelf Office
Bureau of Land Management
Suite 3200, The Plaza Tower
1001 Howard Avenue
New Orleans, Louisiana 70113

The hours of business are 7:45 a.m. until 4:15 p.m. Central Standard Time.

This office is responsible for mineral leasing on the Gulf of Mexico Outer Continental Shelf of the United States. It is also responsible for developing environmental studies and analyses relating to the possibility of mineral leasing on the Gulf of Mexico Outer Continental Shelf and Atlantic Outer Continental Shelf offshore Florida.

ED HASTEY,
Acting Director,
Bureau of Land Management.

DECEMBER 7, 1973.

[FR Doc.73-26683 Filed 12-17-73;8:45 am]

LAKEVIEW DISTRICT ADVISORY BOARD

Notice of Meeting and Agenda

Notice is hereby given that the Bureau of Land Management Lakeview District Advisory Board will meet at 10 A.M., Pacific Standard time on January 7, 1974, at the Lakeview District Office conference room, 357 North "L" Street, Lakeview, Oregon.

The agenda for the meeting will include:

1. Hearing of Protests on adverse actions.
2. Discussion of primitive area potential.
3. Wild Horse Management.
4. Report on Bureau programs.
5. Proposals for next year's program.
6. Other items that may properly be brought before the Board.

The meeting will be open to the public insofar as seating is available. Time will be available for brief statements from members of the public, but those wishing to make an oral statement must inform the Chairman in writing prior to the meeting. Interested persons may file a written statement with the Board for it's consideration. Statements should be sent to Chairman, Lakeview District Advisory Board, care of District Manager, Bureau of Land Management, P.O. Box 151, Lakeview, Oregon 97630.

MARVIN LENOUE,
District Manager.

DECEMBER 5, 1973.

[FR Doc.73-26680 Filed 12-17-73;8:45 am]

MONTICELLO DISTRICTS 6 AND 9 ADVISORY BOARDS

Notice of Meeting

Notice is hereby given that the Monticello Districts 6 and 9 Advisory Boards will meet at 10:00 a.m. on January 8, 1974 at the Monticello District Office, 284 South 1st West, Monticello, Utah 84535.

The agenda will include reorganization of the Boards, protests of proposed allocation of grazing privileges, reviewal and action upon grazing applications and transfers of grazing privileges, dis-

cussion of wild horse claims, protest on range line agreement (fence construction), and progress report on district programs.

The meeting will be open to the public. Interested parties will be permitted to appear before the Boards or file a written statement for their consideration.

The District 6 Advisory Board Chairman is Kenneth S. Summers, P.O. Box 1147, Monticello, Utah 84535, and the District 9 Advisory Board Chairman is Lawrence Aubert, 211 Country Club Park, Grand Junction, Colorado 81501.

Dated December 10, 1973.

FRANK C. SHIELDS,
District Manager.

[FR Doc.73-26681 Filed 12-17-73;8:45 am]

National Park Service

INDEPENDENCE NATIONAL HISTORICAL PARK ADVISORY COMMISSION

Notice of Meeting and Agenda

Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Independence National Historical Park Advisory Commission will be held at 10 a.m. on January 9, 1974, at 313 Walnut Street, Philadelphia, Pennsylvania.

The Commission was established by Public Law 80-795 to render advice on such matters relating to the park as may from time to time be referred to them for consideration.

The members of the Commission are as follows:

Mr. Arthur C. Kaufmann (Chairman), Philadelphia, Pa.
Mr. John P. Bracken, Philadelphia, Pa.
Hon. Michael J. Bradley, Philadelphia, Pa.
Hon. James A. Byrne, Philadelphia, Pa.
Mr. William L. Day, Philadelphia, Pa.
Hon. Edwin O. Lewis, Philadelphia, Pa.
Mr. Filindo B. Masino, Philadelphia, Pa.
Mr. Frank C. P. McGlinn, Philadelphia, Pa.
Mr. John B. O'Hara, Philadelphia, Pa.
Mr. Howard D. Rosengarten, Villanova, Pa.
Mr. Charles R. Tyson, Philadelphia, Pa.

Matters to be considered at this meeting include the following:

1. Development Plans for City Tavern.
2. Penn Mutual Observation Deck.
3. Park Bicentennial Plans.
4. Promenade of States Project.
5. "Area F" Progress.
6. Liberty Bell Pavilion.
7. Superintendent's Progress Report.

The meeting will be open to the public. Any person may file with the Commission a written statement concerning the matters to be discussed. Persons desiring further information concerning this meeting, or who wish to submit written statements, may contact Hobart G. Cawood, Superintendent, Independence National Historical Park, Philadelphia, Pennsylvania, at 215-597-7120.

Minutes of the meeting shall be available for inspection two weeks after the meeting at the office of the Independence National Historical Park, 313 Walnut Street, Philadelphia, Pennsylvania.

Dated: December 6, 1973.

ROBERT M. LANDAU,
Liaison Officer, Advisory Commissions, National Park Service.

[FR Doc.73-26721 Filed 12-17-73;8:45 am]

Office of the Secretary

[INT DES 73-82]

EL DORADO MAIN NO. 2—PLEASANT OAK MAIN AND LATERALS OF THE CENTRAL VALLEY PROJECT, CALIFORNIA

Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for a proposed water conveyance and distribution system known as the El Dorado Main No. 2—Pleasant Oak Main and Laterials of the Central Valley Project, California. The facilities would be constructed to furnish irrigation and municipal and industrial water to service areas located in the southwestern portion of El Dorado County, California, about 30 miles east of Sacramento, California. Written comments on the draft environmental statement may be submitted to the Regional Director (address below) on or before February 1, 1974.

Copies of the statement are available for inspection at the following locations:

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240. Telephone (202) 343-4991.
Division of Engineering Support, Technical Services and Publications Branch, E&R Center, Denver Federal Center, Denver, Colorado 80225. Telephone (303) 234-3007.
Office of the Regional Director, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825. Telephone (916) 484-4792.

Single copies of the draft environmental statement may be obtained on request to the Commissioner of Reclamation or the Regional Director. In addition, copies may be purchased from the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151. Please refer to the statement number above.

Dated December 12, 1973.

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

[FR Doc.73-26688 Filed 12-17-73;8:45 am]

[INT DES 73-80]

PROPOSED MEDICINE LAKE WILDERNESS AREA, MONTANA

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a draft environmental statement for the proposed Medicine Lake Wilderness Area, Montana, and invites written comments on or before 2-1-74.

The proposal recommends approximately 11,506 acres within the Medicine Lake National Refuge in Roosevelt and Sheridan Counties, Montana, be designated as wilderness within the National Wilderness Preservation System.

Copies of the draft statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife
10597 West Sixth Avenue
Denver, Colorado 80215

Headquarters
Medicine Lake National Wildlife Refuge
Medicine Lake, Montana 59247

Bureau of Sport Fisheries and Wildlife
Office of Environmental Quality
Department of the Interior
Room 2246
18th and "C" Streets, NW
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Office of Environmental Quality. Please refer to the statement number above.

Dated December 12, 1973.

WILLIAM A. VOGELY,
Acting Deputy Assistant Secretary, Program Development and Budget.

[FR Doc.73-26687 Filed 12-17-73;8:45 am]

[INT DES 73-81]

PROPOSED MISSISQUOI WILDERNESS AREA, VERMONT

Availability of Draft Environmental Statement

Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, Public Law 91-190, the Department of the Interior has prepared a draft environmental statement for the proposed Missisquoi Wilderness Area, Vermont, and invites written comments within 45 days of this notice.

The proposal recommends that Shad Island, a 114-acre island in Missisquoi National Wildlife Refuge, located in Franklin County, Vermont, be designated as wilderness within the National Wilderness Preservation System.

Copies of the draft statement are available for inspection at the following locations:

Bureau of Sport Fisheries and Wildlife
John W. McCormack Post Office and Courthouse
Boston, Massachusetts 02109

Headquarters
Missisquoi National Wildlife Refuge
Swanton, Vermont 05488

Bureau of Sport Fisheries and Wildlife
Office of Environmental Quality
Department of the Interior
Room 2246
18th and "C" Streets, NW.
Washington, D.C. 20240

Single copies may be obtained by writing the Chief, Office of Environmental Quality, Bureau of Sport Fisheries and Wildlife, Department of the Interior, Washington, D.C. 20240. Comments concerning the proposed action should also be addressed to the Chief, Office of Environmental Quality. Please refer to the statement number above.

Dated December 12, 1973.

WILLIAM A. VOGELY,
Acting Deputy Assistant Secretary, Program Development and Budget.

[FR Doc.73-26686 Filed 12-17-73;8:45 am]

[INT DES 73-75]

WILDERNESS PROPOSAL FOR ORGAN PIPE CACTUS NATIONAL MONUMENT

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement for a wilderness proposal for Organ Pipe Cactus National Monument, Arizona.

The statement considers establishment of 249,800 acres as wilderness within Organ Pipe Cactus National Monument. Also considered are 900 acres of potential wilderness additions to be added by the Secretary of the Interior at such time he determines they qualify.

Written comments on the environmental statement are invited and will be accepted on or before February 1, 1974. Comments should be addressed to the Superintendent, Organ Pipe Cactus National Monument, Arizona.

Copies of the draft environmental statement are available from or for inspection at the following locations:

Western Regional Office, National Park Service, 450 Golden Gate Avenue, San Francisco, Calif. 94102.
General Superintendent, Southern Arizona Group, 115 N. First Street, Phoenix, Ariz. 85004.
Superintendent, Organ Pipe Cactus National Monument, P.O. Box 38, Ajo, Ariz. 85321.

Dated: December 6, 1973.

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

[FR Doc.73-26774 Filed 12-17-73;8:45 am]

ATOMIC ENERGY COMMISSION

[Docket Nos. 50-277 and 50-278]

PHILADELPHIA ELECTRIC CO., ET AL.

Notice of Oral Argument

In the matter of Peach Bottom Atomic Power Station, Units 2 and 3.

The oral argument in this proceeding is re-calendared for Friday, December 21, 1973, at 9:15 a.m. in the Appeal Panel hearing room, 5th floor, East-West Towers Building, 4350 East-West Highway, Bethesda, Maryland. All other conditions of our memorandum and order of November 30, 1973, remain in effect.

For the Atomic Safety and Licensing Appeal Board.

MARGARET E. DU FLO,
Secretary to the Appeal Board.

DECEMBER 12, 1973.

[FR Doc.73-26745 Filed 12-17-73;8:45 am]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

RESPECTIVE ALLOCATION AND PRIORITY RESPONSIBILITIES OF THE DEPARTMENT OF AGRICULTURE AND THE DEPARTMENT OF COMMERCE IN CONNECTION WITH FOODS WHICH HAVE INDUSTRIAL USES

Memorandum of Agreement

Correction

In FR Doc. 73-25723, appearing at page 33504 in the issue for Wednesday, December 5, 1973, the title beneath the signature of John C. Blum should read "Acting Administrator", and the date "November 2, 1973" appearing above Mr. Blum's signature, and the date "November 16, 1973" appearing above Mr. Cook's signature should read "November 12, 1973" and "November 10, 1973", respectively.

Agricultural Stabilization and Conservation Service

MEMORANDUM OF UNDERSTANDING AND AGREEMENT BETWEEN AGRICULTURAL STABILIZATION AND CONSERVATION SERVICE, DEPARTMENT OF AGRICULTURE, AND BUREAU OF COMPETITIVE ASSESSMENT AND BUSINESS POLICY, DEPARTMENT OF COMMERCE

Scope of Term "Farm Equipment" as Used in Executive Orders 10480 and 11490

Correction

In FR Doc. 73-25724, appearing at page 33506, in the issue of December 5, 1973, the date "November 16, 1973" appearing above the signature of Gary M. Cook should read "November 10, 1973".

Packers and Stockyards Administration

[P. & S. Docket No. 4877]

CLARK COUNTY LIVESTOCK AUCTION, INC.

Notice of Complaint, Order of Suspension, and Hearing Regarding Schedule of Rates and Charges

Notice is hereby given that on October 26, 1973, the respondent filed a proposed amendment to its current schedule of rates and charges, under Title III of the Packers and Stockyards Act, 1921, as amended, 52 Stat. 159, as amended, (7 U.S.C. 181 *et seq.*), to become effective November 10, 1973. The proposed amended tariff reads as follows:

SECTION I—SELLING COMMISSIONS

Cattle, selling thru $9.99	$1.25 & 1% of gross per head.
Cattle, selling for $10.00 & over	$3.90 & 1% of gross per head.
Bulls, 1000 lbs. and over	$5.75 & 1% of gross per head.
Hogs, 100 lbs. and under	$1.00 & 1% of gross per head.
Hogs, over 100 lbs	$2.00 & 1% of gross per head.
Sheep and goats	$1.00 per head.
Horses and Mules, selling up to $25.00	$2.50 per head.
Horses and Mules, selling for $25 thru $99	$4.00 per head.
Horses and Mules, selling for $100 & over	5% of gross proceeds.

SECTION II—YARDAGE

Cattle and bulls	No charge.
Hogs	$0.40 per head.
Sheep and goats	No charge.
Horses and mules	$1.00 per head.

Definition of the term "yardage": the term "yardage" as used herein describes and embraces the standard definition of "yardage" as set forth in Section 201.17(b) of the regulations issued under the Packers and Stockyards Act.

SECTION III—VETERINARY INSPECTION

The schedule of charges on all necessary veterinary services performed by an accredited veterinarian for inspection will be at uniform per head rates pursuant to company agreement with the veterinarian performing such services.

SECTION IV—RESALES AND NO SALES

Resales	No charge if sold before leaving scales.
No sale	$1.00 per head.

SECTION V—FEED

All feed as fed shall be charged for at cost f.o.b. the market.

Notice is given hereby also that on November 8, 1973, the Packers and Stockyards Administration, United States Department of Agriculture, filed a "Complaint, Order of Suspension, and Notice of Hearing" with respect to the respondent's rates and charges. The contents of such document are as follows:

This proceeding is instituted pursuant to the provisions of Title III of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), hereinafter referred to as the Act.

I. The respondent is now, and at all times mentioned herein was, registered with the Secretary of Agriculture as a market agency to sell livestock on commission at the Clark County Livestock Auction, Inc., Arkadelphia, Arkansas, which is now, and at all times mentioned herein was, a posted stockyard subject to the provisions of the Act.

II. In accordance with the requirements of the Act, the respondent has heretofore filed and presently has in effect a schedule of rates and charges for its services at the aforementioned stockyard.

III. On October 26, 1973, the respondent filed a tariff effective November 10, 1973, containing certain increases in the current rates and charges.

IV. Upon an analysis of the information available to the Packers and Stockyards Administration, United States Department of Agriculture, there is reason to believe that certain of such increases are unjust, unreasonable, or discriminatory.

V. It is concluded, therefore, that a proceeding under Title III of the Act should be instituted for the purpose of determining the reasonableness and lawfulness of the rates and charges set forth in the respondent's schedule of rates and charges as modified by the tariff filed on October 26, 1973, and that pending a hearing and decision in this proceeding, the operation of the modifications of the current schedule of rates and charges should be suspended and the use of such modified rates and charges deferred.

VI. It is further concluded that a hearing should be had for the purpose of determining the lawfulness of all rates and charges of the respondent and of any rule, regulation, or practice affecting said rates and charges.

It is therefore ordered, That the operation and use by the respondent of the modifications of the current schedule of rates and charges filed on October 26, 1973, to become effective November 10, 1973, are hereby suspended and deferred until the expiration of thirty days beyond the time when such modified rates would otherwise go into effect.

It is further ordered, That notice to the respondent shall be, and is hereby, given that a hearing concerning the matters set forth herein will be held before an Administrative Law Judge of the Department at a time and place to be specified at a later date, of which the respondent will receive adequate notice. At such hearing the respondent and all other interested persons will have a right to appear and present such evidence with respect to the matters and things set forth herein as may be relevant and material.

It is further ordered, That any and all interested persons who may wish to appear and present evidence relative to the issues in this proceeding shall give notice thereof by filing a statement to that effect with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. on or before January 7, 1974.

It is further ordered, That a copy hereof be served upon the respondent.

Done at Washington, D.C., December 12, 1973.

MARVIN L. MCLAIN,
Administrator, Packers and Stockyards Administration.

[FR Doc.73-26765 Filed 12-17-73;8:45 am]

DEPARTMENT OF COMMERCE

Domestic and International Business Administration

NATIONAL CENTER FOR TOXICOLOGICAL RESEARCH

Decision on Application for Duty-Free Entry of Scientific Article

The following is a decision on an application for duty-free entry of a scientific article pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the Regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to this decision is available for public review during ordinary business hours of the Department of Commerce, at the Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00080-33-46040. Applicant: DHEW/PHS, Food and Drug Administration, National Center for Toxicological Research, Jefferson, Arkansas 72079. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended Use of Article: The foreign article is intended to be used in research on biological, mainly mammalian tissues derived from experimental animals, and exhibit both normal and pathologic structure. Specifically, the experiments will be (1) transmission electron microscopy (TEM) of myocardial necrosis in adult female mice given 2,4,5-T; (2) transmissions and scanning electron microscopy (TEM and SEM) in conjunction with elemental x-ray analysis of crystalline material present in the lungs of mice associated with carcinogenesis; (3) TEM and SEM in conjunction with elemental x-ray analysis of transitional epithelium of the urinary bladder of mice which have received 2-AAF, a carcinogenic compound; (4) TEM and SEM study of intracytoplasmic hyaline bodies in epithelial cells of urinary bladder from mice treated with 2-AAF; (5) SEM of teratologic defects in mice fetuses from maternal animals which have received a 2,4,5-T; (6) An electron microscope study to define subcellular deviations which occur within neoplastic transitional epithelial cells of the urinary bladder of mice; and (7) An electron microscopic study of liver and kidney of mice treated with 2-AAF.

Comments: No comments have been received with respect to this application. Decision: Application approved. No instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, is being manufactured in the United States. Reasons: The foreign article has a specified resolving capability of 3 Angstroms. The most closely comparable domestic instrument is the Model EMU-4C electron microscope manufactured by the Forgflo Corporation. The Model EMU-4C has a specified resolving capability of 5 Angstroms. (The lower the numerical rating in terms of Angstrom units, the better the resolving capability.) We are advised by the Department of Health, Education, and Welfare (HEW) in its memorandum dated November 16, 1973 that the additional resolving capability of the foreign article is pertinent to the purposes for which the foreign article is intended to be used. We, therefore, find that the Model EMU-4C is not of equivalent scientific value to the foreign article for such purposes as the article is intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to the foreign article, for such purposes as this article is intended to be used, which is being manufactured in the United States.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director, Special Import Programs Division.

[FR Doc.73-26695 Filed 12-17-73;8:45 am]

UNIVERSITY OF NEBRASKA ET AL.

Consolidated Decision on Applications for Duty-Free Entry of Ultramicrotomes

The following is a consolidated decision on applications for duty-free entry of ultramicrotomes pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat. 897) and the regulations issued thereunder as amended (37 F.R. 3892 et seq.). (See especially § 701.11(e).)

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00081-33-46500. Applicant: University of Nebraska Medical Center, Department of Dermatology, Conkling Hall, Room 406, 42nd and Dewey Avenue, Omaha, Nebraska 68105. Article: Ultramicrotome, Model LKB 8800A, 7800B Knifemaker, and 4806A Ultrotome Table. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The foreign article is intended to be used in research on biological, exclusively mammalian tissues derived from human skin and from experimental animals, which exhibit both normal and pathologic structure. Specifically, the experiments to be conducted include sequential biopsies during the development of the various forms of dermatitis (eczema) and during the resolution of various skin diseases using different clinical therapeutic modalities. Application received by Commissioner of Customs: August 21, 1973. Advice submitted by Department of Health, Education, and Welfare on: November 16, 1973.

Docket Number: 74-00083-33-46500. Applicant: William Paterson College of New Jersey, 300 Pompton Road, Wayne, New Jersey 07407. ARTICLE: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. Intended use of article: The foreign article is intended to be used in teaching a course entitled "Electron microscopy" to seniors in the Biology major program. In addition, a second course entitled Cell Ultrastructure is planned for Spring 1974. APPLICATION RECEIVED BY COMMISSIONER OF CUSTOMS: August 21, 1973. Advice submitted by Department of Health, Education, and Welfare on: November 16, 1973.

Docket Number: 74-00084-33-46500. Applicant: Wayne State University, Department of Dermatology, Research Medical Building, 550 East Canfield, Detroit, Michigan 48201. Article: Ultramicrotome, Model LKB 8800A and accessories. Manufacturer: LKB Produkter AB, Sweden. INTENDED USE OF ARTICLE: The foreign article is intended to be used to study biological, mainly mammalian tissues derived from human and experimental animals which exhibit both normal and pathologic structure. Specifically, experiments will be conducted on the normal, physiological behavior of cells and tissues in regard to the transport and ingestion of macromolecules. Variations in the behavior of cells and tissues under experimental pathological conditions will also be studied. Application received by Commissioner of Customs: August 21, 1973. Advice Submitted by Department of Health, Education, and Welfare on: November 16, 1973.

Comments: No comments have been received with respect to any of the foregoing applications. Decision: Applications approved. No instrument or apparatus of equivalent scientific value to the foreign articles for such purposes as these articles are intended to be used, is being manufactured in the United States. Reasons: Each of the foreign articles provides a range of cutting speeds from 0.1 to 20 millimeters per second. The most closely comparable domestic instrument is the Model MT-2B ultramicrotome which is manufactured by Ivan Sorvall, Inc. (Sorvall). The Model MT-2B has a range of cutting speeds from 0.09 to 3.2 millimeters per second. The conditions for obtaining high-quality sections that are uniform in thickness, depend to a large extent on the hardness, consistency, toughness and other properties of the specimen materials, the properties of the embedding materials, and geometry of the block. In connection with a prior application (Docket Number 69-00665-33-46500), which relates to the duty-free entry of an article that is identical to those to which the foregoing applications relate, the Department of Health, Education, and Welfare (HEW) advised that "Smooth cuts are obtained when the speed of cutting (among such [other] factors as knife edge condition and angle), is adjusted to the characteristics of the material being sectioned. The range of cutting speeds and a capability for the higher cutting speeds is, therefore, a pertinent characteristic of the ultramicrotome to be used for sectioning materials that experience has shown difficult to section." In connection with another prior application (Docket Number 70-00077-33-46500) which also relates to an article that is identical to those described above, HEW advised that "ultrathin sectioning of a variety of tissues having a wide range in density, hardness etc." requires a maximum range in cutting speed and, further, that the "production of ultrathin serial sections of specimens that have a great variation in physical properties is very difficult." Accordingly, HEW advises in its respectively cited memoranda, that cutting speeds in excess of 4 millimeters per second are pertinent to the satisfactory sectioning of the specimen materials and the relevant embedding materials that will be used by the applicants in their respective experiments. For these reasons, we find that the Sorvall Model MT-2B ultramicrotome is not of equivalent scientific value to the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used.

The Department of Commerce knows of no other instrument or apparatus of equivalent scientific value to any of the foreign articles to which the foregoing applications relate, for such purposes as these articles are intended to be used, which is being manufactured in the United States.

A H. STUART,
Director, Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc.73-26696 Filed 12-17-73;8:45 am]

VIRGINIA POLYTECHNIC INSTITUTE ET AL.

Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Articles

The following is a consolidated decision on applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651, 80 Stat 897) and the regulations issued thereunder as amended (37 FR 3892 et seq.).

A copy of the record pertaining to each of the applications in this consolidated decision is available for public review during ordinary business hours of the Department of Commerce, at the Special Import Programs Division, Office of Import Programs, Department of Commerce, Washington, D.C.

Decision: Applications denied. Applicants have failed to establish that instruments or apparatus of equivalent scientific value to the foreign articles, for such purposes as the foreign articles are intended to be used, are not being manufactured in the United States.

Reasons: Section 701.8 of the Regulations provides in pertinent part:

"The applicant shall on or before the 20th day following the date of such notice, inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article for the same intended purposes to which the denied application relates. The applicant shall then resubmit the new application on or before the 90th day following the date of the notice of denial without prejudice to resubmission, unless an extension of time is granted by the Deputy Assistant Secretary in writing prior to the expiration of the 90 day period. * * * If the applicant fails, within the applicable time periods specified above, to either (a) inform the Deputy Assistant Secretary whether it intends to resubmit another application for the same article to which the denial without prejudice to resubmission relates, or (b) resubmit the new application, the prior denial without prejudice to resubmission shall have the effect of a final decision by the Deputy Assistant Secretary on the application within the context of § 701.11."

