rules and regulations

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

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

Title 39—Postal Service

CHAPTER I—UNITED STATES POSTAL SERVICE

MISCELLANEOUS AMENDMENTS TO CHAPTER

Regulations codified under Part 257, Philately, are amended in § 257.4 to add a new paragraph (f) to clarify postal policy with regard to multiple cancellations. In addition, a new § 257.8 is added to provide policy and guidelines governing Postal Service participation in domestic stamp shows and philatelic exhibitions.

Regulations codified under Part 258, Special Cancellations, are amended in § 258.1 to add a new paragraph (b) granting the authority to approve internal requests for special cancellation die hubs to the Assistant Regional Postmaster General, Mail Processing. Existing paragraph (b) and subsequent paragraphs are redesignated. Minor, clarifying amendments are made to redesignated paragraphs (c) and (e).

In addition, § 258.3 is amended by adding new paragraphs (a)(1) and (a)(2) to establish internal procedures for requisitioning special cancellation die hubs. Existing paragraphs (a)(1) and (a)(2) and those that follow are redesignated. Also, a technical amendment is made to paragraph (b) of § 258.3.

Regulations codified under Part 262 Opinions, Orders, Administrative Manuals, and Instructions to Staff are amended in § 262.7(d) to waive the fee for furnishing change of address information to postage meter manufacturers attempting to locate missing meters. Also, minor changes are made in § 262.7(e)(2) to reflect certain changes in the accounting for the fees collected.

Part 273, Settlements, is revoked. The matter contained in this part, which consists of internal settlement of claims procedures, has undergone extensive revision and will be published at a later time in other Postal Service publications.

(39 U.S.C. 401, 404, 2008)

ROGER P. CRAIG,
Deputy General Counsel.

Accordingly, the following amendments are effective immediately:

PART 257—PHILATELY

1. Section 257.4 is amended to add new paragraph (f) as follows:

§ 257.4 Cancellations for philatelic purposes.

* * * * *

(f) *First-day covers and other items for philatelic events.* First-day covers or other items for philatelic events bearing previously canceled stamps and postmarks are acceptable for multiple cancellations. Mint stamps to cover a first-class rate must be affixed for each cancellation, and the item must be submitted in person. For multiple cancellations, only handback service is authorized. Covers bearing such multiple cancellations may not be mailed.

2. A new § 257.8 is added as follows:

§ 257.8 Domestic stamp shows and philatelic exhibitions.

(a) *General.* (1) U.S. Postal Service participation in stamp shows and philatelic exhibitions gives exposure to stamps, which tell the story of our country's heritage and achievements. Substantial benefits accrue to the Postal Service through temporary exhibition stations or special show cancellations, which promote good relations with the philatelic community and generate needed revenue.

(2) Postal Service participation in any philatelic exhibition or show should generate net revenue on a cost accounting basis.

(3) All activities provided for in these procedures support and promote Postal Service participation in stamp shows. They also have the added effect of drawing additional attention and attendance to the show, leadng to increased revenues for the Postal Service, the sponsors and participating tradesmen. Therefore, the payment of direct fees for space or other subsidiaries to the organizers may not be authorized. Where a fee is the only acceptable term of participation, the post office should not participate, but refer that request through the regional retail director to the Office of Stamps.

(4) Overall postal participation in any show is limited by economic considerations, with postmasters giving every show in which they participate the maximum support they believe the show justifies. Once a postmaster has agreed to participate in an exhibition he may not unilaterally withdraw from such a commitment.

(5) Post offices which require clarification of this policy or encounter special situations which require policy review, should contact the Philatelic Merchandizing Division, Office of Stamps, through their regional retail division for clarification and special approvals.

(b) *Requests for participation.* (1) Requests for Postal Service participation in such shows should be made through local postmasters for initial action, or referred by other Postal Service levels to the local postmaster. Only requests for first day of issue or other special support, which must come from the national level, should be directed to the Headquarters Office of Stamps.

(2) Postmasters and other local officials are encouraged to participate in opening ceremonies for stamp exhibitions or other stamp ceremonies arranged by philatelic groups whether or not a special station has been authorized.

(c) *Authorization.* (1) Temporary postal stations may be authorized by the postmaster with regional approval for purposes of promoting philately, providing services to stamp collectors and others, and generating additional revenue for the Postal Service. It is customary to authorize stations at many free philatelic exhibitions conducted on a non-profit basis by stamp clubs or associations. Measurable benefits must be expected to accrue to the Postal Service, however, for such participation to be authorized in exhibitions run by commercial interests.

(2) First-day ceremonies are conducted under the direction of Headquarters Office of Stamps, and all arrangements for such ceremonies require its approval.

(d) *Types of participation.* Postmaster participation at stamp shows may be in various degrees, but all activities must be justified primarily in terms of total net revenue generation:

(1) *Philatelic displays.* Post offices may offer to provide special philatelic panels for display at local stamp shows. To obtain these panels, the postmaster makes his request at least one month in advance of the show to the Headquarters Office of Stamps which will forward the special stamp displays directly to the postmaster. These displays are self-contained panels measuring 36'' wide x 48'' tall and featuring individual stamp issues. Specific topical displays may be requested such as space, history, transportation, or art. Since the panels contain security documents, postmasters will be responsible for their security until they are returned to the Office of Stamps. Immediately following the exhibition, the panels are to be returned by registered mail to the Philatelic Education Division, Office of Stamps, U.S. Postal Service, Washington, DC 20260. For very large national exhibitions, special displays of United States die proofs and a special Apollo XV Moon Letter display are available through the Office of Stamps. These items are shown domestically only a few times each year and are heavily committed to major international stamp exhibitions. Postmasters who feel the show in their city is of sufficient importance to merit these special exhibitions should make requests at least one year in advance to the Office of Stamps.

(2) *Temporary postal stations.* Postmasters may decide, based on prior experience or on prospectus for a new show, that it would be economically desirable for their office to establish a temporary postal station at the exhibition. This requires adequate stocking, security and facilities at the show site, all of which must be considered in the final cost accounting of the event. Postmasters must request authority from the regional retail director to establish such a station and ensure that no material is available at this special station that is not available to collectors everywhere. In establishing such a temporary exhibition station, the following procedures must be followed:

(i) The postmaster should secure a wide range of philatelic products and current postage using the Philatelic Sales Division stock list as a guide. No stamp which has been withdrawn from sale by the Philatelic Sales Division may be sold by any exhibition station. Withdrawals are noted in the Postal Bulletin. Postmasters should requisition philatelic stock not already available in their post office from the Regional Accountable Paper Depository on Form 17, *Stamp Requisition*, indicating the quantity required and the fact it is for a stamp show. At the conclusion of the show, excess philatelic stock, including remainders from commemorative sheets, should be sold over the regular windows for postage purposes.

(ii) Postmasters may elect to sell all stamps in full sheets only or to offer inscription strips of two rows as a special service:

(A) When full sheets only are offered, their contribution to postal station profits should be figured at 30 percent of face value sold.

(B) When inscription strips (two complete rows including plate numbers, ZIP, Mail Early and other marginal inscriptions) are offered, contribution to postal station profits is to be figured at 60 percent of face value sold. If inscription strips are offered, sales must be limited to two of each stamp strip per customer.

(iii) Postmasters should display and feature philatelic products which ensure net revenues to the Postal Service and encourage new collectors, such as the Mint Set, Stamp Panels, Stamps & Stories and Collecting Kits.

(iv) Sale of plate number blocks is strictly forbidden in values under \$1.00 face. Stamps with a face of \$1.00 or higher may be offered as plate blocks and these should be requisitioned in that condition from the Regional Accountable Paper Depository. Coil line pairs with a face value of \$1.00 or more should be offered in strips of six, with a line marking between the third and fourth stamp.

(v) An exhibition sales report must be submitted to the regional retail director with a copy to the Philatelic Merchandising Division, Office of Stamps, within one week of the close of every station.

(vi) No post office should participate with a station in any show where the organizers seek to limit the range or amount of items to be offered to the public.

(vii) Postmasters should ensure that the appearance of the temporary postal stations brings credit to the Postal Service, utilize approved signage and have space for satisfactory service. The hours that the stations are open should be posted conspicuously.

(viii) At those exhibitions where a large number of collectors is expected and many clerks man the stations, postmasters should consider utilizing a speedy line. Where a loud speaker is readily available at the station, it has been found effective to distribute service numbers to those in line and then to announce the numbers over the public address system so that customers will not have to wait to obtain their orders.

(ix) Cancellation service should be provided separately from stamp sales.

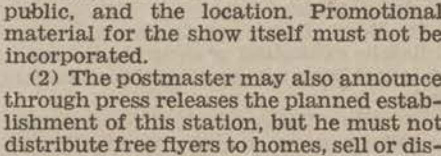
(e) *Announcement of temporary postal stations.* (1) Announcement of the plan to establish a temporary station (and to offer a show cancellation) must be posted in post office lobbies so that collectors will be advised of the availability of this service. Posters should not be placed on display more than 15 days before the event and the cost of production of the poster should be considered in analyzing show costs. The emphasis of all announcements must be placed on the temporary postal station. The announcements should mention the name of the stamp show, special cancellation (if any), the dates and hours open to the public, and the location. Promotional material for the show itself must not be incorporated.

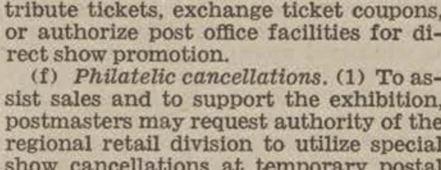
(2) The postmaster may also announce through press releases the planned establishment of this station, but he must not distribute free flyers to homes, sell or distribute tickets, exchange ticket coupons, or authorize post office facilities for direct show promotion.

(f) *Philatelic cancellations.* (1) To assist sales and to support the exhibition, postmasters may request authority of the regional retail division to utilize special show cancellations at temporary postal stations. If a first day of issue has been established at an exhibition, the special show cancellation must be forwarded by the regional retail director to the Office of Stamps for approval.

(2) Issuance of authorization for a special cancellation includes the authority for the postmaster to hold mail for customers and to provide handback service under § 257.44. One of two types of philatelic cancellations as illustrated may be utilized—standard or pictorial:

(i) *Standard.* With month, day, year, and ZIP Code enclosed in a circle:





(ii) *Pictorial.* With month, day, year, and ZIP Code enclosed in circle:

(note absence of ZIP Code, it should be included)

(3) Philatelic cancellations shall be applied by rubber hand-stamps purchased by the region. If more than 100,000 pieces of mail are anticipated, the region may apply to the Office of Stamps at least 60 days in advance for purchase of a metal die for machine cancellation.

(4) Except for the exhibition or convention sponsor, hand-stamping will be limited as a free service to a maximum of 100 covers for any single individual or group. The sponsor may obtain any reasonable amount of hand-backs free of service charge for servicing its members. Individuals or groups requiring more than 100 hand-stamped cancellations may obtain this service only by paying a special fee. Application for this service must be made in advance to and authorized by the Office of Stamps.

(5) Philatelic cancellation handstamps, like other cancelling devices, may be used only under the supervision of authorized postal personnel and must be returned by the postmaster to the regional retail division following the exhibition or convention.