The meaning of the subsection is that should an applicant either fail to notify the Deputy Assistant Secretary of its intent to resubmit another application for the same article to which the denial without prejudice relates within the 20 day period, or fails to resubmit a new application within the 90 day period, the prior denial without prejudice to resubmission will have the effect of a final denial of the application.

None of the applicants to which this consolidated decision relates has satisfied the requirements set forth above, therefore, the prior denials without prejudice have the effect of a final decision denying their respective applications. Section 701.8 further provides: "* * * the Deputy Assistant Secretary shall transmit a summary of the prior denial without prejudice to resubmission to the FEDERAL REGISTER for publication, to the Commis-

sioner of Customs, and to the applicant."

Each of the prior denials without prejudice to resubmission to which this consolidated decision relates was based on the failure of the respective applicants to submit the required documentation, including a completely executed application form, in sufficient detail to allow the issue of "scientific equivalency" to be determined by the Deputy Assistant Secretary.

Docket Number: 72-00229-01-77000. Applicant: Virginia Polytechnic Institute, Chemistry Department, Blacksburg, Virginia 24061. ARTICLE: Electron Spectrometer, Model ES-100. Date of Denial Without Prejudice To Resubmission: July 3, 1973.

Docket Number: 72-00614-01-78000. Applicant: Rutgers University, The State University, University Heights Campus, Piscataway Township, New Brunswick, New Jersey 08903. ARTICLE: Fourier Spectrophotometer, Model FS 720. Date of Denial Without Prejudice to Resubmission: July 16, 1973.

Docket Number: 72-00633-33-43780. Applicant: Washington University, 4911 Barnes Hospital Plaza, St. Louis, Missouri 63110. ARTICLE: Leisegang Stereocameracolposcope, Model IIIb. Date of Denial Without Prejudice to Resubmission: July 27, 1973.

Docket Number: 73-00144-33-77040. Applicant: City of Philadelphia Office of the Medical Examiner, 321 University Avenue, Philadelphia, Pennsylvania 19104. Article: Mass Spectrometer-Gas Chromatograph, CH-7. Date of Denial Without Prejudice To Resubmission: March 5, 1973.

Docket Number: 73-00182-01-01100. Applicant: University of Illinois, Biochemistry Department, Urbana, Illinois 61801. Article: Sequence Analyzer, Model JAS-47K. Date of Denial Without Prejudice To Resubmission: July 23, 1973.

Docket Number: 73-00433-90-46070. Applicant: Herbert H. Lehman College, Bedford Park Boulevard West, Bronx, New York 10468. Article: Scanning Electron Microscope, Model JSM-U3. Date of Denial Without Prejudice To Resubmission: July 10, 1973.

Docket Number: 73-00450-33-46040. Applicant: U.S. Department of Agriculture, Agricultural Research Services, SR, Veterinary Toxicology & Entomology Research Lab., P.O. Box 53326, 701 Loyola Avenue, New Orleans, Louisiana 70153. Article: Electron Microscope, Model EM 300. Date of Denial Without Prejudice To Resubmission: July 9, 1973.

Docket Number: 73-00453-33-46070. Applicant: The University of New Mexico School of Medicine, Department of Anatomy, Basic Medical Sciences Building, N. Campus, Albuquerque, New Mexico 87106. Date of Denial Without Prejudice To Resubmission: July 9, 1973.

Docket Number: 73-00507-01-07500. Applicant: Brooklyn College of the City Univ. of N.Y., Bedford Avenue and Avenue H, Brooklyn, New York 11210. Article: LKB 8700 Precision Calorimetry System. Date of Denial Without Prejudice To Resubmission: July 5, 1973.

Docket Number: 73-00554-01-01100. Applicant: University of Iowa School of Medicine, Basic Sciences Building, Iowa City, Iowa 52242. Article: Sequence Analyzer, JAS-47K. Date of Denial Without Prejudice To Resubmission: July 19, 1973.

Docket Number: 73-00562-16-66700. Applicant: San Diego Hall of Science, 1875 El Prado, San Diego, California 92101. Article: Imax Projection System. Date of Denial Without Prejulice To Resubmission: July 24, 1973.

Docket Number: 73-00582-01-11000. Applicant: Medical University of South Carolina, Department of Pharmacology, 80 Barre Street, Charleston, South Carolina 29401. Date of Denial Without Prejudice To Resubmission: July 19, 1973.

A. H. STUART,
Director, Special Import Programs Division.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

[FR Doc.73-26694 Filed 12-17-73;8:45 am]

UNIVERSITY OF TENNESSEE ET AL.

Notice of Applications for Duty-Free Entry of Scientific Articles

The following are notices of the receipt of applications for duty-free entry of scientific articles pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Public Law 89-651; 80 Stat. 897). Interested persons may present their views with respect to the question of whether an instrument or apparatus of equivalent scientific value for the purposes for which the article is intended to be used is being manufactured in the United States. Such comments must be filed in triplicate with the Director, Special Import Programs Division, Office of Import Programs, Washington, D.C. 20230, on or before January 7, 1974.

Amended regulations issued under cited Act, as published in the February 24, 1972 issue of the FEDERAL REGISTER, prescribe the requirements applicable to comments.

A copy of each application is on file, and may be examined during ordinary Commerce Department business hours at the Special Import Programs Division, Department of Commerce, Washington, D.C. 20230.

Docket Number: 74-00195-99-84300. Applicant: The University of Tennessee, Knoxville, Tennessee 37916. Article: T.E.M. Wind Tunnel Smoke Probe with Model B Press Feed Supply Unit. Manufacturer: T.E.M. Engineering Ltd., United Kingdom. Intended use of article: The article is intended to be used in the course Aerospace Engineering 4491, to acquaint the student with wind tunnel techniques. Application Received by Commissioner of Customs: October 17, 1973.

Docket Number: 74-00214-00-46040. Applicant: Veterans Administration Hospital, Highway 6, Iowa City, IA 52240. Article: Rotating Specimen Stage for Elmiskop 101, Electron Miscroscope. Manufacturer: Siemens AG, West Germany. Intended Use of Article: The article is an accessory to an existing electron microscope to be used to rotate specimen tissue at 360 degrees in the microscope during oral disease projects and pathology projects. Application Received by Commissioner of Customs: November 14, 1973.

Docket Number: 74-00216-33-43420. Applicant: The University of Oklahoma, 660 Parrington Oval, Room 321, Norman, Oklahoma 73069. Article: Micromanipulator, Model MZ-10. Manufacturer: Narishige Scientific Instrument Laboratory, Japan. Intended use of article: The article is intended to be used in a research program to critically examine the activity of both neurosecretory and motor neurons in the leech Haemopis during reflexive, bilateral shortening behavior. This program will examine the synaptic interactions between Retzius Cells, large fiber units in the connective, which mediate shortening, and the large lateral motor neurons. Retzius cells will be examined to measure their presynaptic effects upon the tension and potentials of the muscles during the reflexive shortening. The article will also be used in a course entitled "Electrophysiological Techniques" in which the student will become familiar with microelectrophysiology which utilizes the pipette pullers and manipulators. Application Received by Commissioner of Customs: November 16, 1973.

Docket Number: 74-00218-33-46040. Applicant: Wayne State University, Kresge Eye Institute, 540 East Canfield, Detroit, Michigan 48201. Article: Electron Microscope, Model EM 301. Manufacturer: Philips Electronic Instruments, NVD, The Netherlands. Intended Use of Article: The article is intended to be used to analyze various tissues of the eye from experimental animals as well as some from human sources. This will include studies of (a) ultrastructural properties of cell membranes, and how they change during the process of wound healing and regeneration, (b) stimulation of ribosome production following injury or exposure of tissues to blood serum in organ culture, (c) ultrastructural changes which occur during corneal preservation, and (d) Herpes virus infections in the cornea. Other studies involving the extraocular muscles and the iris are also planned. Applications Received by Commissioner of Customs: November 20, 1973.

Docket Number: 74-00219-00-41200. Applicant: M.I.T. Haystack Observatory, E18-360, Cambridge, MA 02139. Article: Varian CW Klystron VRE-2102A49. Manufacturer: Varian Associates of Canada, Ltd., Canada. Intended Use of Article: The article is intended to be used as a component part of a K-band maser microwave radiometric receiver used at a radio radar observatory engaged in radio spectral line studies. Ap-

plication Received by Commissioner of Customs: November 20, 1973.

Docket Number: 74-00220-98-41700. Applicant: The University of Chicago, The James Franck Institute, 5640 S. Ellis Avenue, Chicago, Illinois 60637. Article: Electro Photonics Model SUA-10 Mode Locked Oscillator. Manufacturer: Electro-Photonics Limited, United Kingdom. Intended use of article: The article is intended to be used for studies of the reaction kinetics and energy transfer in photoexcited molecules. In particular, the cis-trans isomerization in linear polyene molecules will be studied by observing Raman scattering of light off the photoexcited molecule. The objective of these experiments is a better understanding of the primary visual process by understanding the photochemistry of molecules which model the visual chromophore. Application Received by Commissioner of Customs: November 23, 1973.

Docket Number: 74-00222-01-46040. Applicant: Stanford University, 820 Quarry Road, Palo Alto, California 94304. ARTICLE: Electron Microscope, Model EM 201. Manufacturer: Philips Electronic Instruments NVD, The Netherlands. Intended use of article: The article is intended to be used for high resolution examination of nucleic acids, especially heteroduplex analysis of DNA. The studies concern elucidation of the molecular and genetic structure, origin and evolution of bacterial plasmids that specify resistance to antimicrobial agents; investigation of DNA sequence relationships among various plasmids isolated from natural sources or constructed in vitro from endonuclease generated fragments of larger plasmids is a major component of these investigations. In addition, high resolution examination of circular plasmid DNA is required in evaluating the contour length of various plasmids and in determining the presence of genetically repeated nucleotid sequences. The article will be used by Ph.D. candidates and post-graduate fellows and trainees, as well as biochemistry laboratory technicians who have received only minimal training in electron microscopy. Application received by Commissioner of Customs: November 26, 1973.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials.)

A. H. STUART,
Director,
Special Import Programs Division.

[FR Doc.73-26693 Filed 12-17-73;8:45 am]

National Technical Information Service

MACHINE INDEPENDENT DATA MANAGEMENT SYSTEM

Notice of Availability

The National Technical Information Service will, on or about December 20, 1973, make available for public use through lease arrangement an operational data management system. That system is the Machine Independent Data Management System (MIDMS) developed by the Defense Intelligence Agency with contractual assistance from the General Electric Company. The MIDMS system and a summary of its operational characteristics are described in the June 1973 issue of *Datamation*. NTIS' interests are in ensuring that developments of Federal software such as MIDMS are made available in order to promote the general welfare, while at the same time encouraging similar developments by private organizations. NTIS is therefore interested in receiving pricing recommendations on the lease of MIDMS, as it is now developed and without adaptive engineering to conform to user requirements.

Write Mr. Robert Jaxel, Room 207, Yorktown Building, 8001 Forbes Place, Springfield, Virginia 22151, or call Mr. Jaxel on 703-451-1530.

WILLIAM T. KNOX,
Director.

[FR Doc.73-26674 Filed 12-17-73;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Health Services Administration

NATIONAL ADVISORY COUNCIL ON HEALTH MANPOWER SHORTAGE AREAS

Meeting and Agenda

The Acting Administrator, Health Services Administration, announces the meeting date and other required information for the following National Advisory body scheduled to assemble the month of January 1974:

Committee name	Date, time, place	Type of meeting and/or contact person
National Advisory Council on Health Manpower Shortage Areas.	January 18 and 19, 9 a.m., Conference Room L, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md.	Open—Contact Howard Hilton, Room 6-05, Parklawn Bldg., 5600 Fishers Lane, Rockville, Md., Code 301-443-4437.

Purpose. The Council is charged with establishing guidelines and regulations to improve the delivery of health care services; assigning Public Health Service personnel to areas where medical manpower and facilities are inadequate to meet the health needs of persons living in such areas; and on a nationwide basis recommending the criteria and personnel on which selection of areas are based.

Agenda. Deliberation on disposition of medical records; recruitment and matching for 1974; designation process; legislative actions affecting the National Health Service Corps; and follow-up items.

Agenda items are subject to change as priorities dictate.

A roster of members and other relevant information regarding the meeting may be obtained from the contact person listed above.

Dated: December 12, 1973.

ANDREW J. CARDINAL,
Associate Administrator for Management, Health Services Administration.

[FR Doc.73-26690 Filed 12-17-73;8:45 am]

Office of Education

NATIONAL ADVISORY COUNCIL ON VOCATIONAL EDUCATION

Notice of Meeting

Notice is hereby given, pursuant to PL-92-463, that the next meeting of the National Advisory Council on Vocational Education will be held on January 16 and 17, 1973, from 9:00 a.m. to 5:00 p.m., local time, at the Ramada Inn, Washington, D.C.

The National Advisory Council on Vocational Education is established under section 104 of the Vocational Education Amendments of 1968 (20 U.S.C. 1244). The Council is directed to advise the Commissioner of Education concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under the act; review the administration and operation of vocational education programs under the act; including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations to the Secretary of HEW for transmittal to the Congress; and conduct independent evaluation of programs carried out under the act and publish and distribute the results thereof.

The meetings of the Council shall be open to the public. The proposed agenda includes:

January 16: Reports from Committees. Reports from Council members completing their terms.

January 17: Report from the Office of Education. Discussion of Council Goals.

Records shall be kept of all Council proceedings and shall be available for public inspection at the office of the Council's Executive Director, located in Suite 412, 425-13th Street NW., Washington, D.C. 20004.

Signed at Washington, D.C. on December 10, 1973.

CALVIN DELLEFIELD,
Executive Director.

[FR Doc.73-26682 Filed 12-17-73;8:45 am]

Office of the Secretary

DEPUTY ASSISTANT SECRETARY FOR PERSONNEL AND TRAINING

Statement of Organization, Functions, and Delegations of Authority

Part 1 of the Statement of Organization, Functions and Delegations of Authority for the Department of Health, Education, and Welfare has been amended to add new Chapter 1T50, Deputy Assistant Secretary for Personnel and Training. This material supersedes all previous material issued as Chapter 1T50 (38 FR 11361 dated 5-7-73). The new Chapter reads as follows:

SECTION *1T50.00 Mission.* The Office of Personnel and Training serves as the Secretary's staff for promoting effective personnel management and personnel

administration in the Department. The Office (1) advises and acts for the Secretary on personnel management and training matters affecting HEW employees; (2) formulates policies and plans broad programs under which the personnel and training functions will be carried out throughout the Department; (3) maintains cognizance of such policies and programs; and (4) represents the Department on personnel and training matters with the Civil Service Commission, other Federal agencies, the Congress, and public.

SEC. *1T5.10 Organization.* The Office of Personnel and Training reports to the Assistant Secretary for Administration and Management. The components of the Office of Personnel and Training are as follows:

Executive Office.
Labor Relations Staff.
Upward Mobility Staff.
HEW Fellows Staff.
Technical Assistance and Evaluation Staff.
Office of Personnel Management Information and Reports.
Office of Executive Manpower and Career Development.
Office of Personnel Policy and Planning.

SEC. *1T50.20 Functions.* The functions performed by the Office of Personnel and Training are as follows:

1. *Executive Office.* A. Plans, organizes, directs, and implements the administrative procedures and services for the Office of Personnel and Training. Formulates and executes the budget, including funds control and coordination of accounting reporting; develops manpower plans, controls manpower resources, and assures that all personnel actions conform to Departmental and Office policy; provides other administrative services, such as space and procurement; provides consultation on administrative management to key staff.

B. Formulates policies, develops and coordinates programs; interprets regulations, and provides technical assistance to operating agencies and regional offices on activities related to the Department-wide Incentive Awards Program.

C. Is the Department Protocol Office and has the responsibility for the coordination and execution of all arrangements for Departmental Swearing-In Ceremonies and other official functions.

2. *Labor Relations Staff.* Assists in policy formulation, administers, and provides technical assistance in a comprehensive labor relations program for the Department, with a view toward establishing effective and sound relationships between management and employees, and with labor unions at the international, national, and local levels.

3. *Upward Mobility Staff.* A. Provides central leadership, guidance, and coordination in developing and conducting an effective upward mobility program for the Department.

B. Assists agency, regional, and field personnel offices in developing upward mobility programs appropriate to their needs and in accordance with directives of the Secretary on the subject.

C. Reviews and analyzes upward mobility program proposals for adequacy, appropriateness, and conformance with directives of the Secretary, makes recommendations for modification and allocation of resources as appropriate.

D. Monitors the implementation of programs and supportive activities to insure relevancy of expended efforts and to stimulate new activities as required.

E. Evaluates the effectiveness of programs to determine if they are, in fact, meeting the needs and objectives for which they were designed; issues periodic reports on the findings, with specific recommendations for corrective action where needed.

4. *HEW Fellows Staff.* Provides opportunities for professional persons, especially minorities, primarily from outside of the government, to improve their executive potential by employment for one year as a special assistant to a key official in the Department. In addition, the program offers Executive Training Seminars through Civil Service and Universities in the Washington, D.C. area. Consultants, speakers on social issues and experts in professional fields are included in the program to broaden the Fellows perspective.

5. *Technical Assistance and Evaluation Staff.* Manages and coordinates the personnel management evaluation program throughout the Department. Develops evaluation techniques, provides guidance, and carries out evaluation activities. Provides technical assistance to field activities and agencies with special emphasis on regional personnel offices and serves as the liaison, coordination and problem solving unit between regional personnel offices and operating agency headquarters. Advises the Deputy Assistant Secretary for Personnel and Training on organizations and staffing matters arising with respect to the personnel function throughout the Department.

6. *Office of Personnel Management Information and Reports.* A. Provides expertise in personnel management information systems design development, evaluation, implementation, and maintenance for all areas of the personnel management function. Maintains the DHEW-wide Personnel Data System from which DHEW management, the Civil Service Commission, Congress and others are provided demographic information on the workforce for both Civil Service and Commissioned Corps.

B. Analyzes workforce statistics for trends and abnormalities. Provides the means for establishing, forecasting, and measuring progress toward employment projections and objectives, average grade trends, occupational analysis, geographic distribution of employment, etc., for Federal Women's Action Program, Upward Mobility, Job Restructuring, Equal Employment and other special emphasis programs.

7. *Office of Executive Manpower and Career Development.* A. Formulates policies, develops and administers programs, and provides technical assistance to operting agencies on activities related to recruitment, placement, utilization, development, retention, and separation of employees subject to the executive assignment system. Forecasts needs for executive positions and prepares justification for additional quota spaces; assures a continuing supply of well-qualified candidates for executive positions from DHEW and external sources; establishes and coordinates an executive development program for incumbents of executive positions; monitors and evaluates effectiveness of DHEW-wide executive and management development programs; promotes the concept of equal opportunity for women and minorities in executive positions.

B. Develops and administers policies, procedures and standards, provides leadership, guidance, and support for the Department in all matters relating to the training and career-development of the entire workforce. Insures that all such activity is directly related to the fulfillment of program missions.

C. Administers the Department's Management Intern Program, and the HEW Junior Fellows Program.

8. *Office of Personnel Policy and Planning.* Provides personnel management leadership in the development, review, and interpretation of Department personnel policy, procedures, and regulations. Plans for and manages special high-priority policy or program development tasks and projects. Develops and administers programs and provides technical advice and assistance to operating agencies and others related to personnel policy, regulations, staffing, classification, job restructuring, compensation, employee benefits and services, grievances, and appeals.

Dated: December 10, 1973.

S. H. CLARKE,
Acting Assistant Secretary for Administration and Management.

[FR Doc.73-26761 Filed 12-17-73;8:45 am]

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGFR 73-269N]

KELSO MARINE, INC.

Qualification as United States Citizen

This is to give notice that pursuant to 46 CFR 67.23-7, issued under the provisions of section 27A of the Merchant Marine Act, 1920, as added by the Act of September 2, 1958 (46 U.S.C. 883-1), Kelso Marine, Inc., of 7002 Industrial Boulevard, Galveston, Texas 77550, incorporated under the laws of the State of Texas, did on November 20, 1973, file with the Commandant, United States Coast Guard, in duplicate, an oath for qualification of a corporation as a citizen of the United States following the form of oath prescribed in Form CG-1260.

The oath shows that:

(a) A majority of the officers and directors of the corporation are citizens of the United States (list of names, home addresses, and citizenship attached to the oath);

(b) Not less than 90 percent of the employees of the corporation are residents of the United States;

(c) The corporation is engaged primarily in a manufacturing or mineral industry in the United States, or in a Territory, District, or possession thereof;

(d) The aggregate book value of the vessels owned by the corporation does not exceed 10 percent of the aggregate book value of the assets of the corporation; and

(e) The corporation purchases or produces in the United States, its Territories or possessions not less than 75 percent of the raw materials used or sold in its operations.

The Commandant, United States Coast Guard, having found this oath to be in compliance with the law and regulations, on November 20, 1973, issued to Kelso Marine, Inc., a certificate of compliance on Form CG–1262, as provided in 46 CFR 67.23–7. The certificate and any authorization granted thereunder will expire three years from the date thereof unless there first occurs a change in the corporate status requiring a report under 46 CFR 67.23–7.

Dated: December 11, 1973.

D. H. CLIFTON,
Captain, U.S. Coast Guard, Acting Chief, Office of Merchant Marine Safety.

[FR Doc.73-26691 Filed 12-17-73;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 25487; Order 73-12-47]

ALLEGHENY AIRLINES, INC.

Order Regarding Certificate of Public Convenience and Necessity for Route 97

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of December 1973.

On April 30, 1973, Allegheny Airlines filed an application for authority to delete Bridgeport, Connecticut, as a separate intermediate point on its Route 97 and to redesignate New Haven, Connecticut, as New Haven-Bridgeport, a hyphenated point to be served through Tweed New Haven Airport.[1] The application was accompanied by a petition for the issuance of an order to show cause why the relief should not be granted and, alternatively, a motion for expedited hearing.

In support of its petition and motion Allegheny alleges, inter alia, that continuation of subsidized air service at Bridgeport is inappropriate in view of the vastly superior service at the New York City airports some 60–70 miles distant and at the newly improved facilities at Tweed New Haven Airport just 15 miles away; that the existence of commuter carrier service by Altair Airlines and Pilgrim Aviation and the excellent surface transportation to Bridgeport's principal communities of interest reduce inconvenience to Bridgeport passengers to a minimum; that Bridgeport never enplaned more than an average of 12 passengers per departure between 1968 and 1972; that elimination of separate Bridgeport service would reduce Allegheny's aircraft-related expense by $185,000; and that consolidation of Bridgeport service at New Haven is consistent with Board precedent.

The City of Bridgeport filed an answer in opposition which requests that the Board dismiss the application or, in the alternative, that the Board institute an adequacy of service investigation and a proceeding to determine whether Allegheny has been in violation of its obligations at Bridgeport on segment 28 of its certificate. Allegheny filed a reply to Bridgeport's answer.[2]

Answers to the application have also been filed by Altair Airlines and American Airlines. Altair does not object to the deletion of Bridgeport but does object to the redesignation of New Haven. American, in addition to its answer, has filed an application in Docket 25527 to delete Bridgeport and New Haven from its certificate for Route 4 and a motion to consolidate this application with Allegheny's. American's answer is primarily addressed to the desirability and/or the legal requirement of contemporaneous hearing of the two applications. Because American's authority at Bridegport and New Haven has been suspended for 13 years, we have decided not to consolidate its application. Accordingly, we have issued contemporaneously herewith a separate order dismissing American's motion for consolidation and proposing to grant the requested deletions by show cause procedures. Our reasons for so doing are fully explained in that order.

Upon consideration of the pleadings and all the relevant facts, we have decided to deny Allegheny's petition for the issuance of an order to show cause and to set for hearing Allegheny's application for deletion/hyphenation. The affected community opposes the application and we believe that under all the circumstances it is appropriate to consider on an evidentiary record the conflicting contentions of the parties. We will, therefore, deny the request of Bridgeport that Allegheny's petition and motion be dismissed.