(6) Philatelic cancellations may be applied to envelopes submitted in person or by mail only which first-class or airmail stamps are used. Mail requests from customers may be held by a postmaster to apply a philatelic cancellation on a specified date. All stamps affixed to an item must be canceled with black ink. Items entered into the mail must bear the required postage. Items handed back across the counter must carry at least the minimum first-class basic letter postage.

(7) Multiple philatelic cancellations, such as one for each day of an event, can be applied provided an additional first-class stamp is affixed and the cover is handed back. Multiple canceled covers cannot be entered into the mail system. Philatelic cancellations must carry the name of the exhibition or convention, followed by the word Station, the city, state, ZIP Code and the month, day and year. Only the standard philatelic cancellation (as shown) shall be provided, unless application for the pictorial cancellation is made at least 10 weeks prior to permit regional authorization and appropriate national publicity prior to the event.

(8) To obtain a pictorial cancellation, exhibition or convention sponsors must propose a design and submit finished artwork that is approved by the postmaster, the district manager and the regional retail division at least 10 weeks prior to the event. It must be in good taste and cannot carry a commercial message or endorsement. Overall dimensions cannot exceed four inches horizontally and two inches vertically, but artwork must be submitted twice the finished size. Upon authorization, the regional retail director must submit a reproducible copy of the pictorial cancellation to the Office of Stamps so that appropriate advance publicity to the national philatelic press can be arranged.

(9) Lists of all philatelic cancellations, as authorized, shall be submitted by the regional retail director to the Office of Stamps the first of each month for those authorized two months later. (January 1 for March authorization; February 1 for April.)

(g) *Special folders or philatelic favors.* Special folders or programs prepared by a show sponsoring committee may be canceled with the exhibition station cancellation and made available to them upon opening of the show. This is the same policy that applies to any material submitted for cancellation in connection with the show. The post office may not prepare any special presentation folders of its own without written approval from the Office of Stamps.

PART 258—SPECIAL CANCELLATIONS

3. In § 258.1 paragraphs (b), (c) and (d) are redesignated (c), (d) and (e), new paragraph (b) is added, and redesignated paragraphs (c) and (e) are amended as follows:

§ 258.1 Authorization.

* * * * *

(b) Postal installation heads must submit internal requests for special cancellation die hubs to the Assistant Regional Postmaster General, Mail Processing, for approval, in accordance with § 258.3. These are normally requests for special die hubs to convey postal service slogans or messages. Upon approval, these special die hubs may be used for as long a period of time as the postal slogan or message remains timely or for such length of time as the Assistant Regional Postmaster General, Mail Processing, deems necessary.

(c) Permission is granted for non-postal advertising purposes when the event is: * * *

* * * * *

(e) Do not use the non-postal special cancellation longer than 6 months, plus the duration of the event.

4. In § 258.3 paragraphs (a)(1), (a)(2), (a)(3) and (a)(4) are redesignated (a)(3), (a)(4), (a)(5) and (a)(6), new paragraphs (a)(1) and (a)(2) are added, and the first sentence of paragraph (b) is revised to read as follows:

§ 258.3 Requirements for obtaining special stamp cancellation die hubs.

(a) *Application.* (1) Postal installation heads requiring special cancellation die hubs as defined in § 258.1(b) must submit requests on Form 4636, Requisition for Postmarking Dies and Engraved Station Die Hubs, to Assistant Regional Postmaster General, Mail Processing. Form 4636 should be transmitted by letter explaining intended use and duration.

(2) Approved requests will be forwarded to the appropriate area supply center which supports the requiring installation. All requests for die hubs to be used on Mark II Facer Cancelers are to be sent to the Western Area Supply Center, Topeka, Kansas.

* * * * *

(b) *Referral by Postmaster.* Forward the application to the Office of Mail Classification, Rates and Classification Department, U.S. Postal Service, Washington, D.C. 20260. * * *

* * * * *

PART 262—OPINIONS, ORDERS, ADMINISTRATIVE MANUALS, AND INSTRUCTIONS TO STAFF

5. In § 262.7 new paragraph (d)(2)(v) is added and paragraph (e)(2) is revised to read as follows:

§ 262.7 Schedule of fees.

* * * * *

(d) *Waiver of fees.* * * *

(2) * * *

(v) Postage meter manufacturers when they are attempting to locate a missing meter.

(e) *Accounting for fees.* * * *

(2) Forward fees received for information furnished by postal data centers, automatic data processing centers (ADPC), and regional offices to the disbursing officer at the appropriate postal data center for deposit, specifying the proper account number to be used for recording the amounts collected. Postal data centers, ADPC's, and Headquarters offices providing record retrieval as described in paragraph (a)(1) of this section, plus the fees covered in paragraphs (a)(2), (b) and (c) of this section, will enter the fees in A/C 40990, Miscellaneous; ADPC complexes will enter in A/C 49299, Miscellaneous, Other than U.S. Government Agencies. Other installations will enter all fees deposited in A/C 40990.

PART 273 [RESERVED]

6. Part 273 is revoked and reserved.

[FR Doc.74-25445 Filed 11-4-74;8:45 am]

Title 5—Administrative Personnel

CHAPTER I—CIVIL SERVICE COMMISSION

PART 213—EXCEPTED SERVICE

Federal Energy Administration

Section 213.3388 is amended to show that one position of Executive Assistant to the Assistant Administrator for Energy Resource Development is excepted under Schedule C.

Effective November 5, 1974, § 213.3388 (j)(1) is added as set forth below.

§ 213.3388 Federal Energy Administration.