We have also decided to deny Bridgeport's request for an adequacy of service proceeding. In reaching this decision we have considered the allegations of Bridgeport that, prior to Allegheny's deliberate destruction of its Bridgeport services, that city generated more passengers per departure than did New Haven; that despite civic complaints Allegheny has failed to provide a pattern of service sufficient to accommodate Bridgeport's defense industry traffic to Washington and Boston; that the curtailment of service is the only factor which has caused a decline in traffic; that the city has developed new airport facilities for Allegheny and has otherwise fully cooperated with and supported Allegheny; and that Allegheny has deliberately flouted its obligations by suspending service on segment 28 and by discontinuing Boston flights without Board authority. Assuming that there have been deficiencies in Allegheny's service at Bridgeport which have contributed to the relatively low level of traffic at that point, the city and other affected parties will be afforded an adequate opportunity to offer their proof in the context of the proceeding instituted herein. Evidence relevant to these contentions will be given full consideration by the Board in arriving at a decision on the issue of deletion/hyphenation.

Furthermore, we believe that the simultaneous consideration of section 404 adequacy of service issues and section 401 deletion/hyphenation issues would unduly expand the proceeding and unnecessarily delay its ultimate disposition since the Board would be required to consider, for example, the city's need for specific schedules to specific points. Such consideration not only would broaden the proceeding substantially but also would increase the evidentiary burden on all parties. We find that such expansion is unwarranted and undesirable. Indeed, we anticipate that this proceeding will be completed with reasonable dispatch. Should the result be a determination that service at Bridegport as a separate point should be terminated, the adequacy of service complaint would be rendered moot. On the other hand, should we order the retention of service at Bridgeport as a separate point, we have no reason to anticipate that Allegheny will not thereafter fulfill its certificate responsibilities. Thus, a full evidentiary examination of the adequacy question at this time appears to be premature and not conducive to the proper dispatch of the Board's business. Our determination herein is consistent with the Board's general policy of declining to consolidate section 404 issues with section 401 issues.[3]

Accordingly, it is ordered, That:

1. The application of Allegheny Airlines, Inc. be and it hereby is set for hearing in Docket 25487 as the *Bridgeport Service Case* at a time and place to be hereafter designated to determine

[1] Allegheny has also requested (1) the amendment of Condition (4)(b) so as to delete the pair of points Bridgeport-Detroit, and (2) the deletion of the intermediate point New Haven-Bridgeport from segment 28 which authorizes service between the terminal points Albany and Islip, N.Y.

[2] The reply was accompanied by a motion for leave to file the otherwise unauthorized document. Good cause having been shown, we will grant the motion.

With respect to the alleged certificate violations, the Board has recently found that they did, in fact, occur. We have accepted Allegheny's offer of a compromise of civil penalties and have ordered the carrier to cease and desist from engaging in the improper practices. Order 73–11–15, November 5, 1973.

[3] See, e.g., Order 73–5–20, May 4, 1973; Wilmington Service Investigation, Order 73–3–88, March 23, 1973; Reopened New England Regional Airport Investigation (New Haven-Bridgeport Phase), Order E–23015, December 20, 1965.

whether the public convenience and necessity require the alteration, amendment or modification of the certificate of Allegheny Airlines for Route 97 so as (a) to delete Bridgeport, Conn., as a separate intermediate point on segments 2, 4 and 5, (b) to redesignate New Haven, Conn., as the hyphenated point New Haven-Bridgeport to be served through the Tweed New Haven Airport, (c) to amend Condition (4) (b) to delete therefrom the pair of points, Bridgeport, Conn.-Detroit, Mich., and (d) to delete the point New Haven-Bridgeport from segment 28; [4]

2. The petition of Allegheny Airlines, Inc. for the issuance of an order to show cause be and it hereby is denied;

3. The requests of the City of Bridgeport for dismissal of the application, petition and motion of Allegheny Airlines, Inc., and for the institution of an adequacy of service proceeding be and they hereby are denied;

4. The motion of Allegheny Airlines, Inc. for leave to file an otherwise unauthorized reply be and it hereby is granted;

5. A copy of this order shall be served upon Allegheny Airlines, Inc.; American Airlines, Inc.; Altair Airlines, Inc.; Mayor, City of Bridgeport; Mayor, City of New Haven; Governor, State of Connecticut; and the Postmaster General.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-26755 Filed 12-17-73;8:45 am]

[Docket No. 25527; Order 73-12-48]

AMERICAN AIRLINES, INC.

Order To Show Cause Regarding Certificate of Public Convenience and Necessity

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 12th day of December 1973.

By application filed on May 10, 1973, American Airlines has requested amendment of its certificate of public convenience and necessity for Route 4 so as to New Haven and Bridgeport, Connecticut, delete therefrom the intermediate points American's action was prompted by the filing by Allegheny Airlines of an application to delete Bridgeport from its (Allegheny's) certificate for Route 97 and to redesignate New Haven as the hyphenated point New Haven-Bridgeport (Docket 25487). Concurrently with its application American filed an answer in Docket 25487 and a motion to consolidate its application with that of Allegheny. American expresses no preference with respect to the type of procedure that the Board should follow in processing its application but does argue that its application should be processed contemporaneously with Allegheny's. For the reasons discussed below, we have decided to dismiss American's motion to consolidate and to process its application by show cause procedures. By separate order issued contemporaneously herewith, we will set for hearing Allegheny's application for deletion/hyphenation.

In the Northeastern States Area Investigation, 30 C.A.B. 606 (1959), the Board certificated Allegheny at New Haven and Bridgeport for a five-year experimental period. The Board's principal objective in that case was to establish a "sound, integrated and complete local service program" for points in the Northeast corridor between Washington and Boston. Underlying this objective was the belief that trunkline carriers were no longer capable of or interested in providing adequate intraregional, short haul service and that potentially important high-density markets were underdeveloped and insufficiently served. As a consequence of the certification of Allegheny, the Board, inter alia, found that the public convenience and necessity required the suspension of American's authority at New Haven and Bridgeport during the period that Allegheny was authorized to serve those points.[1]

Allegheny's authority at the points in issue was made permanent in the Allegheny Airlines Segment 8 Renewal and Route Realignment Investigation. Order E-25192, May 25, 1967. Although American was a party to that case, there is no indication in the pleadings or the Initial Decision that any civic interest or air carrier advocated the decertification of Allegheny in favor of American. On the contrary, Allegheny's service record confirmed the correctness of the Board's decision in the Northeastern States case. Nonetheless, American did not seek deletion but rather was content to have its suspension authority continued for what could be, in effect, an indefinite period.

Apparently concerned that an affirmative Board decision on Allegheny's deletion/hyphenation application in Docket 25487 would compel American to reinstitute service at New Haven and Bridgeport, American has now come forward with a request for deletion. In support of its application American alleges that its obligation at these two points has become obsolete; that, even if Allegheny were authorized by hyphenation to serve Bridgeport through New Haven, Allegheny's authorization at Bridgeport would not be terminated and, consequently, American's underlying authority would not be subject to activation; and that American requests only a ministerial act by the Board.

No answers to American's application have been filed.[2]

Upon consideration of the foregoing and all the relevant facts, we have decided to issue an order to show cause why the requested deletions should not be granted. Accordingly, we tentatively find and conclude that the public convenience and necessity require the amendment of American's certificate for Route 4 so as to delete therefrom the points New Haven and Bridgeport, Connecticut.

In support of our ultimate conclusion, we make the following tentative findings and conclusions. First, it is unlikely that the public interest would be benefitted by reinstitution of American's services at either Bridgeport or New Haven. We concluded in 1959 and again in 1967 that the primary air service needs of these cities will best be met by local service carriers rather than by long-haul trunkline operators. We have seen no evidence suggesting that these conclusions are no longer valid.[3] Allegheny has now served the two cities for more than a decade and we perceive no basis for concluding that the carrier will not provide a full pattern of service adequate for their needs in the future.[4] In these circumstances, we do not believe that any useful public purpose would be served by the retention of American's dormant obligation at Bridgeport and New Haven.

The action we take by this order is similar to that taken with respect to the application of Delta Air Lines to delete Terre Haute, Indiana, Order 70-8-77, August 19, 1970. In that case Delta's authority was suspended for the period during which Lake Central Airlines (now Allegheny) was authorized to serve the point. Lake Central had acquired temporary authority in 1954 and permanent authority a number of years thereafter. The Board found and concluded "that Terre Haute is a suitable point for service by a local service carrier and receives an appropriate pattern of service by Allegheny. In these circumstances [the Board found] no reason to retain Delta's dormant authority * * *." In the in-

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[4] The hearing shall also determine (a) whether the public convenience and necessity require that Allegheny's certificate be altered, amended or modified so as to suspend or delete Bridgeport pursuant to section 401 (g) of the Act or (b) whether the public interest requires the temporary suspension of Allegheny's service at Bridgeport with or without conditions pursuant to section 401 (j) of the Act.

[1] Condition (18) of American's certificate for Route 4 embodies the suspension authority.

[2] A petition for leave to intervene was filed by the City of Bridgeport, which petition is moot in view of our decision to process American's application by show cause procedures. See 14 CFR 302.15. Of course, Bridgeport may file in response to this order and its pleadings will be given full consideration.

[3] Indeed, the present facts suggest the continuing validity of that conclusion. Bridgeport is well-served by Altair Airlines and Pilgrim Aviation, commuter carriers, which provide extensive service between Bridgeport and a number of other northeastern cities. Moreover, Bridgeport has ready access to abundant long-haul service at other nearby airports including New York's Kennedy (66 miles), and LaGuardia (59 miles) and Bradley Field at Hartford/Springfield (64 miles). New Haven is similarly served by Allegheny, Eastern and Pilgrim and is equally convenient to New York and Hartford/Springfield.

[4] Whether Bridgeport requires service by Allegheny at its own airport or as a hyphenated point with New Haven through the latter's airport will be determined in Docket 25487.

stant case—as was true in the Terre Haute case—the absence of civic opposition to the deletion application lends further support to our decision that the show cause procedure is appropriate.

Interested persons will be given 20 days following service of this order to show cause why the tentative findings and conclusions set forth herein should not be made final. We expect such persons to support their objections, if any, with detailed answers, specifically setting forth the tentative findings and conclusions to which objection is taken. Such objections should be accompanied by arguments of fact or law and should be supported by legal precedent or detailed economic analysis. If an evidentiary hearing is requested, the objector should state in detail why such a hearing is considered necessary and what relevant and material facts he would expect to establish through such a hearing that cannot be established in written pleadings. General, vague, or unsupported objections will not be entertained.

Accordingly, it is ordered, That:

1. All interested persons are directed to show cause why the Board should not issue an order making final the tentative findings and conclusions stated herein and amending the certificate of public convenience and necessity of American Airlines, Inc. for Route 4 so as to delete therefrom New Haven and Bridgeport, Connecticut;

2. Any interested persons having objections to the issuance of an order making final any of the proposed findings, conclusions, or certificate amendments set forth herein shall, within 20 days after service of a copy of this order, file with the Board and serve upon all persons listed in paragraph 6 a statement of objections together with a summary of testimony, statistical data, and other evidence expected to be relied upon to support the stated objections;*

3. If timely and properly supported objections are filed, full consideration will be accorded the matters and issues raised by the objections before further action is taken by the Board;

4. In the event that no objections are filed, all further procedural steps will be deemed to have been waived and the Board may proceed to enter an order in accordance with the tentative findings and conclusions set forth herein;

5. The motion of American Airlines, Inc. to consolidate Dockets 25487 and 25527 be and it hereby is dismissed; and

6. A copy of this order shall be served upon American Airlines, Inc.; Mayor, City of Bridgeport; Mayor, City of New Haven; Governor, State of Connecticut; and the Postmaster General.

* All motions and/or petitions for reconsideration shall be filed within the period allowed for filing objections and no further such motions, requests or petitions for reconsideration of this order will be entertained.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.73-26756 Filed 12-17-73;8:45 am]

[Docket No. 25862]

GENERAL DEPARTMENT OF INTERNATIONAL AIR SERVICES (AEROFLOT SOVIET AIRLINES)

Notice of Prehearing Conference and Hearing Regarding Amendment of Foreign Air Carrier Permit

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on January 22, 1974, at 10:00 a.m. (local time) in Room 503, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Associate Chief Administrative Law Judge Robert L. Park.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before January 10, 1974.

Dated at Washington, D.C., December 12, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.73-26757 Filed 12-17-73;8:45 am]

[Docket No. 26036]

J. V. AVIATION LTD.

Notice of Postponement of Prehearing Conference and Hearing

Notice is hereby given that the prehearing conference and hearing in the above-entitled proceeding have been postponed from December 11, 1973, (38 F.R. 33631, December 6, 1973), to December 18, 1973, at 10:00 a.m. (local time) in Room 701, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before December 14, 1973.

Dated at Washington, D.C., December 10, 1973.

[SEAL] HYMAN GOLDBERG,
Administrative Law Judge.

[FR Doc.73-26758 Filed 12-17-73;8:45 am]

[Docket No. 26068]

TURKS AIR LTD.

Notice of Postponement of Prehearing Conference and Hearing

In the matter of Foreign air carrier permit—nonscheduled Turks and Caicos Islands-Miami transportation.

Notice is hereby given that the prehearing conference and hearing in the above-entitled proceeding have been postponed from December 17, 1973, (38 FR 32600, November 27, 1973), to January 21, 1974, at 10:00 a.m. (local time) in Room 911, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

Notice is also given that the hearing may be held immediately following conclusion of the prehearing conference unless a person objects or shows reason for postponement on or before January 15, 1974.

Dated at Washington, D.C., December 13, 1973.

[SEAL] ROBERT L. PARK,
Associate Chief Administrative Law Judge.

[FR Doc.73-26759 Filed 12-17-73;8:45 am]

CONSUMER PRODUCT SAFETY COMMISSION

STANDARD FOR THE SURFACE FLAMMABILITY OF CARPETS AND RUGS

Notice of Meeting

At the request of the Carpet and Rug Institute, a meeting will be held on Wednesday, January 9, 1974, at 1 p.m. in the hearing room, sixth floor, Consumer Product Safety Commission, 1750 K Street NW., Washington, D.C., to discuss the laundering procedures and frequency of washing needed in tests of carpets and rugs with fire retardant treatments, including alumina trihydrate, and to discuss a proposed alternate washing procedure. These procedures related to section .4(b) of the Standard for the Surface Flammability of Carpets and Rugs (DOC FF 1-70), published in the FEDERAL REGISTER on April 16, 1970, 35 FR 6211) and section .4(b) of the Standard for the Surface Flammability of Small Carpets and Rugs (DOC FF 2-70, published in the FEDERAL REGISTER on December 29, 1970, 35 FR 19702).

On April 10, 1972, the Federal Trade Commission, which then had responsibility for enforcement of these two flammability standards under the Flammable Fabrics Act (15 U.S.C. 1191, *et seq.*), issued a statement that the use of alumina trihydrate in carpet backings would be considered a fire retardant treatment and that carpeting in which alumina trihydrate is used must be subjected to 10 washings before the samples are tested for flammability under DOC FF 1-70 and DOC FF 2-70. On April 26, 1972, the Carpet and Rug Institute petitioned the Federal Trade Commission to, among other things, withdraw its statement. On May 19, 1972, the Federal Trade Commission published a notice in the FEDERAL REGISTER (37 FR 10104) temporarily suspending the washing requirement under DOC FF 1-70 for carpets and rugs containing alumina trihydrate in the backing. This suspension was extended a number of times. In addition, a public

hearing concerning alumina trihydrate and modification of laundering procedures was held by the Federal Trade Commission on July 18, 1972.

On March 28, 1973, the Federal Trade Commission published a notice in the FEDERAL REGISTER (38 FR 8101) that those washing requirements would continue to be temporarily suspended, and also solicited comments on a proposed alternate laundering procedure for DOC FF 1–70. The notice stated that the proposed alternate procedure could be used for certain carpets and rugs covered by DOC FF 2–70.

On May 14, 1973, the functions of the Federal Trade Commission under the Flammable Fabrics Act were transferred to the Consumer Product Safety Commission. The Carpet and Rug Institute petitioned the Consumer Product Safety Commission on June 28, 1973, to exempt small carpets and rugs containing alumina trihydrate from the washing requirements of DOC FF 2–70.

The meeting to be held on January 9, 1974, will concern the notice published by the Federal Trade Commission on March 28, 1973, and the petition submitted to the Consumer Product Safety Commission by the Carpet and Rug Institute. The results of certain tests performed by the National Bureau of Standards and the Federal Trade Commission on carpets and rugs with alumina trihydrate backing will also be discussed.

The meeting will be attended by representatives of the Carpet and Rug Institute, Armstrong Cork Company, National Bureau of Standards, and Consumer Product Safety Commission. Any other parties who wish to attend should notify Don Early, Office of Standards Coordination and Appraisal, Consumer Product Safety Commission, Washington, D.C. 20207 (phone 301–496–7197). Interested persons may also obtain from Mr. Early copies of the results of the tests mentioned above.

In the event that the space available for the meeting will not accommodate all parties who wish to attend, attendance will be determined on the basis of the earliest requests for attendance.

Dated: December 11, 1973.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.73-26707 Filed 12-17-73;8:45 am]

FONDUE COOKING POTS

Notice of Denial of Petition for Safety Rule

Section 10 of the Consumer Product Safety Act (Public Law 92–573, 86 Stat. 1217; 15 U.S.C. 2059) provides that any interested person may petition the Consumer Product Safety Commission for the issuance, amendment, or revocation of a consumer product safety rule. Section 10 of the act further provides that if the Commission denies such petition, it shall publish in the FEDERAL REGISTER its reasons for such denial.

On June 8, 1973, the Commission received a petition from Roger F. Dierking requesting the Commission to initiate a proceeding for the issuance of a consumer product safety rule for fondue cooking pots with removable handles.

The purpose of this notice is to announce the Commission's decision to deny the petition received.

Although the petition described potential accident patterns which could result from the use of fondue pots with removable handles, the Commission concludes that its resources should be applied at this time to products causing more frequent and severe injuries than fondue pots.

During the period of July 1972 through June 1973, 15 accidents involving "chafing dishes and fondue pots with open flame burners" were reported by the National Electronic Injury Surveillance System. Most of the injuries reported were of relatively minor severity.

If the Commission, through investigations or the receipt of additional data and information, concludes that a rulemaking proceeding pertaining to fondue pots should be initiated, the denial of the subject petition at this time shall not preclude such commencement of proceeding.

Dated: December 12, 1973.

SADYE E. DUNN,
Secretary, Consumer Product Safety Commission.

[FR Doc.73-26746 Filed 12-17-73;8:45 am]

FEDERAL POWER COMMISSION

[Project No. 2628-Alabama]

ALABAMA POWER CO.

Notice of Availability of Environmental Impact Statement for Inspection

Notice is hereby given that on December 17, 1973, as required by the Commission rules and regulations under Order 415–C, issued December 18, 1972, a final environmental impact statement prepared by the Commission's staff pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969 (Public Law 91–100) was placed in the public files of the Federal Power Commission. This statement deals with the environmental impact of an application for license filed pursuant to the Federal Power Act by Alabama Power Co. for the proposed Crooked Creek Project.

This statement is available for public inspection in the Commission's Office of Public Information, Room 1000, 825 North Capitol Street, NE., Washington, D.C. 20426 and its Atlanta Regional Office located at 730 Peachtree Bldg. Rm. 500, Atlanta, Georgia 30308. Copies may be ordered from the National Technical Information Service, Department of Commerce, Springfield, Virginia 22151 and the Commission's Office of Public Information, Washington, D.C. 20426.

The project would be located in the Counties of Clay and Randolph in Alabama on the Tallapoosa River.

The project would consist of a concrete dam 150 feet high and 956 feet long with adjacent earth and rock fill dike sections; a 10,661 acre, 24 mile long reservoir having a normal operating range between elevations 793 feet and 785 feet (USC&GS datum); a powerhouse containing two generators each rated at 67,500 kw; recreational development; and appurtenant facilities.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-26722 Filed 12-17-73;8:45 am]

[Docket No. RP74-42]

ALABAMA-TENNESSEE NATURAL GAS CO.

Notice of Proposed Curtailment Plan

DECEMBER 11, 1973.

Take notice that on November 30, 1973, Alabama-Tennessee Natural Gas Co. (Alabama-Tennessee), P.O. Box 918, Florence, Alabama 35630, filed in Docket No. RP74–42 proposed revisions to its Third Revised Volume No. 1 of its FPC Gas Tariff consisting of various tariff sheets[1] to implement a proposed curtailment plan, all as more fully set forth in the sheets tendered for filing herein which are on file with the Commission and open to public inspection.

Alabama-Tennessee states that since Tennessee Gas Pipeline Co., a Division of Tenneco Inc. (Tennessee Gas) filed an September 28, 1973, a proposed curtailment plan and is its sole supplier of gas and may not be able to meet its full system requirements of the annual period beginning November 1, 1973, it is necessary for Alabama-Tennessee to file a curtailment plan. Alabama-Tennessee states that under the proposed plan contained in its revised tariff sheets, any required curtailment will be accomplished by allocation of deliveries to affected services based on the end-use priority categories and curtailment procedures specified in § 2.78 of the Commission's general policy and interpretations (18 CFR 2.78). Applicant also indicates that its curtailment plan contains an appropriate provision for a special adjustment to curtailment to meet emergency conditions, including environmental emergencies and irreparable injury to life or property.

Alabama-Tennessee also indicates that demand charge adjustments will be made in each customer's monthly bill under its proposed plan and that a penalty of $10.00 per Mcf will be charged for any unauthorized volumes of gas taken in excess of the curtailed volumes ordered under the curtailment plan.[2] Under its proposed plan each customer of Alabama-Tennessee is required to provide from time to time such information as it may request in order to implement the curtailment including each customer's monthly requirements from Alabama-Tennessee by priority categories.

Alabama-Tennessee requests an effective date of January 1, 1974, for this filing

[1] Original Sheet Nos. 36–A, 36–B, 36–C, 36–D, 36–E, 36–F, 36–G and 36–H; First Revised Sheet Nos. 27, 28, 29 and 39; and Second Revised Sheet No. 3–A.

[2] Under certain conditions this unauthorized overrun charge is waived.

without suspension, but, if suspension is necessary, requests that it be limited to one day.

It is reasonable and consistent in this case to prescribe a period shorter than 15 days for the filing of protests and petitions to intervene. Therefore, any person desiring to be heard or to make any protest with reference to said filing should on or before December 20, 1973, 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.73-26723 Filed 12-17-73;8:45 am]

[Docket No. CI67-248]

BEACON GASOLINE CO.

Notice of Petition To Amend

DECEMBER 11, 1973.

Take notice that on November 29, 1973, Beacon Gasoline Co. (Petitioner) P.O. Box 396, Minden, Louisiana 71055, filed in Docket No. CI67-248 a petition to amend the order issuing a certificate of public convenience and necessity pursuant to section 7(c) of the Natural Gas Act in said docket by authorizing the gathering of natural gas produced by Lone Star Producing Co. (Lone Star) in the Oakes Field, Claiborne Parish, Louisiana, and delivery of residue gas to Texas Gas Transmission Corp. (Texas Gas) for the account of Lone Star at the tailgate of Petitioner's Blackburn Gasoline Plant in Webster Parish, Louisiana, all as more fully set forth in the petition to amend which is on file with the Commission and open to public inspection.

By Commission order issued August 15, 1973, Petitioner was authorized to transport natural gas to United Gas Pipe Line Co. for the account of Lone Star. Petitioner states that Lone Star has applied for a certificate of public convenience and necessity in Docket No. CI74-153 to sell residue gas to a different pipeline company, Texas Gas; therefore, Petitioner requests its certificate in the instant docket be amended to reflect the identity of the new pipeline purchaser receiving the residue gas.

Any person desiring to be heard or to make any protest with reference to said petition to amend should on or before December 31, 1973, 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.73-26724 Filed 12-17-73;8:45 am]

[Docket No. CI74-101]

C&K PETROLEUM, INC.

Order Setting Hearing Date and Prescribing Procedure

DECEMBER 11, 1973.

On August 13, 1973, C&K Petroleum, Inc. (C&K) filed in Docket No. CI74-101 an application requesting issuance of a limited-term certificate of public convenience and necessity with pre-granted abandonment authority, pursuant to section 7(c) of the Natural Gas Act and the Commission's regulations thereunder, for the sale of gas to Transcontinental Gas Pipe Line Corp. (Transco) from the Lake des Allemands Field, St. Charles Parish, South Louisiana.

C&K proposes to sell approximately 3,000 Mcf of gas per day at 50.0 cents per Mcf at 15.025 psia plus tax reimbursement to the seller for ¾ of any additional gas severance taxes levied one year after the proposed sales commence. The term of the sale is proposed to be three years. There is to be no Btu adjustment, although the contract requires the delivered gas to have at least 1,000 Btu's per cubic foot. The gas is to be sold on a best efforts basis.

C&K began deliveries to Transco on August 1, 1973 and has continued such deliveries to date under a combination of Order No. 418 and Order No. 491 authority.

The application in this proceeding represents a sizeable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers, nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that this application be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificate on the terms proposed in that application.

We take further note, however, that the Commission in a number of recent orders has already held that an emergency exists on Transco's system. See *Tartan Resources*, ____ FPC ____, Docket No. CI74-114, issued November 19, 1973. We, therefore, conclude that there is an emergency on Transco's system which could warrant the issuance of a certificate if the price conforms to the public convenience and necessity.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders:

(A) The application for a limited-term certificate for the sale of natural gas filed in Docket No. CI74-101 is hereby set for hearing.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on January 3, 1974, at 10 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by the applicant.

(C) On or before December 20, 1973, C&K and any supporting party shall file with the Commission and serve upon all parties, including Commission Staff, their testimony and exhibits in support of their position.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-26734 Filed 12-17-73;8:45 am]

[Docket No. CP74-159]

COLORADO INTERSTATE GAS CO.

Notice of Application

DECEMBER 11, 1973.

Take notice that on November 29, 1973, Colorado Interstate Gas Co., a division of Colorado Interstate Corp. (Applicant), P.O. Box 1087, Colorado Springs, Colorado 80944, filed in Docket No. CP74-159 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the regulations thereunder for a certificate of public convenience and necessity authorizing the construction, during the 12-month period commencing April 1, 1974, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states that the purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and

connecting to its pipeline system additional supplies of natural gas in areas generally co-extensive with said system.

The application states that the total cost of the proposed facilities will not exceed $4,000,000 and no single project will exceed $1,000,000. Applicant states that the proposed facilities will be financed from funds on hand, funds from operations, short-term borrowings, or long-term financing.

Any person desiring to be heard or to make any protest with reference with said application should on or before December 31, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-26725 Filed 12-17-73;8:45 am]

[Docket No. CP74-75]

EGYPTIAN GAS STORAGE CORP.

Order Granting Interventions, Setting Expedited Hearing Date and Prescribing Procedure

DECEMBER 11, 1973.

On August 27, 1973, Egyptian Gas Storage Corp. (Egyptian), filed in Docket No. CP74-75 an application requesting issuance of a limited-term certificate of public convenience and necessity with pre-granted abandonment authority, pursuant to section 7(c) of the Natural Gas Act and the Commission's regulations thereunder, for the sale of gas to Texas Eastern Transmission Corp. (Texas Eastern) at a point on Texas Eastern's line in Saline County, Illinois. Egyptian is an intrastate pipeline company.

Specifically, Egyptian proposes to sell to Texas Eastern such amounts of natural gas as are available at a price of 50¢ per Mcf. (14.73 p.s.i.a.), subject to downward B.t.u. adjustment from a base of 1,000 B.t.u.'s per cubic foot. The proposed term of this sale is one year.

Egyptian had previously made a one-year limited-term sale to Texas Eastern which began on September 19, 1972 and terminated on September 18, 1973.

Petitions to intervene were filed by Algonquin Gas Transmission Co. on October 4, 1973 and Texas Eastern on October 12, 1973.

The application in this proceeding represents a sizeable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers, nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that this application be set for expeditious public hearing and determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificate on the terms proposed in that application. Further, should Texas Eastern or any other party choose to argue that the proposed rate is justified because the availability of this gas near Texas Eastern's primary marketing area would create cost-savings due, inter alia, to the reduction of transportation expenses, it should provide a witness or witnesses and should submit evidence to justify such a claim.

We take further note, however, that the Commission in a number of recent orders has already held that an emergency exists on Texas Eastern's system. See J. G. Stone, ------ FPC ------, Docket No. CI74-95, issued November 2, 1973. We, therefore, conclude that there is an emergency on Texas Eastern's system which would warrant the issuance of a certificate if the price conforms to the public convenience and necessity.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

(2) The intervention of the above named parties in this proceeding may be in the public interest.

The Commission orders:

(A) The application for a limited-term certificate for the sale of natural gas filed in Docket No. CP74-75 is hereby set for hearing.

(B) The above named parties are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of said interveners shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public and expedited hearing shall be held on December 19, 1973 at 10 a.m., (e.s.t.), in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by the applicant.

(D) On or before December 17, 1973, Egyptian and any other party desiring to present evidence or witnesses at the hearing shall file with the Commission and serve upon all other parties, including Commission Staff, their testimony and exhibits in support of their position.

(E) It is in the public interest that this matter be dealt with in the most expeditious manner. Consequently, intermediate decision by an assigned Administrative Law Judge will be eliminated and the record will be certified directly to the Commission on or before December 21, 1973.

(F) Briefs of parties in support of their position will be filed directly with the Commission on or before December 21, 1973.

(G) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control, this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-26736 Filed 12-17-73;8:45 am]

[Docket No. RP74-45]

EL PASO NATURAL GAS CO.

Notice of Proposed Change in Rates

DECEMBER 11, 1973.

Take notice that El Paso Natural Gas Co. (El Paso) on November 29, 1973, tendered for filing a notice of change in rates with respect to certain special rate schedules contained in its FPC Gas Tariff, Original Volume No. 2A, applicable to service rendered to certain of its Southern Division System customers. Such change in rates is proposed to become effective as of January 1, 1974, and is in the increased amount of 7.0416 cents per Mcf to be uniformly applied to each

affected rate schedule. The proposed rate change is submitted for the purpose of compensating El Paso for increases incurred in its cost of clean, high pressure, pipeline quality gas purchased in, generally, the Permian Basin area which increase costs will become effective on or before December 31, 1973.

The pricing provision contained in the special FS Rate Schedules FS–3, FS–6, FS–7, FS–10, FS–12, FS–31 and FS–32 of Original Volume No. 2A affected by the instant notice of change in rate provide that the applicable rate thereunder shall be increased or decreased for increases or decreases in the cost to El Paso for clean, high pressure, pipeline quality gas purchased from El Paso's producer-suppliers in, generally, the Permian Basin area. The increase in rates proposed in the filing when applied to the annual sales volume applicable to such special FS Rate Schedules will provide purportedly an annual increase in El Paso's Southern Division System revenues of approximately $92,358. Accordingly, said notice is filed pursuant to §§ 154.26 and 154.63 of the Commission's regulations as a minor rate increase and El Paso states that such increased revenues will compensate El Paso only for increases incurred in its cost of gas purchased. The proposed effective date of the increase is January 1, 1974.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 26, 1973. 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. El Paso's proposed tariff sheets are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-26726 Filed 12-17-73;8:45 am]

[Docket No. CI74-102]

EXXON CORP.

Order Granting Interventions, Setting Hearing Date and Prescribing Procedure

DECEMBER 11, 1973.

On August 13, 1973, Exxon Corp. (Exxon) filed in Docket No. CI74-102 an application requesting issuance of a limited-term certificate of public convenience and necessity with pre-granted abandonment authority, pursuant to section 7(c) of the Natural Gas Act and the Commission's regulations thereunder, for the sale of gas to El Paso Natural Gas Co. (El Paso) from acreage located in the South Carlsbad Field, Eddy County, New Mexico (Permian Basin).

Specifically, Exxon proposes to sell to El Paso approximately 210,000 Mcf per month at a price of 55¢ per Mcf with an upward and downward Btu adjustment from 1,000 Btu's per cubic foot, provided that the upward adjustment may not exceed 1,175 Btu. The term of the proposed contract is one year. The proposed price is in excess of the area base rate of 35¢ established by Commission Opinion No. 662.

Exxon began an emergency sixty-day sale to El Paso pursuant to Order No. 418 on October 15, 1973.

Petitions to intervene were received from Southern California Gas Company on August 30, 1973, El Paso on August 31, 1973 and Pacific Gas and Electric Company on September 4, 1973. On September 7, 1973 the Public Utilities Commission of the State of California filed a notice of intervention.

The application in this proceeding represents a sizeable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers, nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that this application be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificate on the terms proposed in that application.

We take further note, however, that the Commission in a number of recent orders has already held that an emergency exists on El Paso's system. See *Terra Resources*, ____ FPC ____, Docket No. CI74-164, issued November 19, 1973. We, therefore, conclude that there is an emergency on El Paso's system which would warrant the issuance of a certificate if the price conforms to the public convenience and necessity.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

(2) The intervention of the above named parties in this proceeding may be in the public interest.

The Commission orders:

(A) The application for a limited-term certificate for the sale of natural gas filed in Docket No. CI74-102 is hereby set for hearing.

(B) The above named parties are hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in said petitions for leave to intervene: *And provided, further,* That the admission of said interveners shall not be construed as recognition by the Commission that they might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on January 16, 1974, at 10 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by the applicant.

(D) On or before January 3, 1974, Exxon and any supporting party shall file with the Commission and serve upon all other parties, including Commission Staff, their testimony and exhibits in support of their position.

(E) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control, this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-26735 Filed 12-17-73;8:45 am]

[Docket No. CI74-337]

FRANKS PETROLEUM INC.

Notice of Application

DECEMBER 11, 1973.

Take notice that on November 19, 1973, Franks Petroleum Inc. (Applicant), P.O. Box 7665, Shreveport, Louisiana 71107, filed in Docket No. CI74-337 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 of natural gas in interstate commerce to United Gas Pipe Line Co. (United) from the Chalybeats Spring Field, Columbia County, Arkansas, all as more fully set forth in an application which is on file with the Commission and open to public inspection.

Applicant states that it began the sale of gas from the subject acreage to United on July 11, 1973, and through a sixty-day extension and a change in the Commission's rules and regulations it is continuing to sell such gas in contemplation of § 157.29 of the Commission rules and regulations under the Natural Gas Act (18 CFR 157.29). Applicant herein proposes to continue said sale, after the applicable emergency period under § 157.29 ends, for one year within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell such gas at a rate of 48.0 cents per Mcf at 15.025 psia subject to upward and downward Btu adjustment. Applicant indicates that this gas will be delivered to United for its account in Webster

Parish, Louisiana, by Beacon Gasoline Co.

Applicant states that it originally sought authorization for this sale of gas in Docket No. CI74–3 but subsequently withdrew such request pursuant to Commission Order No. 491 issued September 14, 1973, (50 FPC ____) in Docket No. RM74–3.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 31, 1973, 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.73–26727 Filed 12–17–73;8:45 am]

[Docket No. CI74–78]

FREEPORT OIL CO.

Order Granting Intervention, Setting Hearing Date and Prescribing Procedure

DECEMBER 11, 1973.

On August 6, 1973, Freeport Oil Co. (Freeport) filed in Docket No. CI74–78 an application requesting issuance of a limited-term certificate of public convenience and necessity with pre-granted abandonment authority, pursuant to section 7(c) of the Natural Gas Act and the Commission's regulations thereunder, for the sale of gas to Mississippi River Transmission Corp. (MRT) from acreage located in the Mills Ranch Field, Wheeler County, Texas (Texas Railroad Commission District 10, Hugoton-Anadarko Area).

Specifically, Freeport proposes to sell to MRT approximately 376,000 Mcf of natural gas per month for a term of three years at 55.0¢ per Mcf with a 1.0¢ cent annual escalation at 14.65 psia, subject to upward and downward Btu adjustment from 950 Btu per cubic foot. This price exceeds the area ceiling base rate of 21.5¢ established by Opinion No. 586.

A petition to intervene in these proceedings was filed by MRT on August 24, 1973.

The application in this proceeding represents a sizeable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers; nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that this application be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificate on the terms proposed in that application.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

(2) The intervention of MRT in this proceeding may be in the public interest.

The Commission orders:

(A) The application for a limited-term certificate for the sale of natural gas filed in Docket No. CI74–78 is hereby set for hearing.

(B) MRT is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene: *And provided, further,* That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on January 4, 1974, at 10 a.m. (e.s.t.) in a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by the applicant.

(D) On or before December 20, 1973, Freeport and supporting interveners shall file with the Commission and serve upon all other parties, including Commission Staff, their testimony and exhibits in support of their position.

(E) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control, this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73–26737 Filed 12–17–73;8:45 am]

[Docket No. RP73–4]

GREAT LAKES TRANSMISSION CO.

Notice of Change in Tariff

DECEMBER 11, 1973.

Take notice that on December 3, 1973, Great Lakes Transmission Co. tendered for filing revisions in its FPC Gas Tariff, First Revised Volume No. 1 and Original Volume No. 2. Great Lakes claims the revisions are in compliance with the settlement agreement and the Commission's order approving such agreement in this docket, issued on November 21, 1973.

Great Lakes also tendered revisions to Original Volume No. 1 to reflect the settlement rates in its purchase gas adjustment clause. In doing so Great Lakes withdraws a previous filing of November 15, 1973, of Seventh Revised Sheet No. 57. The instant filing of Seventh Revised Sheet No. 57 is to be effective on January 1, 1974.

Great Lakes requests waiver of the notice requirements of the Commission's regulations to the extent necessary to permit the settlement rates to become effective on the dates requested for refund and billing purposes.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 4, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73–26728 Filed 12–17–73;8:45 am]

[Docket No. RI74–79]

HIGH CREST OILS, INC.

Order Providing for Hearing on and Suspension of Proposed Change in Rate, and Allowing Rate Change To Become Effective Subject to Refund

DECEMBER 7, 1973.

Respondent has filed a proposed change in rate and charge for the juris-

dictional sale of natural gas, as set forth in Appendix A hereof.

The proposed changed rate and charge may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is in the public interest and consistent with the Natural Gas Act that the Commission enter upon a hearing regarding the lawfulness of the proposed change, and that the supplement herein be suspended and its use be deferred as ordered below.

The Commission orders: (A) Under the Natural Gas Act, particularly sections 4 and 15, the regulations pertaining thereto (18 CFR, Ch. I), and the Commission's rules of practice and procedure, a public hearing shall be held concerning the lawfulness of the proposed change.

(B) Pending hearing and decision thereon, the rate supplement herein is suspended and its use deferred until date shown in the "Date Suspended Until" column. This supplement shall become effective, subject to refund, as of the expiration of the suspension period without any further action by the Respondent or by the Commission. Respondent shall comply with the refunding procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder.

(C) Unless otherwise ordered by the Commission, neither the suspended supplement, nor the rate schedule sought to be altered, shall be changed until disposition of this proceeding or expiration of the suspension period, whichever is earlier.

By the Commission.

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

APPENDIX A

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf*		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI74-79	High Crest Oils, Inc.	1	[1] [2]	Northern Natural Gas Co. (Tiger Ridge Area, Blaine and Hill Counties, Mont.).		11-8-73	12-9-73	[6] Accepted			
	do		[3]	do		11-8-73	12-9-73	[6] Accepted			
	do		4	do	$1,873,819	[5] 11-8-73		5-9-74	[5] 22.795	[5] 43.83	

* Unless otherwise stated, the pressure base is 15.025 p.s.i.a.
[1] Contract amendment dated Oct. 1, 1973.
[2] Letter agreement dated Oct. 1, 1973, provides for new drilling program.
[3] Reflects B.t.u. adjustment.
[4] Includes letter agreement dated Oct. 12, 1973, which provides that the High Crest has the option of terminating the amendment and agreement, if the Commission accepts the proposed rate with a refund obligation.
[5] Includes corrective filing received Nov. 20, 1973.
[6] Accepted for filing to be effective Dec. 9, 1973 (30 days after filing).

High Crest Oils, Inc.'s proposed rate increase from 22.795¢ to 43.83¢ per Mcf exceeds the ceiling rate set forth in Order No. 435, and is suspended for five months.

[FR Doc.73-26738 Filed 12-17-73;8:45 am]

[Docket No. CI74-99]

INVESTORS ROYALTY CO., INC.

Order Setting Hearing Date and Prescribing Procedure

DECEMBER 11, 1973.

On August 13, 1973, Investors Royalty Co., Inc. (Investors) filed in Docket No. CI74-99 an application requesting issuance of a limited-term certificate of public convenience and necessity with pregranted abandonment authority, pursuant to section 7(c) of the Natural Gas Act and the Commission's regulations thereunder, for the sale of gas to Transcontinental Gas Pipe Line Corp. (Transco) from acreage located in the Karon Field, Live Oak County, Texas District No. 2, Texas Gulf Coast Area.

Specifically, Investors proposes to sell to Transco approximately 1,000 Mcf per day at a rate of 50.0¢ per Mcf. The gas is required to be delivered with a minimum of 1,000 B.t.u.'s per cubic foot, but there is to be no B.t.u. adjustment. The proposed rate is in excess of the applicable base area rate of 25.0¢ for the area as determined in Opinion No. 595.

Investors began a 60 day emergency sale to Transco on October 22, 1973.

The application in this proceeding represents a sizeable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers, nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that this application be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificate on the terms proposed in that application.

We take further note, however, that the Commission in a number of recent orders has already held that an emergency exists on Transco's system. See *Tartan Resources*, ------ FPC ------, Docket No. CI74-114, issued November 19, 1973. We, therefore, conclude that there is an emergency on Transco's system which would warrant the issuance of a certificate if the price conforms to the public convenience and necessity.

The Commission finds:

It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

The Commission orders:

(A) The application for a limited-term certificate for the sale of natural gas filed in Docket No. CI74-99 is hereby set for hearing.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on January 10, 1974, at 10 a.m., (e.s.t.), in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by the applicant.

(C) On or before December 28, 1973, Investor's and any supporting party shall file with the Commission and serve upon all other parties, including Commission Staff, their testimony and exhibits in support of their position.

(D) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control, this proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure and the purposes expressed in this order.

By the Commission.

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

[FR Doc.73-26739 Filed 12-17-73;8:45 am]

[Docket No. CP74-147]

MICHIGAN WISCONSIN PIPE LINE CO. AND MIDWESTERN GAS TRANSMISSION CO.

Notice of Application

DECEMBER 11, 1973.

Take notice that on November 20, 1973, Michigan Wisconsin Pipe Line Co. (Michigan Wisconsin), One Woodward Avenue, Detroit, Michigan 48226, and Midwestern Gas Transmission Co. (Midwestern), P.O. Box 2511, Houston, Texas 77001, filed in Docket No. CP74-147 an application pursuant to section 7(c) of

the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas between Applicants thereby enabling Wisconsin Gas Co. (Wisconsin Gas) to augment its supply of natural gas for service to certain communities in the state of Wisconsin by allowing Wisconsin Gas, a public utility customer of both Applicants, to enter into a liquefied natural gas (LNG) sale and exchange arrangement with Northern States Power Co. (Northern States), a public utility customer of Midwestern, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that firm peak day requirements of certain communities, designated the Western Communities, located in the state of Wisconsin and which Wisconsin Gas services from supplies of gas purchased from Northern Natural Gas Co. (Northern Natural), will exceed said supply available to Wisconsin Gas from Northern Natural commencing in the winter of 1973–74. Applicants state that Northern Natural is unable to increase deliveries and estimates it will continue to be unable to do so until 1978.

The application states that in order to eliminate this deficiency, Wisconsin Gas has entered into a Sale and Exchange Agreement with Northern States, dated July 16, 1973, for the receipt of liquefied natural gas to augment the gas for the Western Communities in exchange for natural gas which Wisconsin Gas will cause to be delivered to Northern States under a Gas Exchange Agreement, dated August 30, 1973, among Applicants and Wisconsin Gas as proposed herein.

Applicants state that the proposed Gas Exchange Agreement works in relation with the beforementioned Sale and Exchange Agreement so that when the firm requirements of the Western Communities exceed the gas supply available to Wisconsin Gas from Northern Natural, under the terms of the Sale and Exchange Agreement:

1. Wisconsin Gas will augment the supply of gas for its Western Communities with LNG received from Northern States. Wisconsin Gas will then cause twice the equivalent volume of natural gas to be delivered in repayment of the LNG so received under the terms of the Gas Exchange Agreement. Said redelivery will be accomplished as follows:

A. Wisconsin Gas will limit its receipt of gas from Michigan Wisconsin to a volume which, when added to the volume of Exchange gas, will not exceed its gas purchase entitlement from Michigan Wisconsin;

B. Michigan Wisconsin will reduce its receipt of gas from Midwestern at Midwestern's existing point of delivery to Michigan Wisconsin, currently used for receipt of gas purchased under previous sales arrangements between said parties, located at Marshfield, Wisconsin by an amount equal to the volume of exchange gas; and

C. Midwestern will deliver the Exchange gas to Northern States at its existing delivery point on its Fargo Sales Lateral in Cass County, North Dakota.

The application states that Midwestern is not obligated to deliver said exchange gas on any day when in its sole judgment to do so would jeopardize its ability to meet its other obligations. The application states further that exchange gas is to be delivered in accordance with the following schedule:

(In thousands of cubic feet)

Period of November 15 to March 31 of	Seasonal volume at 60° and 14.73 p.s.i.a. of up to	With maximum daily volume
1973	20,000	2,000
1974	50,000	2,000
1975	80,000	3,000
1976	120,000	4,000
1977	150,000	5,000

Applicants state that no new facilities are required by either of them. Applicants state further that no charge is proposed for the subject gas exchange service as said service is mutually advantageous by reducing Michigan Wisconsin's delivery obligation in the State of Wisconsin by the exchange gas volume and by allowing Midwestern to deliver gas to Northern States on its Fargo Sales Lateral in lieu of the delivery of an equivalent volume of natural gas to Michigan Wisconsin at Marshfield, Wisconsin.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 31, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-26729 Filed 12-17-73;8:45 am]

[Docket No. CP74-152]

MID LOUISIANA GAS CO.

Notice of Application

DECEMBER 11, 1973.

Take notice that on November 23, 1973, Mid Louisiana Gas Co. (Applicant), Twenty-first Floor, Lykes Center, 300 Poydras Street, New Orleans, Louisiana 70130, filed in Docket No. CP74-152 an application pursuant to section 7 of the Natural Gas Act and § 157.7(g) of the Regulations thereunder for a certificate of public convenience and necessity authorizing the construction and for permission and approval for the abandonment, for a twelve-month period commencing February 1, 1974, and operation of field gas compression and related metering and appurtenant facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that the purpose of this budget-type application is to augment Applicant's ability to act wtih reasonable dispatch in the construction and abandonment of facilities which will not result in changing Applicant's salable capacity or service from that authorized prior to filing of the instant application.

Applicant states that the total cost of the proposed construction and abandonment will not exceed $500,000 nor will the cost of any single project exceed $125,000, which cost will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 31, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-26730 Filed 12-17-73;8:45 am]

[Docket No. CP74-153]

MID LOUISIANA GAS CO.

Notice of Application

DECEMBER 11, 1973.

Take Notice that on November 23, 1973, Mid Louisiana Gas Co. (Applicant), Twenty-first Floor, Lykes Center, 300 Poydras Street, New Orleans, Louisiana 70130, filed in Docket No. CP74-153 an application pursuant to section 7(c) of the Natural Gas Act and § 157.7(b) of the Regulations thereunder for a certificate of public convenience and necessity authorizing the construction, during the twelve-month period commencing February 1, 1974, and operation of facilities to enable Applicant to take into its certificated main pipeline system natural gas which will be purchased from producers thereof, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant states the purpose of this budget-type application is to augment Applicant's ability to act with reasonable dispatch in contracting for and connecting to its pipeline system additional supplies of natural gas in areas generally co-extensive with said system.

The application states that the total estimated cost of proposed facilities will not exceed $500,000, with no single project to exceed $125,000, which cost will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 31, 1973, 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 Commssion 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.73-26731 Filed 12-17-73;8:45 am]

[Docket No. CI74-127]

MIDWEST OIL CORP.