* * * * *

(j) *Office of Energy Administration.*

(1) One Executive Assistant to the Assistant Administrator.

(5 U.S.C. secs. 3301, 3302; E.O. 10577, 3 CFR 1954-58 comp. p. 218)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] JAMES C. SPRY,
Executive Assistant to the Commissioners.

[FR Doc.74-25760 Filed 11-4-74;8:45 am]

Title 9—Animals and Animal Products

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

SUBCHAPTER D—EXPORTATION AND IMPORTATION OF ANIMALS (INCLUDING POULTRY) AND ANIMAL PRODUCTS

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Commuted Traveltime Allowances

The purpose of this amendment is to establish commuted travel-time periods as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which an employee of Veterinary Services performs overtime or holiday duty when such travel is performed solely on account of overtime or holiday duty. Such establishment depends upon facts within the knowledge of the Animal and Plant Health Inspection Service.

Therefore, pursuant to the authority conferred upon the Deputy Administrator, Veterinary Services, Animal and Plant Health Inspection Service by § 97.1 of the regulations concerning overtime services relating to imports and exports (9 CFR 97.1), administrative instructions 9 CFR 97.2 (1974 ed.), as amended January 4, 1974 (39 FR 999), January 18, 1974 (39 FR 2265), March 18, 1974 (39 FR 10115), April 4, 1974 (39 FR 12252), June 5, 1974 (39 FR 19940), June 25, 1974 (39 FR 22942), August 14, 1974 (39 FR 29172), August 30, 1974 (39 FR 31622), September 23, 1974 (39 FR 34019), and October 11, 1974 (39 FR 36570), prescribing the commuted traveltime that shall be included in each period of overtime or holiday duty, is hereby amended by adding to or deleting from the respective lists therein as follows:

OUTSIDE METROPOLITAN AREA

SEVEN HOURS

Add: Mabel, Minnesota (served from St. Paul, Minnesota.

(64 Stat. 561; (7 U.S.C. 2260.))

Effective date. The foregoing amendment shall become effective November 5, 1974.

It is to the benefit of the public that this instruction be made effective at the earliest practicable date. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

Accordingly, pursuant to 5 U.S.C. 553, it is found upon good cause that notice and public procedure on this instruction are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 31st day of October 1974.

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

[FR Doc.74-25813 Filed 11-4-74;8:45 am]

Title 10—Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 70—SPECIAL NUCLEAR MATERIAL

Criticality Accident Alarm Systems

On October 12, 1973, the Atomic Energy Commission published in the FEDERAL REGISTER (38 FR 28301) a proposed amendment of 10 CFR Part 70 of its regulations which would revise the criteria for criticality accident alarm systems in §§ 70.22 and 70.24 to provide greater conformity with American National Standards N16.2-1969, "Criticality Accident Alarm System," and N16.1-1969, "Nuclear Criticality Safety in Operations with Fissionable Materials Outside Reactors." The amendments were intended to increase flexibility for licensees with no loss of safety. All interested persons were invited to submit written comments and suggestions in connection with the proposed amendments within 45 days after publication of the notice of proposed rulemaking in the FEDERAL REGISTER. Seven written comments were received, and some changes in the amendment have been made in response to those comments. The changes made, however, do not affect the main substance of the proposed amendment which was published for comment.

The phrase in the proposed paragraph (a)(1) of § 70.24 exempting special nuclear material from such alarm systems "when it is stored in a critically safe container or storage array," was questioned. Upon reconsideration the Commission has deleted the phrase in question. While such containers may be critically safe in limited quantities, very large arrays under conditions of storage could be critical. Thus an alarm is necessary where large arrays of such containers could be formed. In transportation vehicle size limits the number of containers in the array. Consequently, there is no danger of criticality from shipments in transit packaged in accordance with Part 71 requirements, and alarms are not necessary for such material in transit.

Licensees may request an exemption for materials stored while packaged in accordance with Part 71 requirements under § 70.14, "Specific Exemptions," or § 70.24(b). The request should demonstrate that precautions are taken to assure separation of containers such that there is no possibility of criticality associated with an array of containers.

The proposed requirement in § 70.24 (a)(1) for two independent detectors was also questioned. Upon reconsideration the word "independent" is deleted.

Two comments pointed out that the proposed wording of § 70.24 (as well as the presently effective wording) would require Part 70 licensees to have alarm systems in areas where only small quantities of special nuclear material would be present (e.g., laboratories with small samples or isotopic neutron sources). Although there may be such areas in a facility, it is not practicable in a general regulation to define precisely all possible conditions under which criticality could not occur. The proposed wording is therefore retained. Licensees may apply for exemptions for specific areas under § 70.14, "Specific Exemptions," or § 70.24(b), an exemption clause for that paragraph.

One comment urged deletion of the more restrictive mass limits in § 70.24(a) when small quantities of graphite are present since small quantities do not significantly affect the minimum critical mass. These more restrictive mass limits were not meant to apply to small quantities of these moderators. The word "massive" has, therefore, been inserted before the word "moderators" in the first sentence of § 70.24(a).

The use of the "rad" as a unit of dose instead of the "rem" was questioned. The International Commission on Radiation Units and Measurements in ICRU Report 19 (1971) states that "rad" is the special unit of "absorbed dose" and "rem" is the special unit of "dose equivalent." They note that dose equivalent "may be used * * * in the region of, or below, the applicable maximum permissible dose equivalent. It should not be used for high level accidental exposures." A reason for this restriction is that the relative biological effectiveness (RBE) for neutrons is quite different for the acute effects of large doses compared with the long term chronic effects of low level doses. For example, it has been found that the RBE of neutrons for 30 day mortality in large mammals is less than one.[1] Accordingly, the use of the term "rad" has been retained.