Order Providing for Formal Hearing, Permitting Interventions and Establishing Procedures

DECEMBER 11, 1973.

On April 15, 1971, the Commission, acting pursuant to the authority of the Natural Gas Act, as amended, particularly sections 4, 5, 7, 8, 10, and 16 thereof (52 Stat. 822, 823, 824, 825, 836, 830; 56 U.S.C. Secs. 717c, 717d, 717f, 717g, 717l, and 717), issued Order 431 promulgating a Statement of General Policy with respect to the establishment of measures to be taken for the protection of as reliable and adequate service as present natural gas supplies and capacities will permit.

On August 20, 1973, Midwest Oil Corp. (Midwest) filed in Docket No. CI74-127 an application pursuant to section 7(c) of the Natural Gas Act and § 2.70 of the Commission's general policy and interpretations thereunder for a limited-term certificate of public convenience and necessity with pre-granted abandonment authorizing the sale of natural gas to Transwestern Pipeline Co. (Transwestern) from acreage in Eddy County, New Mexico.

The limited-term certificate application provides for Midwest to sell to Transwestern approximately 120,000 Mcf of gas per month at a rate of 50.0 cents per Mcf (14.65 p.s.i.a.) subject to upward B.t.u. adjustment from a 1,000 B.t.u. base. Midwest proposes that the certificate be limited in term to October 15, 1974. Pursuant to § 157.29 of the regulations under the Natural Gas Act, Midwest commenced emergency deliveries to Transwestern on August 15, 1973. The sixty day sale expired on October 14, 1973. Midwest was granted a sixty day extension on October 12, 1973. Midwest requests that its application be disposed of under the shortened procedure set forth in § 1.32 of the Commission's rules of practice and procedure.

In Order 431, the Commission amended Part 2, Subchapter A, general rules, Chapter I, Title 18 of the Code of Federal Regulations by adding a new § 2.70, which reads:

(3) The Commission recognizing that additional short-term gas purchases may still be necessary to meet the 1971-1972 demands, will continue the emergency measures referred to earlier for the stated 60-day period. If the emergency purchases are to extend beyond the 60-day period, paragraph 12 in the Notice issued by the Commission on July 17, 1970, in Docket No. R-389A should be utilized (35 FR 11638). The Commission will consider if the pipeline demonstrates emergency need * * *.

Paragraph 12 of R-389A provided, in part, that applicants, requesting certificates for sales of natural gas in excess of the ceiling or guideline rate, shall state the grounds for claiming that the present or future public convenience and necessity requires issuance of a certificate on the terms proposed in the application.

The application in this proceeding represents a significant volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers; nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that this application be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificate on the terms proposed in that application.

We take further note, however, that the Commission in a recent order has held that an emergency exists on Transwestern's system. See *Continental Oil Co.*, ____ FPC ____, Docket No. CI73-742, issued on June 8, 1973. We conclude, therefore, that there is an emergency on Transwestern's system which would warrant the issuance of a certificate if the price conforms to the public convenience and necessity.

On September 10, 1973, a joint petition to intervene was filed by Pacific Lighting Service Co. (PLSC) and Southern California Gas Co. (SoCal); on September 11, 1973, a petition to intervene was filed by Transwestern and on September 19, 1973, a late notice of intervention was filed by the Public Utilities Commission of the State of California (California).

The Commission finds:

(1) Good cause exists to set for formal hearing the application for a limited-term certificate herein.

(2) It may be in the public interest to permit the above-named petitioners to intervene in this proceeding.

The Commission orders:

(A) The application for a limited-term certificate for sale of natural gas filed in Docket No. CI74-127 is hereby set for hearing and the request to dispose of this application under the shortened procedure prescribed in § 1.32 of the Commission's rules of practice and procedure is hereby denied.

(B) Pursuant to the authority contained in and subject to the authority conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 7, 15 and 16, and the Commission's rules and regulations under that Act, a public hearing shall be

held on January 11, 1974 at 10 a.m. (e.s.t.) at a hearing room of the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, concerning whether the present or future convenience and necessity requires the issuance of a limited-term certificate for the sale of natural gas on the terms proposed in this application and whether the issuance of said certificate should be conditioned in any way.

(C) The above-named petitioners are hereby permitted to become interveners subject to the rules and regulations of the Commission: *Provided, however,* That participation of such interveners shall be limited to matters affecting asserted rights and interests as specifically set forth in the petitions to intervene: *And, provided, further,* That the admission of such interveners shall not be construed as recognition by the Commission that they might be aggrieved because of any order of the Commission entered in these proceedings.

(D) The Applicant and all supporting interveners shall, on or before January 2, 1974, file with the Commission and serve on all parties to this proceeding, including Commission Staff, all testimony to be sponsored in support of the instant application.

(E) A Presiding Administrative Law Judge to be designated by the Chief Administrative Law Judge for that purpose—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at the hearings in this proceeding and shall prescribe relevant procedural matters not herein provided.

By the Commission.

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

[FR Doc.73-26740 Filed 12-17-73;8:45 am]

[Docket No. CI74-160]

PAYNE PRODUCING CO.

Order Granting Intervention, Setting Hearing Date and Prescribing Procedure

DECEMBER 11, 1973.

On September 13, 1973, Payne Producing Co. (Payne) filed in Docket No. CI74-160 an application requesting issuance of a limited-term certificate of public convenience and necessity with pre-granted abandonment authority, pursuant to section 7(c) of the Natural Gas Act and the Commission's regulations thereunder, for the sale of gas to United Gas Pipeline Co. (United) from acreage located in the North LaRosa Field, Refugio County, Texas District No. 2 (Texas Gulf Coast Area).

Specifically, Payne proposes to sell to United approximately 30,000 Mcf per month at 50¢ per Mcf. There is no Btu adjustment. The term of the proposed contract is for one year. The proposed price exceeds the area base rate of 25¢ per Mcf established by Opinion No. 595.

Payne commenced a sixty-day sale pursuant to Order No. 418 on July 12, 1973 and terminated that sale on September 10, 1973. A new emergency sale commenced on November 9, 1973.

A petition to intervene in support of the application was filed by United on October 9, 1973.

The application in this proceeding represents a sizeable volume of gas potentially available to the interstate market. It is of critical importance that interstate pipelines procure emergency supplies of gas to avoid disruption of service to consumers, nevertheless, we must determine whether the rate to be paid serves the public convenience and necessity. It is therefore necessary that this application be set for public hearing and expeditious determination. The hearing will be held to allow presentation, cross-examination, and rebuttal of evidence by any participant. This evidence should be directed to the issue of whether the present or future public convenience and necessity requires issuance of a limited-term certificate on the terms proposed in that application.

We take further note, however, that the Commission in a number of recent orders has already held that an emergency exists on United's system. See *Sun Oil Co.*, ------ FPC ------, Docket No. CI73-912, issued September 12, 1973. We, therefore, conclude that there is an emergency on United's system which would warrant the issuance of a certificate if the price conforms to the public convenience and necessity.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the issues in this proceeding be scheduled for hearing in accordance with the procedures set forth below.

(2) The intervention of United in this proceeding may be in the public interest.

The Commission orders:

(A) The application for a limited-term certificate for the sale of natural gas in Docket No. CI74-160 is hereby set for hearing.

(B) United is hereby permitted to intervene in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervener shall be limited to matters affecting asserted rights and interests as specifically set forth in said petition for leave to intervene: *And provided, further,* That the admission of said intervener shall not be construed as recognition by the Commission that it might be aggrieved by any order or orders of the Commission entered in this proceeding.

(C) Pursuant to the authority of the Natural Gas Act, particularly sections 7 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act, a public hearing shall be held on January 17, 1974, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C., 20426, concerning the issue of whether a certificate of public convenience and necessity should be granted as requested by the applicant.

(D) On or before January 3, 1974, Payne and any supporting party shall file with the Commission and serve upon all other parties, including Commission Staff, their testimony and exhibits in support of their position.

(E) An Administrative Law Judge to be designated by the Chief Administrative Law Judge—See Delegation of Authority, 18 CFR 3.5(d)—shall preside at, and control, this proceeding in accordance with the policies expressed in the Commission's rules of practice and procedure and the purposes expressed in this order.

By the Commission.

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

[FR Doc.73-26741 Filed 12-17-73;8:45 am]

[Docket No. E-8446]

PENNSYLVANIA ELECTRIC CO.

Order Suspending Proposed Changes in Rates; Requiring Filing of Revised Fuel Adjustment Clause and Setting Matter for Hearing

DECEMBER 11, 1973.

On October 21, 1973, Pennsylvania Electric Co. (Penelec), tendered for filing revised tariff sheets providing for an increase in the resale service rate to six municipal customers (The Boroughs of Berlin, East Conemaugh, Girard, Hooversville, Smethport, and Summerhill), one associated utility (Waterford Electric Co.), and four non-associated utilities (Rockingham Light, Heat, and Power Co., Ekland Electric Co., Wellsborough Electric Co., and Windber Electric Corp.). Penelec states that the proposed rates would increase wholesale revenues by $483,858 based on a test period ending December 31, 1972. Penelec proposes an effective date of December 12, 1973.

The filing was noticed on October 31, 1973, with protests and petitions to intervene due on or before November 13, 1973. On November 12, 1973, several protests were received by the Commission. The letters objected in general terms to the rate increase, but the protests did not request intervention. No other protests or petitions have been received.

Our review of the filing indicates that the proposed rate may result in excess revenues and that the proposed increases have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful. We shall, therefore, set the matter for hearing, and order that the rates be suspended for the full statutory period.

Penelec's filing includes a revised fuel adjustment clause, providing for the inclusion of nuclear costs, which is contrary to § 35.14 of the Commission's regulations under the Federal Power Act. Moreover, Statement O indicates that the base cost for the clause includes the energy portion of purchased power and net interchange as billed. This is contrary to Opinion No. 633 which provides that only the fuel cost component of purchased power and net interchange of the supplier should be included in the base cost of the clause. Accordingly, we shall require Penelec to file a new fuel

adjustment clause which properly complies with the Commission's regulations and Opinion 633, as set forth above. However, since the proposed fuel clause filed by Penelec is in substantial compliance with Alternative 1 as shown in the Commission's notice of proposed fuel adjustment clause rulemaking issued on June 21, 1973, we find the revisions to the fuel clause ordered above are without prejudice to Penelec's right to introduce its proposed fuel clause in the evidentiary proceeding hereinafter ordered. It shall be determined at the hearing whether the originally proposed clause should be accepted to be effective prospectively.

We note that the applicability clause in the proposed tariff sheets states, in part, that:

> This schedule shall be applicable to electric service purchased from the Company by other electric light and power systems taking their entire requirements from the Company for resale *to ultimate consumers* served from their respective distribution systems . . . (emphasis added)

This language may have an anticompetitive effect in its restrictions as to resale. It is similar to that investigated by the Commission in *Carolina Power and Light Co.* in Docket No. E-7918, and should be subject to further consideration at the hearing hereinafter ordered.

The Commission finds:

(1) 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 lawfulness of the rates and charges contained in Penelec's revised tariff sheets proposed in this docket, and that the tendered sheets be suspended as hereinafter provided.

(2) The disposition of this proceeding should be expedited in accordance with the procedure set forth below.

The Commission orders:

(A) 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, commencing with a prehearing conference on February 21, 1974, at 10 a.m., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, concerning the lawfulness of the rates, charges, classifications and services contained in Penelec's revised tariff sheets proposed herein.

(B) At the prehearing conference on February 21, 1974, Penelec's prepared testimony and exhibits together with its entire rate filing shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding. All parties will be expected to come to this conference prepared to effectuate the provisions of § 1.18 of the Commission's rules of practice and procedure.

(C) On or before March 11, 1974, the Commission Staff shall serve its prepared testimony and exhibits. Any rebuttal evidence by Penelec shall be served on or before April 22, 1974. The public hearing herein ordered shall convene on May 6, 1974, at 10 a.m.

(D) 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 the proceeding in accordance with the policies expressed in the Commission's Rules of Practice and Procedure.

(E) Pending hearing and final decision in this proceeding, Penelec's revised tariff sheets tendered on October 21, 1973, are suspended and the use thereof deferred until May 12, 1974, five months after the proposed effective date.

(F) Within 20 days of the issuance of this order, Penelec shall file a revised fuel adjustment clause excluding nuclear fuel costs as prescribed by § 35.14 of the Commission's regulations under the Federal Power Act; and providing for the inclusion in the base cost of the clause only the fuel cost component of purchased power and net interchange of the supplier, as provided in Opinion No. 633. This is without prejudice to Penelec's right to introduce its proposed fuel clause in the evidentiary proceeding ordered herein where it shall be determined whether such proposed clause should be accepted to be effective prospectively.

(G) The Secretary of the Commission shall cause prompt proclamation of this order in the FEDERAL REGISTER.

By the Commission.

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

[FR Doc.73-26742 Filed 12-17-73;8:45 am]

[Docket No. E-8176]

SOUTHERN CALIFORNIA EDISON CO.

Notice of Filing Changes in Rates and Charges

DECEMBER 11, 1973.

Take notice that on October 16, 1973, Southern California Edison Co. (SCE) tendered for filing proposed changes in its FPC Electric Service Tariff R-1 applicable to Anza Electric Cooperative, Inc. The proposed effective date for the increase is December 8, 1973, and the increased rates would increase revenues from jurisdictional sales and service, according to SCE, by an estimated $43,898 if applicable during the 12-month period ending June 1973.

SCE states that the increase in rates averages an estimated 45.2 percent.

According to the Company, copies of the filing were served upon Anza Electric Cooperative, Inc., and upon the California Public Utilities 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, Union Center Plaza, 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 December 20, 1973. 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, though those already permitted intervention in this docket need not refile intervention petitions. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB, *Secretary.*

[FR Doc.73-26732 Filed 12-17-73;8:45 am]

[Docket No. CP74-150]

TRANSCONTINENTAL GAS PIPE LINE CO.

Notice of Application

DECEMBER 11, 1973.

Take notice that on November 21, 1973, Transcontinental Gas Pipe Line Corp. (Applicant), P.O. Box 1396, Houston, Texas 77001, filed in Docket No. CP74-150 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing Applicant to transport natural gas in interstate commerce on an interruptible basis for Public Service Electric Gas Co. (Public Service), an existing resale customer of Applicant, from mutually agreeable points on Applicant's transmission system in Texas to existing points of delivery to Public Service in New Jersey, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Applicant has been forced to make curtailments in sales and services to contract demand customers such as Public Service. Applicant states that it has entered into a transportation agreement with Public Service, dated September 19, 1973, whereby Applicant will transport gas delivered to it in Texas for the account of Public Service by the latter's production subsidiary, Energy Development Corp. (EDC) on an interruptible basis, for delivery to Public Service in New Jersey. The application states that said agreement has a primary term of one year from the date of initial delivery, continuing from year to year thereafter, subject to termination on not less than two months prior written notice by either party. Applicant proposes to charge Public Service a transportation charge for this service of twenty-two cents per Mcf at 14.7 psia.

Applicant states that due to a deficiency in flowing gas on its system it will have sufficient capacity for such transportation requested by Public Service. The application states that Public Service will use the subject gas to offset contracted for volumes of gas which Public Service will be unable to purchase from Applicant because of the latter's curtailment program currently in effect on its system. Volumes available to Public Serv-

ice from EDC wells are estimated to average initially 8,000 Mcf per day and with continuing development expected to increase to approximately 20,000 Mcf to 25,000 Mcf per day.

Applicant states that EDC will construct facilities necessary to deliver the subject gas to Applicant's offshore Texas lateral near Matagorda County, offshore Texas. Applicant requests authorization to construct a connecting 8-inch tap on said lateral to receive the gas at an estimated cost of $20,500 which will be financed from funds on hand.

Any person desiring to be heard or to make any protest with reference to said application should on or before December 31, 1973, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's Rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.73-26733 Filed 12-17-73;8:45 am]

[Docket No. RP74-35]

UNITED NATURAL GAS CO.

Order Accepting for Filing and Suspending Tariff Sheets, Conditionally Accepting Proposed PGA Clause, Rejecting Proposed PGA Increase, and Providing for Hearing

DECEMBER 10, 1973.

United Natural Gas Co. (United Natural) on October 25, 1973, filed eight tariff sheets[1] which would add a purchased gas adjustment (PGA) clause to its tariff, increase its currently effective tariff rates by $816,193 annually, and increase, pursuant to a PGA adjustment of 1.11¢ per Mcf, its jurisdictional revenues by an estimated $826,629 annually, to become effective December 11, 1973. Through its proposed adjustment to its currently effective tariff rates, United Natural seeks to offset increased gas costs experienced through July 31, 1973, increased labor costs actually experienced and expected through April of 1974, and increased taxes. The proposed adjustment pursuant to the PGA clause is to reflect purchased gas cost increases from July 31, 1973, through December 11, 1973. The company requests waiver of the filing requirements of Section 154.63 of the Commission's regulations regarding the necessity of filing statements O and P.

United Natural's filing was noticed on November 9, 1973, with petitions to intervene or protests to be filed on or before November 23, 1973. No such petitions or protests were received.

Although generally in compliance with § 154.38(d)(4) of the Commission's reguations, United Natural's proposed PGA clause does not meet the requirements regarding frequency of rate changes set out in subsections (iii) and (iv) of that section United Natural's PGA clause provides that rate adjustments may be made when they would result in a rate change of 1 mill ($0.001) per Mcf of annual jurisdictional sales. This provision is inconsistent with §§ 154.38(d)(4) (iii) and (iv) which provide that:

> (iii) The purchased gas cost adjustment shall be reflected in the company's rates only when it represents a dollar amount equal to at least 1 mill ($0.001) per Mcf of annual jurisdictional sales * * *
>
> (iv) Rate changes shall be computed and filed not more frequently than semiannually to reflect the current cost of producer purchases. Rate changes shall be computed and filed to coincide with the effective date of pipeline supplier rate changes if the rate change represents a change of at least 1 mill ($0.001) per Mcf of annual jurisdictional sales.

To permit United Natural's PGA to remain unchanged would permit United Natural to accumulate supplier increases and file a PGA rate change whenever at least two changes would result in a one mill ($0.001) increase. This would be contrary to both the letter and spirit of the applicable regulations. Therefore, we shall require United Natural to amend its proposed PGA clause to conform to the requirements of § 154.38(d)(4) (iii) and (iv) of the regulations.

The Company also has not separately established methods of tracking pipeline supplier and independent producer supplier rate changes. We shall, however, waive this requirement since independent producers contribute only 1.8 percent of the Company's total gas supply. Finally, United Natural, to be in compliance with Commission order No. 466 (Docket No. R-448) issued January 9, 1973, must amend its Original Sheet No. 16-B to state that unrecovered purchased gas costs will be recorded in Account No. 191 rather than in Account 186. We shall accept the proposed PGA clause but direct United Natural to make the changes necessary to cure the defects indicated above.

Together with its PGA clause, United Natural has filed its first PGA rate change wherein it proposes to increase its jurisdictional rates by $826,629 annually for changes in purchased gas costs which have occurred subsequent to July 31, 1973, and prior to the proposed effective date of the PGA clause, December 11, 1973. This Commission has not permitted pipeline companies to reflect in their rates changes in purchased gas costs which occur prior to the effective date of the PGA clause.[2] We shall, therefore, reject this proposed rate change without prejudice to United Natural amending its rate filing under section 4(e) of the Natural Gas Act to include in its cost study adjustments in purchased gas costs which occurred after July 31, 1973. To follow this procedure the Company must file a substitute Original Sheet No. 3-A which (1) eliminates the 1.11¢ per Mcf "PGA Current Adjustment" and "PGA Cumulative Adjustment" shown on its Original Sheet No. 3-A filed October 25, 1973, and (2) provides as its "Base Tariff Rates" its current rates and as its "Base Cost of Gas" its unit purchased gas cost at December 11, 1973.

We shall deny United Natural's requested waiver of the requirements of § 154.63 of the regulations with respect to statements O and P. The Company filed no explanation of its adjustments to its base period costs. This information is necessary to enable the Commission to properly evaluate the proposed adjustments.

Finally, our review of the filing of October 25, 1973, indicates that certain issues may require further development in a full evidentiary hearing. The proposed increases in rates and charges have not been shown to be just and reasonable and may be unjust, unreasonable, unduly discriminatory or preferential or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the Natural Gas Act that:

> (a) United Natural's PGA rate increase be rejected without prejudice to United Natural's right to amend its section 4 rate filing to include in its cost study adjustments for purchased gas costs which occurred after July 31, 1973;
>
> (b) United Natural's proposed PGA clause be accepted for filing and made effective as hereinafter ordered and conditioned; and
>
> (c) The Commission enter upon a hearing concerning the lawfulness of the rates and charges contained in United Natural's FPC Gas Tariff, as proposed to be amended by the section 4 rate increase filed herein.

(2) Good cause has not been shown to waive the requirements of § 154.63(d)(4) of the Commission's regulations under the Natural Gas Act regarding the necessity of filing statements O and P.

The Commission orders:

(A) United Natural Gas Company's proposed PGA clause is accepted to be ef-

[1] Original Sheet Nos. 3-A, 16-B, 16-C and 16-D; Second Revised Sheet No. 16-A; Third Revised Sheet No. 1; Thirty-Second Revised Sheet No. 4; and Thirty-Fourth Revised Sheet No. 5; to its FPC Gas Tariff, Original Volume No. 1.

[2] *Northern Natural Gas Co.*, Docket No. RP73-48, issued March 27, 1973.

fective December 11, 1973, subject to the Company filing within 15 days revised tariff sheets which comply with the requirements set forth in § 154.38(d)(4)(iii) and (iv) regarding frequency of PGA rate changes; a substitute Original Sheet No. 3–A providing as its "Base Tariff Rates" its currently effective rates, eliminating the 1.11¢ per Mcf "PGA Current Adjustment" and "PGA Cumulative Adjustment" and providing as its "Base Cost of Gas" its unit purchased gas costs at December 11, 1973; and an amended Original Sheet No. 16–B stating that unrecovered purchased gas costs will be recorded in Account No. 191.

(B) Pending hearing and a decision thereon, United Natural's tariff sheets relating to the proposed $816,193 annual rate increase and filed pursuant to section 4 of the Natural Gas Act are accepted for filing, suspended for five months and the use thereof deferred until May 11, 1974, and until such further time as they are made effective in the manner provided in the Natural Gas Act.

(C) United Natural's proposed $826,629 annual PGA rate increase is rejected without prejudice to the Company being allowed to amend its 4 rate increase to reflect purchased gas cost changes which have occurred subsequent to its July 31, 1973 base period.

(D) The Company's requested waiver of the requirements set forth in § 154.63 of the Commission's regulations respecting the filing of statements O and P is denied and these Statements shall be filed within 20 days of the issuance of this order.

(E) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 5 thereof, the Commission rules and regulations (18 CFR, Ch. I), a prehearing conference shall be held pursuant to § 1.18 of the Commission's rules of practice and procedure on February 28, 1974, at 10 a.m., e.s.t., in a hearing room of the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426. A hearing for the purposes of cross-examination concerning the lawfulness and reasonableness of the rates and charges contained in United Natural's subject rate filing shall be held commencing on March 28, 1974.

(F) On or before February 8, 1974, the Commission Staff shall serve its prepared testimony and exhibits. Any intervenor evidence will be filed on or before February 19, 1974. Any rebuttal evidence by United Natural shall be served on or before March 11, 1974.

(G) At the prehearing conference on February 28, 1974, the prepared testimony (Statement P) of United Natural, together with its entire rate filing, shall be admitted to the record as its complete case-in-chief subject to appropriate motions, if any, by parties to the proceeding.

(H) 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.

(I) The Secretary shall cause prompt publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.73-26743, Filed 12-17-73;8:45 am]

NATIONAL ENDOWMENT FOR THE HUMANITIES

PUBLIC PROGRAMS PANEL

Notice of Meeting

NOVEMBER 30, 1973.

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463) notice is hereby given that a meeting of the Public Programs Panel will meet at Washington, D.C., on January 10 and 11, 1974.

The purpose of the meeting is to review Humanities Program Grant proposals and Development Grant proposals that have been submitted to the Endowment for possible grant funding.

Because the proposed meeting will consider financial information and personnel and similar files the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated August 13, 1973, I have determined that the meeting would fall within exemptions (4) and (6) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of internal views and to avoid interference with operation of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Mr. John W. Jordan, 806 15th Street NW., Washington, D.C. 20506, or call Area Code 202–382–2031.

JOHN W. JORDAN,
Advisory Committee Management Officer.

[FR Doc.73-26751 Filed 12-17-73;8:45 am]

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

MUSEUMS ADVISORY PANEL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given that a closed meeting of the Museums Advisory Panel to the National Council on the Arts will be held at 9:30 a.m. on January 7, 1974 and at 9:30 a.m. on January 8, 1974 in the 8th floor conference room of the McPherson Building, 1425 K Street, Washington, D.C.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the FEDERAL REGISTER of January 10, 1973, this meeting which involves matters exempt from the requirements of public disclosure under the provisions of the Freedom of Information Act (5 U.S.C. 552(b)(4), (5), and (6)), will not be open to the public.

Further information with reference to this meeting can be obtained from Mrs. Luna Diamond, Advisory Committee Management Officer, National Endowment for the Arts, Washington, D.C. 20506, or call (202) 382–3308.

JOYCE FREELAND,
Acting Director of Administration, National Foundation on the Arts and the Humanities.

[FR Doc.73-26679 Filed 12-17-73;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[812-3552]

GOLDEN GATE INCOME SECURITIES, INC. AND RICHARD H. HOLTON

Notice of Filing of Application for Exemption

DECEMBER 10, 1973.

Notice is hereby given that Golden Gate Income Securities, Inc., 44 Montgomery Street, San Francisco, California 94104 ("Fund"), a closed-end, diversified management investment company registered under the Investment Company Act of 1940 ("Act"), and Richard H. Holton, 436 Boynton Avenue, Berkeley, California 94707, ("Holton") (hereinafter collectively called "Applicants"), have filed an application for an order of the Commission pursuant to section 6(c) of the Act declaring that Holton shall not be deemed an "interested person" of the Fund within the meaning of section 2(a)(19) of the Act solely by reason of his status as a member of the Board of Trustees of the Northwestern Mutual Life Insurance Co. ("Northwestern"). All interested persons are referred to the application on file with the Commission for a statement of the representations made therein, which are summarized below.

Holton, a director of the Fund, is also a member of the Board of Trustees of Northwestern, a mutual life insurance company organized by a special act of the Wisconsin Legislature, which is in the business of selling life insurance. Northwestern has further established a number of variable annuity separate accounts, registered as unit investment trusts under the Act. The variable annuity accounts invest in NML Fund, Inc., a diversified open-end investment company registered under the Act. The investment adviser of NML Fund, Inc., is NML Equity Services, Inc. ("Equity"), a

wholly-owned subsidiary of NML Corporation, which is in turn a wholly-owned subsidiary Northwestern. Equity is registered as a broker-dealer under the Securities Exchange Act of 1934.

Applicants represent that neither Northwestern, NML Corporation nor Equity have ever engaged in securities transactions on behalf of the Fund. Furthermore, the Fund has undertaken that Northwestern, NML Corporation and Equity will not be considered by the Fund or the Fund's investment adviser, Crocker Investment Management Corp., as potential broker-dealers through which to execute securities transactions or sell the Fund's shares.

Holton, the Dean of the Schools of Business at the University of California at Berkeley, in no way participates in the day to day operations of Northwestern.

Section 2(a)(19) of the Act defines an "interested person" of an investment company to include any broker or dealer registered under the Securities Exchange Act of 1934 or any affiliated person of such broker or dealer. Section 2(a)(3) of the Act defines an affiliated person of another person to include, inter alia, any director of such other person or any person directly owning 5 per centum or more of the outstanding voting securities of such other person.

Holton, as a member of the Board of Trustees of Northwestern, is an affiliate of a parent of a wholly-owned broker-dealer subsidiary, and is thus an "interested person" of the Fund.

Section 6(c) of the Act authorizes the Commission to exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions from any provision of the Act or of any rule or regulation thereunder if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Applicants contend that Holton should not be deemed an "interested person" of the Fund because his affiliation with Northwestern does not affect, and will not impair, his independence in acting on behalf of the Fund and its shareholders, and the requested exemption is therefore consistent with the provisions of section 6(c) of the Act.

Notice is further given that any interested person may, not later than December 31, 1973, 12:30 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 the 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. At any time after said date, as provided by Rule 0-5 of the rules and regulations promulgated under the Act, an order disposing of the application herein will be issued by the Commission 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.73-26750 Filed 12-17-73;8:45 am]

[File No. 500-1]

PATTERSON CORP.

Notice of Suspension of Trading

DECEMBER 10, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock of Patterson Corp. 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 December 11, 1973 through December 20, 1973.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc. 73-26748 Filed 12-17-73;8:45 am]

[812-3457]

REYNOLDS SECURITIES, INC.

Notice of Filing of Application

DECEMBER 6, 1973.

Notice is hereby given that Reynolds Securities, Inc., 120 Broadway, New York, New York, 10005 (the "Applicant"), a registered broker-dealer, has, in connection with a proposed public offering of shares of common stock of Ben Franklin Income Securities, Inc. (the "Company"), a diversified, closed-end investment company registered under the Investment Company Act of 1940 (the "Act"), filed an application pursuant to section 6(c) of the Act for an order exempting Applicant and its co-underwriters in the offering of such shares from section 30(f) of the Act with respect to any transaction of purchase and sale or sale and purchase effected in connection with the distribution of such shares. 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.

Applicant, Blyth Eastman Dillon & Co., Inc., Kidder, Peabody & Co., Inc., and Dean Witter & Co., Inc. are to be the representatives ("the Representatives") of a group of underwriters ("Underwriters") who propose to underwrite the above public offering pursuant to the terms of an underwriting agreement to be entered into among the Company, its investment adviser and the Representatives. The underwriting agreement will provide that the several Underwriters will purchase from the Company the shares being underwritten by them for resale to the public, and that the Representatives may make sales to other dealers for resale to the public. In addition to purchases from the Company and sales to customers, there may be the usual transactions of purchase or sale incident to a distribution such as stabilizing purchases, over-allotments, purchases to cover over-allotments, and sales of shares purchased in stabilization.

Applicants state that it is likely that the Representatives and possibly one or more of the Underwriters will each acquire from the Company, in accordance with the provisions of the underwriting agreement, more than 10 percent of the shares of the Company which will be outstanding at the time of the closing of the initial public offering of shares of the Company. Since section 30(f) of the Act subjects every person who is directly or indirectly the beneficial owner of more than 10 percent of any class of outstanding securities of the Company to the same duties and liabilities as those imposed by Section 16 of the Securities Exchange Act (the "Exchange Act") with respect to the transactions in the securities of the Company, such Underwriter or Underwriters would become subject to the filing requirements of section 16(a) of the Exchange Act and, upon resale of the shares purchased by them to their customers, subject to the obligations imposed by section 16(b) of the Exchange Act. Section 16(a) of the Exchange Act requires insiders to file reports of their holdings and changes in their holdings and section 16(b) makes such insiders liable for short term trading profits.

Rule 16b-2 under the Exchange Act exempts certain transactions in connection with a distribution of securities from the operation of section 16(b) thereof. Applicant states that the purpose of the purchase of the shares by the Underwriters will be for resale in connection with the initial distribution of the shares. Applicant states that such purchases and sales, therefore, will be transactions effected in connection with a distribution of a substantial block of securities within the purpose and spirit of Rule 16b-2.

Applicant states that it is possible that the Representatives, either alone or together with one or more of the Underwriters, through their participation in the distribution of the Company's shares, may not be exempted from section 16(b) of the Exchange Act by the operation of Rule 16b-2 because they may fail to meet

the requirement stated in Rule 16b–2(a)(3) that the aggregate participation of persons not within the purview of section 16(b) of the Exchange Act be at least equal to the participation of persons receiving the exemption under Rule 16b–2. The requirement of Rule 16b–2(a)(3) may not be met since it is possible that either the Representatives or one or more of the Underwriters who, pursuant to the Underwriting Agreement, will purchase more than 10 percent of the shares of the Company, may be obligated to purchase more than 50 percent of the shares of the Company being offered.

Applicant states that no Underwriter has any inside information concerning the Company nor any possibility of using such inside information, and that in fact, there is no inside information in existence, since, prior to the initial distribution, the Company will have virtually no assets or business of any sort. No director, officer or partner of any Underwriter is a director or officer of the Company.

Applicant submits that the requested exemption from the provisions of section 30(f) of the Act is necessary and appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities, or transactions from the provisions of the Act and rules and regulations promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than December 26, 1973, 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, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington, D.C. 20549. A copy of such request shall be served personally or by mail (air mail if the person being served is located more than 500 miles from the point of mailing) upon Applicant at the address stated above. Proof of such service (by affidavit, or in the case of an attorney-at-law, by certificate) shall be filed contemporaneously with the request. As provided by Rule 0–5 of the Rules and Regulations promulgated under the Act, an order disposing of the application will be issued as of course following December 26, 1973 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.73–26749 Filed 12–17–73;8:45 am]

[File No. 500–1]

WESTGATE CALIFORNIA CORP.

Notice of Suspension of Trading

DECEMBER 10, 1973.

It appearing to the Securities and Exchange Commission that the summary suspension of trading in the common stock (class A and B), the cumulative preferred stock (5 percent and 6 percent), the 6 percent subordinated debentures due 1979 and the 6½ percent convertible subordinated debentures due 1987 being traded otherwise than on a national securties 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 December 11, 1973 through December 20, 1973.

By the Commission.

GEORGE A. FITZSIMMONS,
Secretary.

[FR Doc.73–26747 Filed 12–17–73;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 410]

ASSIGNMENT OF HEARINGS

DECEMBER 13, 1973.

Cases assigned for hearing, postponement, cancellation or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC–75320 Sub 162, Campbell Sixty-Six Express, Inc., now assigned January 21, 1974 (2 weeks), will be held in the Sun-N-Sand Motor Hotel, 401 N. Lamar Street, Jackson, Miss.

W–1069 Sub 1, Gulf Atlantic Transport Corporation—Common Carrier Application, now assigned January 22, 1974, at Washington D.C., is cancelled and application dismissed.

MC 136343 Sub 14, Milton Transportation, Inc., now assigned January 21, 1974, at Washington, D.C., is cancelled and reassigned January 29, 1974, at Washington, D.C., at the Offices of the Interstate Commerce Commission.

MC–113651 Sub 157, Indiana Refrigerator Lines, Inc., now assigned January 21, 1974, will be held in Room 595 U.S. Courthouse, 1929 Stout Street, Denver, Colo.

MC–117169 Sub 4, Beasley's Hot Shot Service, Inc., now assigned January 23, 1974, will be held in Room 595 U.S. Courthouse, 1929 Stout Street, Denver, Colo.

MC–1977 Sub 15, Northwest Transport Service, Inc., now assigned January 29, 1974, will be held in Room 587, 5th Floor U.S. Federal Bldg., 19th and Stout Street, Denver, Colo.

MC–115931 Sub 28, Bee Line Transportation, Inc., now assigned February 4, 1974, will be held in Room 5000, 5th Floor Federal Bldg., 26th and 3rd Ave., Billings, Mont.

MC–26396 Sub 83, Popelka Trucking Co., DBA The Waggoners now assigned February 6, 1974, will be held in Room 5000, 5th Floor, Federal Bldg., 26th Street and 3rd Ave., Billings, Mont.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–26763 Filed 12–17–73;8:45 am]

[Special Permission No. 74–1825]

COMMON CARRIERS OF PASSENGERS, EXPRESS AND PROPERTY & FREIGHT FORWARDERS

Rate Increases Account Increases in Fuel Cost

It appearing, that since the Notice and Order dated November 29, 1973, in Ex Parte No. 301, The Energy Crisis and the Need for Emergency Transportation Legislation, the rapid escalation in fuel prices has become critical, resulting in financial hardship to some carriers and in some instances to disruption in the movement of traffic; and that it is therefore essential that the Commission exercise its present authority to the fullest extent possible, without awaiting consideration of the legislation proposed in Ex Parte No. 301, and legislation presently under consideration by the Congress in S. 2589, H.R. 11450, and others;

It further appearing, that title 6 of the Code of Federal Regulations, Subpart L—Petroleum and Petroleum Products, §§ 150.355(c) and 150.359(c), provide that a seller may not charge a price for any item subject to that section which exceeds the weighted average price at which the item was lawfully priced by the seller in transactions with the class of purchaser concerned on May 15, 1973, plus an amount which reflects on a dollar-for-dollar basis, increased cost of the item, and a seller may not increase its May 15, 1973, selling price to each class of purchaser more than once in any calendar month to reflect increased costs;

And it further appearing, that under the authority of sections 6, 217, 306, and 405 of the Interstate Commerce Act, we may issue special permission to depart from published tariff circular rules and from the statutory requirement of 30 days' public notice before changing rates and charges; and that in view of the described circumstances, and in cognizance of the terms of the National Transportation Policy declared by the Congress,

ample justification exists for authorizing the common carriers and freight forwarders subject to our jurisdiction to publish schedules of increased rates and charges, to become effective upon not less than 10 days' notice, to recoup lawful increases in fuel costs; therefore,

It is ordered, That:

1. Common carriers and freight forwarders subject to the Interstate Commerce Act and their tariff publishing agents are hereby authorized to depart from the terms of the governing tariff circulars to file and post on not less than 10 days' notice increases in line-haul rates, fares, and charges by means of surcharges stated in percentages to produce additional revenue in an amount not to exceed lawful increases in fuel costs based on the difference in the price of fuel on May 15, 1973, or on the effective date of the last general rate increase of the carrier or forwarder, whichever is later, on the one hand, and the present lawful price of fuel, on the other hand.

2. The surcharges may only provide for the recoupment of increased fuel costs that have been authorized by the Cost of Living Council to be increased on a dollar-for-dollar basis by the seller, 6 CFR 150, and in no event shall the surcharge recover increased fuel costs retroactively.

3. The respective modes, individually or by territory or by rate bureau, as appropriate, shall submit with the schedules of proposed increases, the amount of additional revenues in dollars (stated on a monthly basis and on the currently prevailing level of productivity) to be derived from the proposed increase, and the following data, appropriately explained and supported, as well as executing the following certification:

This is to certify that the person actually responsible, by contract or otherwise, for the payment of fuel charges will receive the full increase in freight revenue to be derived from the proposed surcharge.

Line No.	Item [1]	First nine months 1973	October 1973	November 1973	Present (specify date)
1	Fuel expenses				XXX
2	Fuel taxes				XXX
3	Total				XXX
4	Gallons consumed				XXX
5	Expense per gallon (3÷4)				
6	Total operating expenses				XXX
7	Total operating revenues				XXX
8	Average lawful expense per gallon on May 15, 1973.		XXX		
9	Average lawful expense per gallon experienced on— (date of last general rate increase)		XXX		

[1] Use appropriate accounts for respective modes and specify account numbers included in the designated item. In the case of carriers using purchased transportation, specify separately the dollar amounts paid for service performed by other than regulated carriers, and the cost per gallon of fuel including taxes paid by the latter.

4. Protests against the schedules of proposed increases may be filed up to five days prior to the effective date thereof.

5. This permission expires with March 15, 1974.

6. Publications issued and filed hereunder shall be exempt from the supplemental and volume limitations of the tariff circulars, shall not contain any other tariff matter, and must be indicated to expire with a definite date not later than March 15, 1974, and shall bear the following notation:

7. A telegraphic summary of the proposal and a copy of the publication issued and filed hereunder shall be transmitted to each tariff subscriber on the same date that the copies for official filing are transmitted to this Commission. The letter of transmittal accompanying the proposed schedules must contain a certification to the effect that this requirement has been complied with.

8. Any surcharge established hereunder may be changed (increased or reduced) upon not less than 10 days' notice to produce additional (or reduce) revenue in an amount not to exceed lawful increases, or to reflect intervening reductions, in fuel prices based on the difference in the price of fuel on the date the publication containing the surcharge to be superseded was transmitted to the Commission, or on the effective date of the carrier's or forwarder's last general rate increase, whichever is later, on the one hand, and the price of fuel on the date of publication containing the superseding surcharge is transmitted, on the other hand. Only one surcharge as to a tariff may be in effect at one time. No surcharge may be increased more than once in any calendar month. The provisions of the third ordering paragraph herein must be fully complied with each time a surcharge is proposed to be changed.

9. Any general rate increase (or reduction) filed subsequent to the effective date of any surcharge may incorporate the increase (or reduction) provided by the surcharge and in every case shall cancel the publications containing the surcharge.

10. This permission does not modify any outstanding formal orders of the Commission, nor waive, except as herein authorized, any of the requirements of its rules relative to the construction and filing of tariff publications. However, a determination of the merits of schedules filed hereunder will be based primarily, but not exclusively, on the data required by paragraph numbered 3 hereinabove.

11. Notice of this permission shall be given to the general public by mailing a copy of this order to the Governor of every State and to the Public Utilities Commissions or Boards of each State having jurisdiction over transportation, by depositing a copy in the Office of the Secretary, Interstate Commerce Commission, Washington, D.C., for public inspection, and by delivering a copy to the Director, Office of the Federal Register, for publication in the FEDERAL REGISTER.

This is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969.

It has been brought to our attention that certain carriers have been compelled to pay unlawful prices, ranging up to 90 cents a gallon, for fuel. All such cases should be reported to the nearest office of the Internal Revenue Service for investigation, or reported to the nearest regional or area office of the Interstate Commerce Commission for referral to the Internal Revenue Service. The locations, addresses, and telephone numbers of the Commission's regional offices are listed below:

Boston, Massachusetts 02114
150 Causeway Street
Telephone: 617-223-2372

Philadelphia, Pennsylvania 19106
William J. Green Federal Building
600 Arch Street, Room 3238
Telephone: 215-597-4449 or 4453

Atlanta, Georgia 30309
1252 West Peachtree Street, N.W., Room 300
Telephone: 404-526-5371, 5307, 5455

Chicago, Illinois 60604
Everett McKinley Dirksen Building, Room 1086
Telephone: 312-353-6124 or 6125

Fort Worth, Texas 76102
9A27 Fritz Garland Lanham Federal Building
819 Taylor Street
Telephone: 817-334-2794

San Francisco, California 94102
13001 Federal Building
450 Golden Gate Avenue
Mailing Address: P.O. Box 36004
Telephone: 415-556-5515

By the Commission.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73-26764 Filed 12-17-73;8:45 am]

[Notice No. 406]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's special rules of practice any interested

person may file a petition seeking reconsideration of the following numbered proceedings on or before January 7, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC–74530. By supplemental order of December 10, 1973, the Motor Carrier Board approved the transfer to Pace Motor Lines, Inc., Bloomfield, Conn., of the operating rights in Certificate No. MC–9268 (Sub-No. 14), issued July 14, 1973, to Albert Fillmore, doing business as Fillmore Transportation, Bloomfield, Conn., authorizing the transportation of fresh meat, in vehicles equipped with mechanical refrigeration, from the plantsite of First National Stores, Inc., at Kearny, N.J., to the plantsite of First National Stores, Inc., at East Hartford, Conn. John E. Fay, 630 Oakwood Avenue, West Hartford, Conn. 06110, Attorney for applicants.

No. MC–FC–74761. By order of December 11, 1973, the Motor Carrier Board approved the transfer to Manatt's Transportation Co., Brooklyn, Iowa, of Certificates Nos. MC–68119 and MC–68119 (Sub-No. 3), issued April 12, 1967, and March 20, 1959, respectively, to Ralph Brown, doing business as Brown Transfer, La Porte City, Iowa, authorizing the transportation of feed, twine, agricultural implements, canned goods, livestock, fertilizer, and related commodities from and to specified points in Illinois, Iowa, and Minnesota. Kenneth F. Dudley, Transportation Consultant, 611 Church Street, P.O. Box 279, Ottumwa, Iowa 52501.

No. MC–FC–74861. By order entered December 12, 1973, the Motor Carrier Board approved the transfer to Robert Maciejewski, Inc., Mosinee, Wis., of the operating rights set forth in Certificates Nos. MC–129505, MC–129505 (Sub-No. 1), and MC–129505 (Sub-No. 3), issued by the Commission March 4, 1969, April 24, 1968, and October 1, 1969, respectively, to Sylvester Brown, Arthur Rindfleisch, Albert Grzesiak, Otto Rindfleisch, Robert Voeltner, Wilbert Facklum, Ervin Ahles, Frank Rindfleisch, Myron Koskey, and John Voeltner, doing business as Associated Trucking Co., Mosinee, Wis., authorizing the transportation of paper and paper products, except containers and commodities in bulk, from Mosinee, Wis., to points in Wisconsin, and from Columbus, Wis., to points in Wisconsin, restricted to traffic having an immediately subsequent movement by connecting motor, rail, or air carrier; meats, meat products, and meat by-products, and articles distributed by meat packinghouses as described in Sections A and C of Appendix 1 to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, from Madison and Mosinee, Wis., to Duluth, Minn., and from Duluth, Minn., to 9 specified counties in Wisconsin; and empty containers used in the transportation of meats, etc., from Duluth, Minn., to Madison and Mosinee, Wis. Robert Maciejewski, 778 Western Ave., Moinee, WI 54455, for transferee, and Associated Trucking Company, Route 5, Box 900, Mosinee, WI 54455, transferor.

No. MC–FC–74871. By order entered December 11, 1973, the Motor Carrier Board approved the transfer to BCT Transportation Co., Inc., Novato, Calif., of the operating rights set forth in Certificate of Registration No. MC–120601 (Sub-No. 1), issued March 6, 1964, to John V. Tyler and R. G. Carlson, doing business as Tyler Bros. Drayage Co., San Francisco, Calif., evidencing a right to engage in operations in interstate or foreign commerce in the transportation of general commodities between points in the San Francisco-East Bay Cartage Zone, between San Mateo and San Jose and intermediate points, and between Hayward and San Jose, Calif., and intermediate points. E. H. Griffiths, 1182 Market St., Suite 207, San Francisco, Calif. 94102, practitioner for applicants.

[SEAL] ROBERT L. OSWALD,
Secretary.

[FR Doc.73–26762 Filed 12–17–73;8:45 am]

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TUESDAY, DECEMBER 18, 1973
WASHINGTON, D.C.

Volume 38 ■ Number 242

PART II

DEPARTMENT OF TRANSPORTATION

Coast Guard

■

REGULATED NAVIGATION AREA

Chesapeake Bay Entrance

DEPARTMENT OF TRANSPORTATION

Coast Guard

[33 CFR Part 128]

[CGD 73-152 PH]

REGULATED NAVIGATION AREA

Chesapeake Bay Entrance

This notice proposes a regulated navigation area for the entrance to Chesapeake Bay to prevent vessel collisions with the trestlework of the Chesapeake Bay Bridge-Tunnel (CBBT) and with other vessels.

Interested persons may participate in this proposed rulemaking by submitting written data, views, or arguments concerning the proposal to the Commandant (G-CMC), U.S. Coast Guard, Washington, D.C. 20590. Each person submitting comments should include his name and address and organization, if any, identify the notice number (CGD 73-152 PH), and give reasons for any recommended change in the proposal. Copies of all written comments received will be available for examination both in Room 8234, Department of Transportation, Nassif Building, 400 Seventh Street SW., Washington, D.C., and at the Office of the Commander, Fifth Coast Guard District in Portsmouth, Virginia.

All comments received on or before February 11, 1974, will be fully considered before final action is taken on this proposal.

The Coast Guard will hold a public hearing on this proposal on Wednesday, January 23, 1974, at 10:00 a.m. in the Norfolk City Council Chambers, 11th Floor, Norfolk City Hall, 810 Union Street, Norfolk, Virginia. All interested persons are invited to be present or to be represented at this public hearing. All persons will be given an opportunity to express their views on the proposed regulations and to suggest any changes that may be considered desirable. Oral statements will be heard, but for completeness and accuracy of the record, all facts and arguments should also be presented in writing at the hearing.

The CBBT extends approximately 17 miles across the Chesapeake Bay between Virginia Beach and Cape Charles, Virginia. The structure is the only highway connection between Delmarva Peninsula and southeastern Virginia, and in 1972 alone it was used by over 1,400,000 vehicles.