The problem of establishing a valid alarm set-point for a detector that detects only gammas or neutrons when different gamma/neutron ratios can occur was pointed out. This problem is discussed in the Appendix to American National Standard N16.2-1969, "Critically Accident Alarm System." In that Appendix an alarm set-point and maximum detector-source distance are calculated which are applicable to a very wide variety of possible situations. Thus a single set-point and maximum detector-source distance are applicable for the great majority of situations. The standard N16.2 1969 is currently under review by American Nuclear Society Subcommittee 8, and the subcommittee anticipates that the revised version of the standard will continue to include such calculations in the Appendix. It is believed that the guidance in the Appendix can be used as easily as the specific set-point and maximum detector-source distance previously specified in § 70.24 of the Commission's regulations and would provide for greater flexibility by the user.

One comment suggested that low fission rate criticality accidents could occur which would not be large enough to set off the alarm. While such an occurrence may be theoretically possible, it is considered extremely unlikely. Any accident which is self-terminating must liberate enough energy to provide a shutdown mechanism. While a system could conceivably liberate this energy over a long time, this would require reactivity control of such delicacy that it is not to be expected in process accidents.

The proposed rule published for public comment would have eliminated the requirement for an alarm when sufficient water covered the special nuclear material, so that a significant dose to workers would not be possible. However, in view of the possibility of special nuclear material going critical and then being inadvertently lifted to the surface or being lifted to the surface and then going critical, the language of the existing § 70.24 has, therefore, been retained.

Section 70.24 has also been reorganized so that the requirements applicable under the "grandfather clause" are explicitly stated in paragraph (a)(2) of § 70.24.

In accordance with the Atomic Energy Act of 1954, as amended, and sections 552 and 553 of Title 5 of the United States Code, the following amendment of Title 10, Chapter I, Code of Federal Regulations, Part 70 is published as a document subject to codification.

1. Paragraph (a) (7) and (8) of § 70.22 are revised to read as follows:

§ 70.22 Contents of applications.

(a) * * *

(7) A description of equipment and facilities which will be used by the applicant to protect health and minimize danger to life or property (such as handling devices, working areas, shields, measuring and monitoring instruments, devices for the disposal of radioactive effluents and wastes, storage facilities, criticality accident alarm systems, etc.).

(8) Proposed procedures to protect health and minimize danger to life or property (such as procedures to avoid accidental criticality, procedures for personnel monitoring and waste disposal, post-criticality accident emergency procedures, etc.).

* * * * *

[1] D. G. Brown and F. F. Haywood, Health Physics, Volume 24, June 1973, page 627.

2. Section 70.24 is revised to read as follows:

§ 70.24 Criticality accident alarm system.

(a) Each licensee authorized to possess special nuclear material in a quantity exceeding 700 grams of contained uranium-235, 520 grams of uranium-233, 450 grams of plutonium, 1,500 grams of contained uranium-235 if no uranium enriched to more than 4 percent by weight of uranium-235 is present, 450 grams of any combination thereof, or one-half such quantities if massive moderators or reflectors made of graphite, heavy water or beryllium may be present, shall maintain in each area in which such licensed special nuclear material is handled, used, or stored, a monitoring system meeting the requirements of either paragraph (a)(1) or (a)(2), as appropriate, and using gamma- or neutron-sensitive radiation detectors which will energize clearly audible alarm signals if accidental criticality occurs. This section is not intended to require underwater monitoring when special nuclear material is handled or stored beneath water shielding or to require such monitoring systerms when special nuclear material is being transported packaged in accordance with the requirements of Part 71 of this chapter.

(1) The monitoring system shall be capable of detecting a criticality that produces an absorbed dose in soft tissue of 20 rads of combined neutron and gamma radiation at an unshielded distance of 2 meters from the reacting material within one minute. Coverage of all areas shall be provided by two detectors.

(2) Persons licensed prior to December 6, 1974, to possess special nuclear material subject to this section may maintain a monitoring system capable of detecting a criticality which generates radiation levels of 300 rems per hour one foot from the source of the radiation. The monitoring devices in the system shall have a preset alarm point of not less than 5 millirems per hour (in order to avoid false alarms) nor more than 20 millirems per hour. In no event may any such device be farther than 120 feet from the special nuclear material being handled, used, or stored; lesser distances may be necessary to meet the requirements of this paragraph (a)(2) on account of intervening shielding or other pertinent factors.

(3) Emergency procedures for each area in which such licensed special nuclear material is handled, used or stored shall be maintained to assure that all personnel withdraw to an area of safety upon the sounding of the alarm. These procedures shall include the conduct of drills to familiarize personnel with the evacuation plan, plans and designation of responsible individuals for determining the cause of the alarm, and placement of radiation survey instruments in accessible locations for use in such an emergency.

(b) Any licensee who believes that good cause exists why he should be granted an exemption in whole or in part from the requirements of this section may apply to the Commission for such exemption. Such application shall specify his reasons for the relief requested.

Effective date. The foregoing amendments become effective on December 6, 1974.

(Secs. 161, 183, Pub. L. 83–703, 68 Stat. 948, 954 (42 U.S.C. 2201, 2233))

Dated at Bethesda, Md. this 18th day of October 1974.

For the Atomic Energy Commission.

L. MANNING MUNTZING,
Director of Regulation.

[FR Doc.74-25787 Filed 11-4-74;8:45 am]

CHAPTER II—FEDERAL ENERGY ADMINISTRATION

PART 205—ADMINISTRATIVE PROCEDURES AND SANCTIONS

PART 211—MANDATORY PETROLEUM ALLOCATION REGULATIONS

Middle Distillate Fuels; Allocation Levels for Space Heating Requirements and Allocation to Electric Utilities

On September 6, 1974, the Federal Energy Administration issued a notice of proposed rulemaking and public hearing (39 FR 32876, September 11, 1974) to amend Subpart G of Part 211, the Mandatory Petroleum Allocation Regulations, with respect to certain allocation levels and the method of allocating middle distillate fuels to electric utilities.

Approximately 120 written comments were received in response to the notice of proposed rulemaking. Oral presentations were made by six parties at the public hearing, which was held on September 27, 1974.

Several modifications to the proposed regulations have been made, and the proposed regulations, as modified, are hereby adopted.

Allocation Level for Space Heating. The proposed regulations provided for a change in the allocation level for space heating requirements from one hundred percent of base period use, not subject to an allocation fraction, to one hundred percent of current requirements, subject to an allocation fraction. In addition, it was proposed to eliminate the mandatory temperature reduction requirements for space-heating users of middle distillate. The change in allocation level from a percent of base period use to current requirements was proposed because significant variations in average temperatures between this winter and the winter months of 1972 could cause hardships to space heating end-users and wholesale purchaser-consumers. Elimination of required temperature reductions was proposed because similar conservation measures have not been imposed on users of other sources of energy for space heating and because the requirement had proven extremely difficult to administer.

Comments received with respect to this issue generally favored eliminating the required temperature reductions and raising the allocation level for space heating. Many parties commented, however, that a change in allocation level from a percent of base period use to current requirements would be undesirable because of the difficulty of estimating current requirements for the many purchasers of middle distillate fuels involved, and because of the additional burdensome reporting and certification requirements which would be imposed upon suppliers.

Therefore, the allocation level for middle distillate fuels for space heating requirements has been raised to one hundred ten percent of base period use, subject to an allocation fraction. In order to prevent hardships to purchasers whose suppliers may experience low allocation fractions, a provision has been added which requires that when a supplier's allocation fraction is less than 0.8, the allocation level becomes eighty-eight percent of base period use, (which is 0.8 multiplied times one hundred ten percent of the base period use) not subject to an allocation fraction. Thus, when a supplier calculates its allocation fraction for a month and determines that it will be less than 0.8, the supplier must recalculate its fraction by treating eighty-eight percent of the base period use of its space heating end-users and wholesale purchaser-consumers as amounts not subject to the allocation fraction under § 211.10(b)(1) and (2). The recalculated allocation fraction will then be applied for purchasers under all allocation levels subject to the allocation fraction except space heating requirements, and purchasers of middle distillate fuels for space heating will be supplied at eighty-eight percent of base period use, not subject to an allocation fraction.

Required temperature reductions have been eliminated with respect to middle distillate. In order to insure that medical and nursing buildings, which previously were not subject to temperature reductions or an allocation fraction, have adequate heating oil, they have been accorded an allocation level of one hundred percent of current requirements, not subject to a fraction. However, to promote voluntary conservation of middle distillate fuels, a provision has been adopted to require suppliers of those fuels for space heating to have in effect a program of energy conservation education. Under this provision, suppliers must communicate in writing at least twice during the heating season to their purchasers the need for energy conservation and ways in which middle distillate fuels can be conserved. Suppliers may request assistance in developing a program from the FEA Regional Offices, and must certify that they have an energy conservation education program in effect.

Other allocation levels. Based on FEA's forecast that there should be adequate supplies of middle distillate this winter, FEA also proposed to change the allocation levels for industrial use, except for space heating, and for petrochemical feedstock use. In the case of industrial use, the proposed change was from one hundred ten percent of base period use to one hundred percent of current requirements subject to the allocation fraction. It was proposed that petrochemical feedstock use have an allocation level of one hundred percent of current requirements, subject to the allocation fraction, instead of one hundred percent of base period use.

The comments received with respect to this proposal were substantially in favor of the change and raised no valid objections. Therefore, these proposed increases are adopted without changes.

Method of allocating middle distillate to electric utilities. In the notice of proposed rulemaking FEA also proposed that the method of allocating middle distillate fuels to electric utilities be revised to provide for a program administered by the National FEA, similar to the program for allocating residual fuel oil to utilities. The proposed regulation provided that the National FEA would determine for each month the amount of middle distillate for nonutility use and for utility use. Based on that determination, FEA would then determine the amounts to be supplied to each utility, and the amounts to be supplied by each supplier according to the percentage of the utility's purchases supplied during the base period by each supplier, and would notify utilities and suppliers directly of these amounts.

This proposal was based in part on the need for flexibility in assuring adequate supplies of middle distillate fuels to utilities in the event of any disruption in normal utility supplies.

Based upon the comments received in response to the proposals and on other information, FEA has determined that the needed flexibility may be obtained through a program administered by the National FEA, rather than the Regional Offices. The present allocation level of one hundred percent of base period use, subject to an allocation fraction, has been retained, however, and the proposal that FEA determine and publish monthly allocations to utilities has not been adopted. Utilities may apply to the National FEA under § 211.125(b) for adjustments to base period use. These adjustments will be granted onl yin exceptional cases where necessary to maintain reliable electric service. FEA may also at any time make downward adjustments to base period use based upon the criteria set forth in § 211.125(c).

(Emergency Petroleum Allocation Act of 1973, Pub. L. 93–159; Federal Energy Administration Act of 1974, Pub. L. 93–275; E.O. 11790 (39 FR 23185))

In consideration of the foregoing, Parts 205 and 211 of Chapter II, Title 10 of the Code of Federal Regulations, are amended as set forth below, effective November 1, 1974.