The CBBT consists of low level trestlework, two tunnels, two bridges and an earth-fill causeway. The low level trestlework, which makes up most of the structure, extends over relatively shallow water areas where at present there are no established navigation requirements. Vertical clearance under the trestlework at mean high water is 23 feet. The two tunnels, which extend under the two main shipping channels, are each about one mile long and are connected to large artificial islands.

The trestlework of the CBBT has been damaged five times by various types of vessels. Repairs caused by these collisions have cost over 6 million dollars, or about $670,000 per year for each of the 9 years of the CBBT operation. During this 9 year period, because of damage to the structure, vehicular traffic on the CBBT has been prohibited for a total of 70 days and restricted to various degrees for an additional period of 3 years.

Research to determine the economic effect of closing the CBBT has been conducted by the Chesapeake Bay Bridge and Tunnel District with the cooperation of educational institutions, civic organizations, and governmental and business agencies. The study discloses that when the CBBT was closed in September 1972, after being damaged by an unmanned barge, the adverse economic impact on the surrounding area amounted to $1,700,000 per week, not including the cost to repair damage to the CBBT. Almost every industry in lower Delmarva was affected to some extent. Based upon the research data showing the economic effect of closing the CBBT, Virginia officials have projected that a potential loss of $4,024,815 per week would occur if the structure were closed in a future July-August period, which is the period of peak vehicular traffic using the CBBT each year.

Economic losses caused by closing the CBBT do not take into account inconvenience and personal hardship imposed on people affected by the closing. Nor do these losses take into account the loss of revenue the CBBT suffers because of changed travel patterns during and after the closing.

This proposal would establish a regulated navigation area at the entrance to Chesapeake Bay to protect the CBBT from collisions by vessels and to prevent collisions between vessels. The proposed area extends both east and west of the CBBT about five to seven miles and includes all of Thimble Shoal and Chesapeake Channels and the anchorage grounds south of Thimble Shoal Channel. It is emphasized that the anchorage regulations in 33 CFR 110.168(h) would apply to vessels in this regulated navigation area in addition to the regulations in this proposal.

In preparing these regulations the Coast Guard consulted with the Hampton Roads Vessel Traffic Systems Committee. Those on the Committee who participated include representatives of the following organizations: Hampton Roads Maritime Association, Virginia Port Authority, Virginia Pilot Association, American Export—Isbrandtsen Lines, Inc., Ramsay, Scarlett and Company, Inc., T. Parker Host, Inc., U.S. Lines, Inc., Sea-Land Service, Inc., Hinkins Steamship Agency, Inc., Furness, Withy and Company, Ltd., McAllister Brothers, Inc., Commander, Fifth Naval District, and the U.S. Army, Corps of Engineers.

An explanation of the proposed regulations follows:

The definition of "operate" in § 128.05(c) is the verb form of the definition proposed for "operator" in the proposed Puget Sound Vessel Traffic System regulations published at 38 FR 21228-21235 (FEDERAL REGISTER of August 6, 1973).

Section 128.07 requires each person operating a vessel in this regulated navigation area to comply with its regulations for vessel operation and with any directions issued by the Captain of the Port. Section 128.07 would apply not only to this regulated navigation area but also to each other regulated navigation area established under the authority of the Ports and Waterways Safety Act of 1972.

The proposed regulations in § 128.501(c), with two exceptions, apply only to vessels over 100 gross tons. Smaller vessels would not cause significant damage to the CBBT in the event of a collision. Paragraphs 128.501(c) (5) and (6), however, do apply to all vessels since compliance with these two regulations would tend to prevent collisions between vessels of all sizes operating in the proposed regulated navigation area.

Section 128.501(c)(1) prohibits, with one exception, the anchoring and mooring of a vessel over 100 gross tons in the proposed regulated navigation area. The exception allows a self-propelled vessel to anchor in an anchorage ground described in Part 110 of Title 33 of the Code of Federal Regulations if it maintains the capability to get underway within 30 minutes with sufficient power to maneuver to keep clear of the CBBT and other vessels, and if it has no defective steering equipment or other defect on the vessel that may impair its maneuverability. The purpose of the rule is to remove the danger of collision between vessels and the CBBT posed by a vessel anchoring or mooring in the proposed regulated navigation area. An anchored nonself-propelled vessel could drag anchor or part its anchor cable. If such a vessel were to drag anchor or go adrift in the proposed regulated navigation area, a significant danger of collision with the CBBT would result. An anchored self-propelled vessel would create the same danger of collision to the CBBT if its maneuverability were impaired at the time it parted its anchor cable or began dragging anchor. The proposed rule will also serve to prevent collisions between vessels. A vessel anchoring outside of an anchorage ground in the proposed regulated navigation area poses a danger of collision with other vessels underway in the vicinity especially during periods of reduced visibility.

The 30 minute standby requirement in § 128.501(c)(1)(ii) is intended to provide a self-propelled vessel anchored in an anchorage ground with sufficient time to react to hazardous weather conditions that may develop while anchored. If hazardous weather conditions were to develop, a vessel at 30 minutes standby could, if necessary, leave the anchorage quickly with sufficient maneuverability to prevent colliding with the CBBT.

The development of § 128.501(c)(1) is based upon two vessel collisions with the CBBT. In December 1967, a nonself-propelled barge that was anchored in the proposed regulated navigation area

parted its anchor cable and collided with the CBBT before rescue vessels arrived to take the barge in tow. The span was closed for 14 days thereafter and vehicular traffic was restricted for an additional ten months while structural repairs were being made. Direct costs to repair the damage in this incident were approximately $1,400,000. In January 1970, a large naval cargo ship that did not have full power dragged anchor through the trestlework of the CBBT and as a result closed the structure to vehicular traffic for 42 days. The incident occurred during hazardous weather conditions involving 40–50 knot winds. Repair costs in this incident amounted to approximately $2,600,000.

Section 128.501(c)(2) requires a vessel over 100 gross tons that is under tow in the proposed regulated navigation area to have a secondary towing rig in addition to its primary towing rig. The purpose of the rule is to insure that a vessel can be quickly recovered in tow using its secondary rig if the tow line or the primary rig is parted. The rule requires the secondary rig to be of sufficient strength for use in towing the vessel, to have a connecting device that can receive a shackle pin that is at least two inches in diameter, and to have a recovery pick-up line led outboard of the vessel's hull. The requirement to have the recovery pick-up line led outboard of the vessel's hull will allow bringing the secondary rig on board the towing vessel without having to board the other vessel. This rule is based upon vessel collisions with the CBBT in March 1967 and September 1972. In each incident an unmanned barge was cut adrift by a tugboat in distress and collided with the CBBT before the rescue vessel could take the barge in tow. The attempt to take each barge in tow was thwarted by hazardous weather conditions that prevented boarding the barge to attach a second tow line. If each barge had been equipped with a secondary towing rig to effect quick recovery in tow, collision with the CBBT probably could have been avoided.

Section 128.501(c)(3) requires that a self-propelled vessel over 100 gross tons that is equipped with an anchor or anchors be prepared to anchor immediately when underway within two nautical miles of the CBBT. A steering or main propulsion casualty on board a vessel underway in this area poses a significant risk of collision with the CBBT. Prudent seamanship generally indicates a need for anchoring a vessel in this situation, and the proposed rule requires vessels with anchors to have this capability.

Section 128.501(c)(4) limits the speed of vessels over 100 gross tons to 10 knots over the ground when operating within one nautical mile of the CBBT. Requiring a vessel to proceed slowly when near the CBBT will give the vessel more time, if it loses navigational control, to regain control quickly or to anchor before it collides with the structure.

Section 128.501(c)(5) restricts the use of Thimble Shoal Channel to vessels drawing at least 25 feet at the time of navigating that channel. When this proposed rule becomes effective 33 CFR 207.140, which is the existing navigation regulation for Thimble Shoal Channel, will be revoked by the U.S. Army Corps of Engineers. Section 207.140 prohibits the use of the main ship channel by any vessel drawing less than 20 feet except a passenger vessel. To reduce vessel congestion in this channel, the proposed rule increases the draft limitation to 25 feet. The Thimble Shoal North and South Auxiliary Channels are each dredged to a depth of 28 feet which is sufficient for safe navigation of vessels drawing less than 25 feet. The proposed rule also requires passenger vessels with drafts of less than 25 feet to use the auxiliary one way channels both to remove the danger of collision and to reduce congestion in Thimble Shoal Channel.

Section 128.501(c)(6) establishes one-way traffic in both auxiliary channels of Thimble Shoal Channel. Even though this traffic scheme has been traditionally followed by mariners in this area, the Coast Guard proposes that it be made mandatory. The area is subject to vessel congestion making the separation of traffic going in opposite directions desirable to avoid the possibility of collisions.

Section 128.501(c)(7) prohibits a vessel over 100 gross tons, the maneuverability of which is impaired, from entering the regulated navigation area unless it is attended by one or more tugboats that can escort it safely through the regulated navigation area, or unless the Captain of the Port otherwise authorizes the entry of the vessel. The rule also provides that if the vessel's manueverability becomes impaired after entering the regulated navigation area, the master or person in charge of the vessel must report the impairment to the Captain of the Port and obtain the assistance of one or more tugboats as soon as possible. This proposed rule requires the use of tugboats, in lieu of some other type of attending vessels, to ensure effective control over the vessel with the impaired maneuverability. Entry without the use of tugboats would be authorized by the Captain of the Port only if the vessel did not pose a hazard of collision with the CBBT or other vessels.

Section 128.501(c)(8) requires the master or person in charge of a vessel over 100 gross tons equipped with a radiotelegraph or radiotelephone, whose vessel does not have adequate navigational assistance on board, to report before entering the regulated navigation area the time and place of entry to the Captain of the Port. As soon as the Captain of the Port received this report, he would normally provide an escort for the vessel or provide it with navigation information necessary for it to proceed safely through the regulated navigation area.

Section 128.501(c)(9) provides for emergencies. The rule also requires that two precautionary measures be taken if a vessel anchors or moors in the regulated navigation area in an emergency. First, the Captain of the Port must be notified that such action is about to occur or has already been taken. This notification must be made without delay thus necessitating the use of ship-to-shore radiotelephone in most cases if the vessel is so equipped. Second, the vessel, unless it can comply with the proposed requirements for self-propelled vessels anchoring in an anchorage ground, must be attended as soon as possible by one or more vessels having the capability to insure that the vessel remains in its anchored or moored location.

Section 128.501(c)(10) authorizes law enforcement vessels and certain other vessels to deviate from the regulations applying to the regulated navigation area when carrying out their assigned operations. Operations authorized by the Captain of the Port in § 128.501(c)(10)(iii) would include salvage operations and operations to lay or repair cables.

Section 128.501(d) authorizes the Captain of the Port to direct a vessel anchored or moored in the proposed regulated navigation area because of an emergency to anchor, moor, or move elsewhere. A direction issued under this section would normally be issued orally to the master of the vessel. It is emphasized that the authority given to the Captain of the Port in this section is in addition to the authority he has to control vessels under 33 CFR 6.04–8.

A draft environmental impact statement is being prepared in accordance with section 102(2)(C) of the National Environmental Policy Act of 1969 and will be available to the public prior to the public hearing. Inquiries to obtain a copy of the draft should be sent to Commandant (G–WEP), U.S. Coast Guard, Washington, D.C. 20590, or to Commander(m), Fifth Coast Guard District, Federal Building, 431 Crawford Street, Portsmouth, Virginia 23705.

In consideration of the foregoing, the Coast Guard proposes to amend part 128 of Chapter I of Title 33 of the Code of Federal Regulations as follows:

1. By adding a new paragraph (c) to § 128.05 to read as follows:

§ 128.05 Definitions.

* * * * *

(c) "Operate" with respect to vessels means use, cause to use, or authorize the use of a vessel for the purpose of navigation.

2. By adding a new § 128.07 to read as follows:

§ 128.07 Vessel operator.

No person may operate a vessel in this regulated navigation area except in compliance with—

(a) The regulations in this part; and

(b) Any direction issued by the Captain of the Port under authority delegated to him in this part.

3. By adding a new § 128.501 to read as follows:

§ 128.501 Chesapeake Bay Entrance.

(a) The following is a Regulated Navigation Area—The waters of the Atlantic Ocean and Chesapeake Bay enclosed by a line beginning at Fort Wool Light at latitude 36°59'12" N., longitude 76°18'09" W.; thence to Cape Charles City Range

Rear Light at latitude 37°14'54" N., longitude 76°01'16" W.; thence southerly along the shoreline to Wise Point at latitude 37°06'58" N., longitude 75°58'18" W.; thence to Cape Charles Light at latitude 37°07'22" N., longitude 75°54'24" W.; thence to Cape Henry Light at latitude 36°55'35" N., longitude 76°00'27" W.; thence westerly along the shoreline to the east side of the entrance to Little Creek at latitude 36°55'49" N., longitude 76°10'33" W.; thence to the west side of the entrance to Little Creek at latitude 36°55'53" N., longitude 76°10'46" W.; thence westerly along the shoreline to the southernmost end of the Hampton Roads Tunnel south approach span at latitude 36°58'02" N., longitude 76°17'51" W.; thence northerly along that approach span to the point of beginning.

(b) For the purposes of this section—

(1) "CBBT" means Chesapeake Bay Bridge-Tunnel;

(2) Chesapeake Channel consists of the waters enclosed by a line beginning at Chesapeake Channel Lighted Buoy 7 at latitude 37°01'13" N., longitude 76°03'08" W.; thence to Lighted Bell Buoy 11 at latitude 37°03'28" N., longitude 76°05'36" W.; thence to Lighted Buoy 12 at latitude 37°03'42" N., longitude 76°05'13" W.; thence to Lighted Bell Buoy 8 at latitude 37°01'29" N., longitude 76°02'47" W.; thence to the point of beginning;

(3) Thimble Shoal Channel consists of the waters enclosed by a line beginning at Thimble Shoal Channel Lighted Bell Buoy 1 at latitude 36°57'20" N., longitude 76°02'47" W.; thence to Lighted Buoy 19 at latitude 37°00'10" N., longitude 76°13'43" W.; thence to Lighted Gong Buoy 20 at latitude 37°00'19" N., longitude 76°13'39" W.; thence to Lighted Buoy 2 at latitude 36°57'30" N., longitude 76°02'45" W., thence to the point of beginning;

(4) Thimble Shoal North Auxiliary Channel consists of the waters in a rectangular area 450 feet wide adjacent to the north side of Thimble Shoal Channel, one boundary of which extends from Lighted Buoy 2 at latitude 36°57'30" N., longitude 76°02'45" W., to Lighted Gong Buoy 20 at latitude 37°00'19" N., longitude 76°13'39" W.; and

(5) Thimble Shoal South Auxiliary Channel consists of the waters in a rectangular area 450 feet wide adjacent to the south side of Thimble Shoal Channel, one boundary of which extends from Lighted Bell Buoy 1 at latitude 36°57'20" N., longitude 76°02'47" W. to Lighted Buoy 19 at latitude 37°00'10" N., longitude 76°13'43" W.

(c) Regulations:

(1) *Anchoring Prohibition.* No vessel over 100 gross tons may anchor or moor in this regulated navigation area, except for a self-propelled vessel that—

(i) Anchors or moors in an anchorage ground designated under § 110.168(g) of this chapter;

(ii) Can get underway within 30 minutes with sufficient power to maneuver to keep clear of the CBBT and other vessels; and

(iii) Has no defective steering equipment or other defect on the vessel that may impair the maneuverability of the vessel.

(2) *Secondary Towing Rig.* A vessel over 100 gross tons that is under tow in this regulated navigation area shall have a secondary towing rig in addition to its primary towing rig that:

(i) Is of sufficient strength for use in towing the vessel;

(ii) Has a connecting device that can receive a shackle pin of at least two inches in diameter; and

(iii) Is fitted with a recovery pick-up line led outboard of the vessel's hull.

(3) *Anchoring Detail.* A self-propelled vessel over 100 gross tons equipped with an anchor or anchors when underway within two nautical miles of the CBBT shall have personnel stationed where the vessel can be anchored in an emergency without delay.

(4) *Speed Limit.* No vessel over 100 gross tons may proceed at a speed of greater than ten knots over the ground in the following areas, unless the vessel can safely proceed only at a greater speed:

(i) Chesapeake Channel between Buoy No. 8 and Buoy No. 12.

(ii) Thimble Shoal Channel, and its North and South Auxiliary Channels, between Buoy No. 6 and Buoy No. 10.

(iii) The area outside Chesapeake Channel, Thimble Shoal Channel, and North and South Auxiliary Channels, that is within one nautical mile of the CBBT.

(5) *Draft Limitation.* No vessel drawing less than 25 feet may enter Thimble Shoal Channel except to cross that channel.

(6) *Direction of Traffic.* No vessel may proceed in—

(i) Thimble Shoal North Auxiliary Channel except in a westbound direction or to cross that channel; and,

(ii) Thimble Shoal South Auxiliary Channel except in an eastbound direction or to cross that channel.

(7) *Impaired Vessel Maneuverability.* (i) *Before Entry.* No vessel over 100 gross tons, the maneuverability of which is impaired because of any condition such as hazardous weather, defective steering equipment, defective main propulsion machinery, or damage to the vessel, may enter the regulated navigation area unless—

(A) It is attended by one or more tugboats of sufficient power to insure its safe passage through the regulated navigation area; or

(B) Its entry is otherwise authorized by the Captain of the Port.

(ii) *After Entry.* Unless otherwise authorized by the Captain of the Port, a vessel over 100 gross tons, the maneuverability of which becomes impaired after entering the regulated navigation area, must be attended as soon as possible thereafter by one or more tugboats required for use by this subparagraph.

(iii) *Report of Impairment.* The master or person in charge of a vessel over 100 gross tons, the maneuverability of which becomes impaired after entering the regulated navigation area, shall report the impairment to the Captain of the Port as soon as possible thereafter.

(8) *Report Required Before Entry.* (i) The master or person in charge of a vessel over 100 gross tons equipped with ship-to-shore communications equipment shall report before entering the regulated navigation area the time and place of entry to the Captain of the Port if the vessel does not have on board—

(A) Navigation charts during periods of unrestricted visibility;

(B) Navigation charts and operative radar during periods of fog, mist, falling snow, or heavy rain; or

(C) A person who is familiar with the waters of the regulated navigation area.

(ii) Compliance with this subparagraph is not required if communications equipment failure precludes reporting this information before entering the regulated navigation area.

(9) *Emergencies.* In an emergency, a vessel may deviate from any regulation in this paragraph to the extent necessary to avoid endangering persons, property, or the environment. However, as soon as possible before or after anchoring or mooring because of an emergency—

(i) The master or person in charge of the vessel shall notify the Captain of the Port of the place of anchoring or mooring; and

(ii) The vessel must be attended by one or more vessels of sufficient power to keep the vessel in the position where it is anchored or moored unless the vessel is a self-propelled vessel that can get underway within 30 minutes with sufficient power to maneuver to keep clear of the CBBT and other vessels, and that has no defective steering equipment or other defect on the vessel that may impair its maneuverability.

(10) *Other Deviations.* The following vessels may deviate from the regulations in this paragraph to the extent necessary to carry out their assigned operations:

(i) Law enforcement vessels.

(ii) Vessels engaged in the placement of buoys in, or in the surveying, maintenance, or improvement of waters in, this regulated navigation area.

(iii) Vessels engaged in operations authorized by the Captain of the Port.

(d) *Control of Vessel Anchoring, Mooring, and Movement.* When necessary to prevent damage to, or destruction or loss of, any vessel or the CBBT, the Captain of the Port may direct the further anchoring, mooring, or movement of a vessel that has anchored or moored in this regulated navigation area because of an emergency.

(Sec. 104, Pub. Law 92-340, 86 Stat. 424 (33 U.S.C. 1224); 37 FR 21943, 49 CFR 1.46(o)(4))

Dated: December 13, 1973.

W. M. BENKERT,
Rear Admiral, U.S. Coast Guard, Chief, Office of Marine Environment and Systems.

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PART III

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

■

FEDERAL SAFETY RULES

State Participation

Title 49—Transportation

CHAPTER II—FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. RSSP-1, Notice 2]

PART 212—STATE PARTICIPATION

This amendment establishes a new Part 212 in Title 49 of the Code of Federal Regulations. Part 212 provides criteria which a State agency must meet in submitting a certification to assist the Federal Railroad Administration (FRA) in investigative and surveillance activities with respect to Federal safety rules, regulations, orders, and standards published under the authority of sections 202 and 206 of the Federal Railroad Safety Act of 1970 (84 Stat. 971, 45 U.S.C. 421 et seq.) (the "Act"). The new part 212 also provides for an agreement process whereby State agencies which do not qualify or do not choose to participate by certification may also take part in the Federal rail safety program. Finally, this part prescribes additional requirements which must be met by those State agencies which wish to carry out investigative and surveillance activities with respect to the track safety standards of part 213 of this chapter.

This new part was proposed by the FRA in a notice of proposed rulemaking issued in the FEDERAL REGISTER on April 18, 1973 (38 FR 9594, Docket No. RSSP-1). Interested persons were invited to participate in this rulemaking proceeding by submitting written comments prior to June 1, 1973. The interest and comments expressed by all participants are appreciated by the FRA.

The purpose of the Federal Railroad Safety Act of 1970 is to promote safety and national uniformity in all areas of railroad operations. To accomplish this purpose, the Federal Railroad Administrator (the Administrator), pursuant to a delegation from the Secretary of Transportation (49 CFR 1.49(n)), was given regulatory authority to issue such rules, regulations, orders, and standards as he deems necessary for railroad safety. In addition, the Act provides that the States may participate in this national railroad safety program by carrying out under a certification or agreement such investigative and surveillance activities as are prescribed by the Administrator as necessary for his enforcement of each rule, regulation, order and standard which is issued under the Act.

One commenter contended that the Federal-State partnership created by the certification concept of section 206 of the Act was the same as that created under the Natural Gas Pipeline Safety Act of 1968 (82 Stat. 720, 49 U.S.C. 1671 et seq.). Under the Pipeline Safety Act a qualified State agency may be certified or may enter into an agreement to administer and enforce a comprehensive gas pipeline safety program. This commenter interprets section 206 of the Railroad Safety Act as likewise permitting a qualified State agency to conduct a comprehensive rail safety program. This interpretation results from a misconception of the certification programs created under each of these statutes.

While it is true that Congress had before it the precedent of the pipeline safety certification program while it was considering the Federal Railroad Safety Act, the committee reports clearly and expressly distinguished the certification concept which was incorporated into the latter Act. Under the Pipeline Safety Act, a distinction was made between interstate transmission facilities and local gathering and distribution facilities. While Federal standards were established for both types of facilities, States were permitted to adopt those Federal standards relating to local facilities as State standards, and to conduct a complete enforcement program with respect to the adopted standards, including the assessment of penalties and the initiation of judicial proceedings for injunction or civil penalties. The States, in effect, run their own programs, subject only to the annual review of certification, the annual report, and monitoring by the Secretary of Transportation.

When Congress was considering the creation of a similar program in the area of railroad safety the House Committee on Interstate and Foreign Commerce concluded that the transportation of goods by railroad is not susceptible to such a clear demarcation between interstate and local aspects (H.R. Rep. No. 1194, 91st Cong., 2d Sess. 12 (1970), hereafter cited as H.R. Rep.). The Committee went on to state that it did "not believe that safety in the Nation's rail system would be advanced sufficiently by subjecting the national rail system to a variety of enforcement in 50 different judicial and administrative systems." (H.R. Rep. 11) * * * "Consequently, it is the judgment of the committee that the nature of railroad operations requires *a different system of regulation and enforcement* from that which was effected for natural gas pipeline safety." (H.R. Rep. 13, emphasis added). Accordingly, while the Committee "has preserved the framework of certification, it has modified the concept insofar as it applies to the Nation's rail system to make all enforcement Federal in nature." (H.R. Rep. 11.) Section 206(a) of the Act provides that "the Secretary shall retain the exclusive authority to assess and compromise penalties and * * * to request injunctive relief for the violation of rules, regulations, orders, and standards * * *."