Issued in Washington, D.C., October 31, 1974.

ROBERT E. MONTGOMERY, Jr.,
General Counsel,
Federal Energy Administration.

1. Section 205.13 is amended by redesignating paragraphs (a) (4), (5), (6), (7), (8), (9), and (10) as paragraphs (a), (5), (6), (7), (8), (9), (10), and (11), respectively and by adding a new paragraph (a) (4) to read as follows:

§ 205.13 Where to file.

(a) * * *

(4) The allocation and pricing of middle distillate fuels pursuant to Subpart G of Part 211 and Part 212 of this chapter, filed by electric utilities;

* * * * *

2. Section 211.123 is amended by revising paragraphs (b) and (c) to read as follows:

§ 211.123 Allocation levels.

* * * * *

(b) *Allocation levels not subject to an allocation fraction.* One hundred (100) percent of current requirements for the following uses:

(1) Agricultural production;

(2) Department of Defense use as specified in § 211.26; and

(3) Space heating requirements of medical and nursing buildings.

(c) *Allocation levels subject to an allocation fraction.* (1) One hundred (100) percent of current requirements (as reduced by application of an allocation fraction) for the following uses:

(i) Emergency services;

(ii) Energy production;

(iii) Manufacture of ethical drugs and related research;

(iv) Sanitation services;

(v) Telecommunications services;

(vi) Passenger transportation services;

(vii) Cargo, freight, and mail hauling except as set forth elsewhere in this section;

(viii) Aviation ground support vehicles and equipment;

(ix) Nonmilitary marine shipping, both foreign and domestic (except cruise ships carrying passengers for recreational purposes). Sales to vessels engaged in the foreign trade of the United States shall be made on a nondiscriminatory basis in regard to flag registration, subject to modification by the FEA following consultation with appropriate Federal agencies on a case-by-case basis if required to encourage reciprocal nondiscriminatory allocation of middle distillate fuels in foreign ports to vessels engaged primarily in the foreign trade of the United States;

(x) Industrial use, except for space heating requirements;

(xi) Petrochemical feedstock use; and

(xii) Start-up, standby, testing and flame stabilization for electric utilities.

(2) One hundred ten (110) percent of base period use (as reduced by application of an allocation fraction) for space heating requirements, except that whenever the allocation fraction of a supplier which supplies end-users and wholesale purchaser-consumers pursuant to this allocation level is less than 0.8, that supplier shall supply the space heating requirements of those end-users and wholesale purchaser-consumers at an allocation level of eighty-eight (88) percent of base period use, not subject to an allocation fraction.

(3) One hundred (100) percent of base period use (as reduced by application of an allocation fraction) for the following uses:

(i) Synthetic natural gas plant feedstock use;

(ii) Electric utilities; and

(iii) All other non-space heating uses.

3. Section 211.124 is added to read as follows:

§ 211.124 Energy conservation.

(a) Notwithstanding the provisions of § 211.21, no end-user middle distillate fuels for space-heating requirements shall be required to certify to its supplier that it has an energy conservation program in effect.

(b)(1) Suppliers of middle distillate fuels to end-users and wholesale purchaser-consumers for space heating requirements shall have in effect a program of energy conservation education. As part of such program, the supplier shall communicate in writing at least twice during each heating season to its purchasers of middle distillate fuels for space heating purposes the need for conservation of middle distillate fuels and ways in which such fuels can be conserved.

(2) Suppliers required to have in effect an energy conservation education program under this paragraph shall certify to the appropriate FEA Regional Office at the address provided in § 205.12, by December 31, 1974, that they have such a program in effect, and shall submit a copy of any written communication used. The FEA Regional Offices will be available to assist all suppliers in developing such a program.

4. Section 211.125 is revised to read as follows:

§ 211.125 Supplier/purchaser relationships and adjustments to base period use for electric utilities.

(a) Unless otherwise specified, the provisions of §§ 211.9 through 211.13 apply to this subpart.

(b) Electric utilities may apply to the National FEA for adjustments to base period use. Applications under this paragraph shall be fully supported by detailed facts, figures and other documentation, including the following information:

(1) The name and address of each base period supplier;

(2) The amounts of middle distillate supplied by each supplier during each base period; and

(3) All information relating to any adjustments or assignments which have been made by FEA. FEA may consult with appropriate Federal agencies in processing such applications. Adjustments under this paragraph will be granted only in exceptional cases to maintain reliability of electric service.

(c) The FEA may at any time adjust downward the base period use of an electric utility, provided that the adjustment does not result in a base period use which is less than the utility's base period volume. The FEA shall notify the utility and the affected supplier of any such adjustment. In making such an adjustment, the FEA may consider, but is not limited to the following:

(1) The addition or phasing out of generating units;

(2) Ability, within appropriate groupings, to absorb equal percentage cutback in middle distillate supply;

(3) Ability to utilize non-oil based energy;

(4) System reserve capacity;

(5) Available energy from imports;

(6) Minimum level of consumption, which cannot be supplied by non-oil fired generation, determined essential to the system by the Federal Power Commission;

(7) Interruptible natural gas contracts and curtailments; and

(8) Middle distillate inventory held by a utility.

§ 211.126 [Amended]

5. Section 211.126 is amended by deleting paragraph (c) in its entirety.

6. Section 211.127 is revised to read as follows:

§ 211.127 Procedures and reporting requirements.

(a) All applications for adjustment and assignment of middle distillate fuels, except to utility users, shall be filed with the appropriate State Office or FEA Regional Office in accordance with Subparts B and C, respectively, of Part 205 of this chapter. All other matters pertaining to allocation of middle distillate fuels, except to utility users, shall be submitted to the appropriate FEA Regional Office at the address provided in § 205.12. All matters pertaining to the allocation of middle distillate fuels to utility users shall be addressed FEA National Office at the address provided in § 205.12, unless otherwise specified, and to the Chairman, Federal Power Commission.

(b) The general reporting and recordkeeping requirements contained in Subpart L or this part apply to this subpart.

(c) Applications for assignment from the state set-aside system for hardship or emergency requirements shall be submitted to the appropriate State Office in accordance with the procedures established in Subpart Q of Part 205 of this chapter.

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CHAPTER II—FEDERAL ENERGY ADMINISTRATION

SUBCHAPTER K—DELEGATIONS

PART 660—MANDATORY PETROLEUM REGULATIONS—PUERTO RICO

The notice of proposed rulemaking containing the mandatory allocation regulations applicable to gasoline, propane, butane, middle distillate and residual fuel oil sold for use within the Commonwealth of Puerto Rico was issued by the Department of Consumer Affairs ("DOCA") on September 18, 1974 (39 FR 34072, September 23, 1974). Public hearings were held by DOCA on October 2, 1974 and interested persons were invited to submit written comments by October 9, 1974. Six people testified at the hearings, and approximately ten written comments were received. The regulations published herein contain revisions to the proposed regulation which reflect the DOCA's consideration of those comments and incorporates certain changes suggested therein.

A discussion of the major changes, and of certain comments received regarding the proposed regulations follows.

Introduction. The delegation of authority from the Federal Energy Office grants to the Commonwealth the authority to establish a mandatory allocation program for the volume of propane, butane, motor gasoline, middle distillate and residual fuel oil, equal to the volume sold for use within the Commonwealth during the corresponding calendar quarter of 1973. Amounts of each product in excess of the 1973 volumes for such product remain subject to the Mandatory Petroleum Allocation Regulations of the Federal Energy Administration ("FEA").

The regulations promulgated herein apply only to motor gasoline, middle distillate, propane and butane and not to residual fuel oil. Thus, they are in partial exercise of the delegated authority. The DOCA has determined that the situation regarding residual fuel oil warrants further study with respect to production capacity, current production, current requirements and the methods most suited to allocation of the product. Therefore, at this time, the mandatory allocation program for petroleum products sold in Puerto Rico does not apply to residual fuel oil. Rather the FEA regulations remain applicable. The DOCA may extend the regulations adopted herein to residual fuel oil effective December 1, 1974, by filing an amendment to this rulemaking in the FEDERAL REGISTER. However, it may ultimately determine that some different method or method of allocation are more suitable to residual fuel oil. In that event, proposed rules will be issued for public comment prior to their implementation.

The regulations are designed to assure that volumes of each petroleum product sold in the Commonwealth in each calendar quarter equal the volume sold during the corresponding calendar quarter of 1973. In order to provide for distribution of petroleum products with a minimal amount of disruption the regulations are designed to have each supplier sell in the Commonwealth volumes of products which are equal to the volumes it sold in the corresponding calendar quarter of 1973. The DOCA retains authority (§ 660.9) to order a supplier which may have a volume in excess of its 1973 volume to sell more in the Commonwealth than it sold in the corresponding period of 1973 if necessary to accommodate for shortages below 1973 volumes experienced by other suppliers. This authority will be exercised only if necessary in order to implement the allocation program in the Commonwealth and to assure that there is a volume of product available equal to the 1973 volume.

Subpart A. Subpart A remains substantially as originally proposed. However, to accommodate a concern raised in several comments, the criteria the DOCA will apply in taking any administrative actions specified in Part 660 has been added to § 660.9.

Subpart C. The general method of allocation set forth in this subpart remains unchanged. However, pursuant to suggestions contained in the comments, a supplier's allocable supply defined in § 660.103(b)(1) has been modified to exclude volumes of product supplied to customers through exchange agreements. In addition, allocable supply has been modified to include only reductions in inventory made pursuant to § 660.9. Existing inventory and petroleum product used to increase inventory consistent with the provisions of § 660.9 are not part of allocable supply. Consistent with the changes in the calculation of total supply, the definition of "base period use" in § 66.103(b)(2)(ii) has been modified to exclude from the base period volume of a wholesale purchaser product received in an in kind exchange agreement involving a single product.

A new paragraph (2) has been added to § 660.103(e). Any supplier whose allocation fraction is less than one and whose wholesale purchasers either have not purchased or have notified the supplier of their intent not to purchase the volume of petroleum product to which they are entitled in a given allocation period may report and dispose of such volumes in accordance with the provisions of § 660.103(f).

Section 660.103(f) which provides that a supplier with an allocation fraction equal to or greater than one, must make sales pursuant to an allocation fraction equal to one, has been modified in several respects to incorporate suggestions contained in the comments. A surplus product of a supplier (other than a prime supplier or a supplier of unleaded gasoline) may be distributed at the discretion of the supplier. Each prime supplier and each supplier of unleaded gasoline must report surplus product to the DOCA, pursuant to the requirements of §§ 660.152 and 660.153. If, after fifteen days, the DOCA has not notified the supplier to distribute such product in a specified manner, it may be distributed at the discretion of the supplier.

The § 660.104(c) provisions concerning the loss of an allocation entitlement for going out of business as applicable to retail sales outlets have been clarified. Generally, a wholesale purchaser-reseller which operates a retail gasoline outlet will be deemed to have gone out of business with respect to a particular outlet it if vacates the site on which it conducts such business. However, an independent marketer, branded or non-branded, shall not be deemed to have gone out of business if, (i) the independent marketer vacates a cite on which it formerly operated a retail sales outlet, (ii) the former site is closed as a retail sales outlet