The State participation program for rail safety which Congress established in the Federal Railroad Safety Act is, in effect, more of a Federal-State partnership than the gas pipeline program. While the Act gives the Administrator, pursuant to the delegation from the Secretary, the responsibility for promoting rail safety and enforcing the regulations promulgated under the Act, the input of the States, as a result of their investigative and surveillance activities, will determine the effectiveness of the Administrator's efforts. However, in the final analysis, it is the Administrator who bears the burden and responsibility for providing an effective rail safety program. As a result, the FRA believes that the Administrator must exercise the full extent of his authority under the Act to promulgate such rules as he deems necessary to assure that the important investigative and surveillance activities are conducted by adequately qualified personnel. The proposed rules of part 212 were intended to provide the Administrator with the data which is necessary for him to meet this responsibility.

One commenter challenged the legal authority of the FRA to prescribe an initial certification process as provided in § 212.13 of the proposed rule. According to this point of view, the criteria for State participation are Congressionally prescribed in section 206(a) of the Act, and a State which satisfies these criteria has a right to be certified. The FRA may not require additional information, thereby expanding the Congressional criteria, but is limited to determining whether or not the Congressional criteria have been established. The initial certification process, as provided in the proposed rule, required the submission of information concerning the identity, qualifications and salary of inspectors. Since this requirement went beyond a restatement of the statutory language, this commenter concluded that the initial certification procedure was null and void. The FRA does not agree that the Act so narrowly limits the Administrator's authority and ability to assess the qualifications of State agencies desiring to participate in the rail safety program by way of certification or agreement.

It is true that a qualified State agency has a right to participate by way of certification. It is equally true that the Administrator must determine whether the Congressional criteria have been met. Section 206(b) specifically requires the Administrator to determine whether a State agency is "satisfactorily complying with the investigative and surveillance activities" required by him. The Administrator cannot meet his responsibility for such a determination by way of a regulation which merely restates the statutory language. Neither may he rely upon the State's assessment of its own qualifications. Rather, he must elicit from the State other pertinent information necessary to making the determination of whether it is capable of complying with the Congressional criteria for certification. The information required under the initial certification process is of this nature, and will enable the Administrator to make an informed evaluation of the State agency's qualifications. This additional information is intended for purposes of evaluation alone, and is not an attempt by the FRA to create additional criteria for certification above and beyond those established by Congress.

The Act also provides that each certification shall include a report. Section 206(b) of the Act provides that the Administrator may determine, by regulation, the form in which the report is to be submitted, and in addition, the section prescribes specific information to be included, and further provides that

the administrator may require any additional information. Section 206(b) also demonstrates that Congress recognized that some of the specific information required by the section might not be applicable to the first certification with respect to a given rule. State agencies were therefore specifically exempted from including any information which is unavailable at that time. For this reason, the FRA felt that the form and content of the initial certification report would necessarily differ from that of reports accompanying subsequent annual certifications. Therefore, the Administrator has exercised his authority under the Act to determine the form of the initial certification report and to require the submission of the additional information which is required for him to make the required determination that a State agency will be able to comply with the Congressional criteria. In order to establish more clearly this statutory basis for the initial certification and the additional information required, § 212.13 of the proposed rule has been modified slightly. In this final form, the section will specifically refer to an initial certification report. As a result of the change, § 212.13 will also more closely parallel the format of § 212.19 of the rule which relates to subsequent annual certifications and reports.

Comments also referred to the alleged failure of the proposed rules to distinguish adequately between the certification process and the agreement process. We believe that this criticism of the proposed rules is again the result of a failure to distinguish between the State participation program established for gas pipeline safety and that established for railroad safety.

The Natural Gas Pipeline Safety Act, in four explicit clauses of section 5(b) (49 U.S.C. 1674(b)), prescribes the purposes for which agreements may be concluded between the Secretary and a State agency. Agreements are to authorize the State agency to take the necessary actions to establish adequate record-keeping systems, to establish procedures for approval of inspection and maintenance plans, to implement acceptable compliance programs, and to cooperate in a system of Federal monitoring of the safety program. In contrast to this highly developed concept of agreement, the Federal Railroad Safety Act provision for agreement, section 206(c), merely provides that the Secretary may enter into an agreement with a State agency which authorizes the agency to provide all or any part of the investigative and surveillance activities to obtain compliance with any Federal safety rule. There are no specific requirements; rather, this subsection provides broad discretion to use the mechanism of an agreement to meet the particular circumstances of any individual State agency which wishes to participate in the rail safety program but which cannot meet the full requirements for certification. In exercising this broad discretion, the FRA considers the information required by § 212.13 of the proposed rules equally relevant to a submission for an agreement as to one for certification. This information will assist the Administrator in evaluating a State agency's qualifications and in determining the extent of investigative and surveillance activities which the agency can successfully carry out under an agreement. For this reason, the final rule will require an applicant for an agreement to submit, to the extent possible, the same information as will be required for an initial certification submission. It is believed that such a requirement will encourage State participation in the national rail safety program to the maximum extent for which each State agency is qualified.

One commenter criticized § 212.29 of the proposed rules which provided that a certification or agreement will not apply with respect to a new or amended Federal safety rule, regulation, order, or standard issued after the date of the certification or agreement. The proposed rule required a State agency to file an appropriate certification or enter into an agreement for each new or amended rule, regulation, order or standard. This requirement was established to allow the Administrator to meet his responsibility for assuring that the investigative and surveillance activities which are essential to the enforcement of an effective rail safety program are conducted only by qualified State agency personnel. For example, the fact that a State agency has the qualified personnel to conduct such activities with respect to track safety standards, does not mean that it is likewise qualified to perform these functions with respect to freight car safety standards. A general all-purpose certification or agreement will not insure that each State agency possesses the technical qualifications to perform adequately the investigative and surveillance duties which the Administrator prescribes for each rule, regulation, order or standard. That determination must be made on an individual basis by assessing a State's qualifications in the particular area of railroad safety with which the new or amended rule deals.

The FRA does not believe that the requirement of an individual certification or agreement for each rule, regulation, order or standard conflicts with what this commenter referred to as a State's "clear right to participate." As was stated earlier, this right exists only where the State agency is qualified to meet the criteria prescribed by Congress. The requirements of § 212.29 will enable the Administrator to fulfill his responsibility of assuring that the State agency is so qualified. Therefore, § 212.29 of the final rule retains the concept of an individual certification or agreement with respect to each rule, regulation, order or standard. However, in order to minimize the burden of paper work involved for both the States and the FRA, a State will be permitted to supplement an existing certification or agreement with respect to the amendment of a rule, regulation, order, or standard in order to demonstrate the ability to comply with any additional requirements prescribed by the amendment. A new certification or agreement, as provided in this part, will be required for all new rules, regulations, orders or standards issued under the Act.

One commenter suggested that the proposed rules be revised to permit a State agency to provide the requisite number of track inspectors under subpart C by contract. Under such an arrangement the track inspector would not be a State employee, subject to the authority and discipline of the State agency. Rather, he would become an independent contractor subject only to the terms of the contract. The implementation of an effective track standard enforcement program would be extremely difficult under this arrangement. The FRA believes that the need to establish a close working relationship between Federal and State agencies precludes the use of State contractors.

Another commenter suggested that § 212.13 of the proposed rules be revised to require a State agency to send a copy of its initial certification submission to each railroad listed therein, and to allow the carriers an opportunity to comment upon the submission. The Act clearly did not contemplate such a role for the carriers with respect to the State participation program. In addition, the FRA believes that such a requirement would constitute an unreasonable burden upon the State agencies. Therefore, the suggested change has not been incorporated in the final rule.

A final suggestion with respect to Subpart B of the rule requested the addition of a provision for the Federal funding which was authorized by section 206(d) of the Act. The final rule has been modified by the addition of a new § 212.33 on Federal expenditures for the State participation program. The section provides that the Administrator may pay up to 50 percent of the cost of personnel, equipment and activities, provided that the State gives satisfactory assurances that it will provide the remaining cost of the program. A State agency which has been certified or has entered into an agreement will be provided with the necessary application forms. Federal payments for the program will be made pursuant to the terms of a standard payment agreement which will reflect uniform Federal administrative requirements for grants to State and local governments.

One commenter expressed concern over what were felt to be unusually high requirements for inspectors. Sections 212.55 and 212.57 of the proposed regulations set forth qualifications for State track inspectors and junior track inspectors which are identical to those qualifications required of Federal inspectors. The FRA believes that any lesser standards of qualification for State inspectors would significantly detract from the uniform administration of the track safety standards and would thereby dilute the effectiveness of the national rail safety program. Therefore, no change has been made in the qualification requirements of §§ 212.55 and 212.57.

This same commenter expressed an additional concern over the mandatory

language of the proposed regulation, citing as an example the language which requires that "a Track Inspector *must* meet the following qualifications." (Emphasis added.) This mandatory language is necessary to insure that each track inspector, regardless of the State in which he performs his inspections, will be equally qualified to carry out the duties of the position at the same high level of professional performance as his counterparts in other States and in the Federal service. In the Act itself and in the reports on the bill, Congress emphasized its intention to create a Federal railroad safety program that was as nationally uniform as practicable in terms of enforcement as well as in terms of the laws and regulations themselves. This commenter would substitute the word "should" for the word "must" whenever it appears throughout Subpart C. Such watered down language would be a totally unacceptable revision of the proposed regulation and would only serve to defeat the uniformity and effectiveness of enforcement of the track safety standards. The final rule retains the mandatory language of Subpart C which is essential to the realization of the national rail safety program which Congress intended. The FRA does not believe that these qualification requirements will place an unreasonable burden on those States which wish to obtain certification for the track safety standards, particularly in light of the three year period which States are given in which to develop a full staff of inspectors.

In defense of the position that the experience requirements for inspectors are too high, reference was made to 49 CFR 213.7. This section of the Track Safety Standards provides that employees with one year experience in supervising track maintenance or inspection are qualified to supervise certain restorations and renewals of track. Any attempt to equate the duties of such an employee with those of a track safety inspector is totally inappropriate. The qualifications of § 213.7 relate to a railroad employee in daily contact with, and under the direct supervision of multiple levels of railroad maintenance-of-way officers. Federal and State track safety inspectors, on the other hand, must be able to observe, analyze and act in an independent manner, and must be qualified to defend their action with professional dignity and expert testimony in a court of law, if need be. For this reason also the FRA believes inspection personnel must have the degree of professional experience required under Subpart C.

Finally, a commenter suggested that § 212.59, which provides for FRA inspection of a State agency's personnel files, be revised to specify that such records will be available at the agency's normal place of business. The FRA has no objection to this provision, and has incorporated it in the final rule.

In consideration of the foregoing Chapter II of Subtitle B of Title 49 of the Code of Federal Regulations is amended by adding a new Part 212 as follows, effective January 7, 1974.

(Sections 202 and 206 of the Federal Railroad Safety Act of 1970 (84 Stat. 971, 45 U.S.C. 421 *et seq.*) and § 1.49(n) of the regulations of the Office of the Secretary of Transportation (49 C.F.R. 1.49(n)).

Issued in Washington, D.C. on December 6, 1973.

JOHN W. INGRAM,
Administrator.

Subpart A—Applicability and Definitions

Subpart B—State Certification and Agreement

Subpart C—Track Safety Standards

Subpart A—Applicability and Definitions

§ 212.1 Purpose and scope.

(a) This part contains the procedures by which a State agency may submit initial and annual certifications or enter into agreements to assist the Administrator in carrying out investigative and surveillance activities in regard to Federal safety rules, regulations, orders, and standards promulgated by him under the Federal Railroad Safety Act of 1970 (84 Stat. 971, 45 U.S.C. 421 et seq.).

(b) In addition to these general requirements which must be met by the individual State agencies in each certification and agreement this part prescribes specific requirements for investigative and surveillance activities necessary to be conducted by State agencies to assist the Administrator in the enforcement of individual Federal safety rules, regulations, orders and standards promulgated by him.

§ 212.2 Definitions.

As used in this part and in certification and agreement instruments entered into pursuant to this part:

(a) "Act" means the Federal Railroad Safety Act of 1970.

(b) "Administrator" means the Federal Railroad Administrator, or the Deputy Administrator, or any official of the Federal Railroad Administration ("FRA") to whom the Administrator has delegated authority to enforce the Act.

(c) "State agency" means a State agency participating in investigative and surveillance activities through certification or agreement.

Subpart B—State Certification and Agreement

§ 212.11 Scope.

(a) This subpart prescribes the procedures to be followed by a State agency when submitting initial and annual certifications to the Administrator to carry out investigative and surveillance activities regarding Federal safety rules, regulations, orders, and standards established by the Administrator under the Act. Additionally, this subpart provides for agreements between the Administrator and State agencies to carry out all or any part of the above functions.

§ 212.12 Filing of certification or agreement.

Each State agency desiring to participate through certification or agreement in investigative and surveillance activities under the Act must submit to the Administrator a written certification or request for agreement, and a report, in triplicate, which contain to the extent available, the information listed in § 212.13.

§ 212.13 Initial certification and report.

(a) In submitting an initial certification, a State agency must:

(1) Demonstrate that it has the capability to conduct the investigative and surveillance activities prescribed by the Administrator as necessary for the enforcement of the rule, regulation, order, or standard for which the certification is submitted; and

(2) Have a sufficient number of qualified inspectors, as provided in this part, to conduct investigative and surveillance activities as prescribed by the Administrator, in connection with the enforcement of rules, regulations, orders, or standards issued under the Act.

(b) The initial certification submission must include a report to the Administrator containing:

(1) An opinion of the counsel for the agency stating that:

(i) the agency has jurisdiction over safety practices applicable to railroad facilities, equipment, rolling stock, and operations in that State;

(ii) The agency has the authority to conduct investigative and surveillance activities in connection with the rules, regulations, orders, and standards issued by the Administrator under the Act; and

(iii) State funds may be used for this purpose;

(2) A statement that the State agency has been furnished a copy of the Federal safety rule, regulation, order, or standard for which the initial certification is submitted;

(3) The names of all railroads operating in the State together with the number of miles of main and branch lines operated by each railroad in the State;

(4) The name, title and telephone number of the person designated by the agency to coordinate the certification program;

(5) A description of the organization, programs, and functions of the agency with respect to railroad safety;

(6) The name and qualifications of each inspector of the agency to be assigned to perform investigative and surveillance activities with respect to the Federal safety rule, regulation, order, or standard for which the certification is submitted; and

(7) Compensation levels for railroad safety inspectors by type.

(c) The Administrator will review the submitted materials within 60 days from receipt of the initial certification and report to determine whether the State agency qualifies in accordance with the provisions of the Act and of this section. The Administrator will notify the State agency of his finding.

§ 212.15 State participation by agreement.

In the event a State agency does not elect to be, or is not certified under this part, the Administrator may enter into an agreement with that agency. An agreement may authorize a State agency to provide all or any part of the investigative and surveillance activities prescribed by the Administrator with regard to any rule, regulation, order or standard issued by him under the Act. A State agency makes an application for an agreement by submitting to the Administrator, in triplicate and to the extent possible, the information required by § 212.13.

§ 212.17 Publication of certification and agreement.

Notice of each certification and agreement will be published in the FEDERAL REGISTER. Each notice will state the effective date of the certification or agreement, and identify the Federal safety rule, regulation, order, or standard to which the certification or agreement applies.

§ 212.19 Annual certification and report.

(a) Each State agency participating by certification must submit in writing to the Administrator an annual certification stating any changes in the information previously submitted in accordance with the provisions of section 212.13. Additionally, the annual certification must include a report, in triplicate, showing:

(1) The name and address of each railroad subject to the safety jurisdiction of the State agency;

(2) A summary of the investigation of the State agency into the causes and circumstances surrounding each accident or incident referred to that State agency by the Administrator during the preceding twelve months for investigation;

(3) The record maintenance, reporting, and inspection practices conducted by the State agency to aid the Administrator in his enforcement of Federal safety rules, regulations, orders, and standards prescribed by him under the Act, including a detail of the number of inspections made of rail facilities, equipment, rolling stock, and operations to which the certification or agreement relates by the State agency during the preceding twelve months; and

(4) Such other information as the Administrator may prescribe in this part.

(b) Each State agency participating by agreement must submit an annual report, in triplicate, as provided containing the information required under paragraph (a) of this section.

(c) Annual reports must be submitted not later than August 15 of the year following the fiscal year to which the certification or agreement relates. Within 30 days of receipt, the Administrator will approve the report or notify the appropriate State agency as to any defect in the annual report. Any defect must be corrected by the State agency within 30 days of receipt of notice of the defect from the Administrator.

§ 212.21 Penalties for violations.

The Administrator retains the exclusive authority to assess and compromise penalties and (except as otherwise provided by section 207 of the Act) to request injunctive relief for the violations of the safety rules, regulations, orders, and standards and to recommend appropriate action as provided by sections 209 and 210 of the Act.

§ 212.23 Effect of noncompliance by the State agency.

If the Administrator determines that the State agency is not satisfactorily complying with the investigative and surveillance activities prescribed by him with respect to Federal safety rules, regulations, orders, and standards, he may, on reasonable notice and after opportunity for hearing in accordance with the provisions of section 553 of Title 5 of the United States Code (Administrative Procedure Act), reject the certification or terminate the agreement, in whole or in part, or take such other action as he deems appropriate. When such notice is given by the Administrator, the burden of proof shall be upon the State agency to show that it is satisfactorily complying with the investigative and surveillance activities prescribed by the Administrator with respect to such safety rules, regulations, orders, and standards. The findings shall be published in the FEDERAL REGISTER, and become effective no sooner than fifteen days after the date of publication.

§ 212.25 Individuality of certification or agreement.

Each submission for certification or request for agreement by a State agency is considered on an individual basis, taking into account the circumstances of each case. The Administrator determines the validity of each certification and prescribes the terms and conditions of each agreement.

§ 212.27 Monitoring by Administrator.

The Administrator monitors the investigative and surveillance activities of State agencies to the extent he deems necessary to ensure the highest possible degree of effectiveness of the required programs.

§ 212.29 Effect of new rules on certification or agreement.

(a) A certification or agreement entered into pursuant to this part does not apply with respect to amended or new Federal safety rules, regulations, orders, or standards issued under the Act after the date of that certification or agreement.

(b) A State agency participating by certification or agreement must submit an appropriate supplement to an existing certification or agreement before it may participate in any investigative and surveillance activities involving an amendment of a Federal safety rule, regulation, order, or standard issued under the Act.

(c) A State agency participating by certification or agreement must submit an appropriate certification or enter into an agreement as provided in this part before it may participate in any investigative and surveillance activities involving a new Federal safety rule, regulation, order, or standard issued under the Act.

§ 212.31 Waiver.

The Administrator may, upon good cause shown, waive, in whole or in part, compliance with any rule, regulation, order, or standard established in this part.

§ 212.33 Federal expenditures for State participation.

(a) The Administrator is authorized to pay, out of funds appropriated for the purpose, up to 50 percent of the cost of the personnel, equipment, and activities reasonably required, during the ensuing fiscal year, by a State agency which is carrying out investigative and surveillance activities with respect to the Federal railroad safety program under a certification or agreement pursuant to this part.

(b) Upon certification or conclusion of an agreement pursuant to this part, the Administrator shall provide the State agency with the necessary Application and Payment Agreement forms.

(c) Before any such payment may be made, the State agency must give assurances satisfactory to the Administrator that:

(1) The State agency will provide the remaining cost of such a safety program; and

(2) The aggregate expenditure of funds of the State, exclusive of Federal grants, for the safety program will be maintained at a level which does not fall below the average level of such expenditures for the two fiscal years preceding October 16, 1973.

(d) The Administrator shall make the final decision as to the apportionment of Federal funds to be paid to each State

agency which submits an application pursuant to this section.

§ 212.35 Notification of termination.

A State agency must submit in writing to the Administrator its notice of termination of a certification or agreement at least 30 days prior to the effective date of the termination.

Subpart C—Track Safety Standards

§ 212.51 Scope.

This subpart prescribes requirements for a State agency to carry out investigative and surveillance activities by certification or agreement with respect to the Track Safety Standards (49 CFR Part 213).

§ 212.53 Number of inspectors.

(a) Except as provided in paragraph (c), the minimum number of State agency employees qualified under this subpart to engage in track inspection for each State is as follows:

State	Minimum number of inspection requirement	State	Minimum number of inspection requirement
Alabama	2	Nevada	1
Arizona	1	New Hampshire	1
Arkansas	2	New Jersey	1
California	3	New Mexico	1
Colorado	2	New York	3
Connecticut	1	North Carolina	2
Delaware	1	North Dakota	2
Florida	2	Ohio	4
Georgia	2	Oklahoma	2
Idaho	1	Oregon	2
Illinois	5	Pennsylvania	4
Indiana	3	Rhode Island	1
Iowa	3	South Carolina	2
Kansas	3	South Dakota	2
Kentucky	2	Tennessee	2
Louisiana	2	Texas	5
Maine	2	Utah	1
Maryland	1	Vermont	1
Massachusetts	1	Virginia	2
Michigan	3	Washington	2
Minnesota	3	West Virginia	2
Mississippi	2	Wisconsin	2
Missouri	2	Wyoming	1
Montana	2		
Nebraska	2		

(b) The minimum number of State agency employees required by paragraph (a) of this section must be Track Inspectors or Junior Track Inspectors as provided in §§ 213.55 and 212.57, respectively. At least one half of the number must be Track Inspectors.

(c) A State agency may not submit an initial certification or enter into an agreement under this part unless at least one Track Inspector has already been hired or will be hired not more than 30 days after the certification or agreement is found to comply with this part. After submitting the initial certification or agreement, a State agency must comply within three years with paragraph (a) of this section with respect to the minimum number of State agency employees engaging in track inspection in that State.

§ 212.55 Qualification for Track Inspectors.

(a) A Track Inspector must meet the following minimum qualifications:

(1) Six years of recent experience showing that the applicant has engaged in progressively responsible work in track construction and maintenance;

(2) A comprehensive knowledge of track inspection, track maintenance methods, and track equipment;

(3) The ability to understand railroad maintenance standards and to detect deviations therefrom;

(4) The ability to direct the work necessary to achieve standard conditions;

(5) The ability to examine records and make inspections of track material, cross-level and gage and determine their adequacy for the prescribed maximum loadings and speeds in accordance with the provisions of the Federal Track Safety Standards;

(6) The ability to conduct investigations of railroad accidents referred to the State agency by the Federal Railroad Administration; and

(7) Be a full-time bona fide employee of the State.

§ 212.57 Qualifications for Junior Track Inspectors.

(a) A Junior Track Inspector must meet the following qualifications:

(1) At least two years of recent experience showing that the applicant has engaged in progressively responsible work in track construction and maintenance;

(2) A basic knowledge of track inspection, track maintenance methods and track equipment;

(3) The ability to understand railroad maintenance standards and detect deviations therefrom; and

(4) Be a full-time bona fide employee of the State.

(b) A Junior Track Inspector must meet the qualifications of § 212.55 before he may be promoted by the State agency to the position of Track Inspector.

§ 212.59 FRA inspection of personnel files.

A State agency participating under this part must maintain and make available to the Administrator or his designate, at the State agency's normal place of business, the personnel file of each individual hired as a Track Inspector or Junior Track Inspector in order that the Administrator may determine that the State agency and its employees meet the requirements of this part.

§ 212.61 Notification of FRA of personnel action.

A State agency participating under this part must promptly notify the Administrator of the following personnel actions involving Track Inspectors or Junior Track Inspectors: hiring, demotion, promotion, or termination. Except as provided in this subpart, the State retains exclusive rights regarding the acceptance of any individual as a Track Inspector or Junior Track Inspector.

§ 212.63 FRA directs activities.

All investigative and surveillance activities performed by a State agency under this subpart are conducted as prescribed by the Administrator. The investigative and surveillance policies and procedures adopted by him with respect to Federal Track Safety Inspectors apply to State inspectors.

§ 212.65 Reporting of alleged violations.

A State agency participating in investigative and surveillance activities in accordance with the provision of this part must submit a written report to the Administrator at his office in Washington, D.C. and a copy of the report to the FRA Regional Director of each alleged violation of the Track Safety Standards within 15 days of:

(a) The alleged violation, or

(b) Discovery of the alleged violation.

§ 212.67 Notification of waivers and exemptions.

The Administrator will notify a State agency participating under this subpart of each waiver or exemption of the Track Safety Standards granted by him respecting track within that State before the effective date of such waiver or exemption.

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