(22) Perform those functions under section 203(j) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(j)) with respect to improvement of transportation services, facilities, and rates for the export of agricultural commodities and farm supplies which involve action before the Federal Maritime Commission, the Maritime Administration, or other similar transportation regulatory body, or which involve working directly with individual ocean carriers or groups of such carriers.

2. Section 2.22 is amended by revoking and reserving paragraph (b) and by adding a new subparagraph (4) to paragraph (d) to read as follows:

**§ 2.22 Reservations of Authority.**

* * * * *

(b) [Reserved]

* * * * *

(d) *Related to foreign agriculture.* * * *

(4) Determining the agricultural commodities and the quantities thereof available for disposition under titles I and II of Pub. L. 480 (7 U.S.C. 1731).

**Subpart H—Delegations of Authority by the Assistant Secretary for International Affairs and Commodity Programs**

3. Section 2.65 is amended by revising paragraph (a)(13) to read as follows:

**§ 2.65 Administrator, Agricultural Stabilization and Conservation Service.**

(a) *Delegations.** * *

(13) Conduct fiscal, accounting and claims functions relating to CCC programs for which the Foreign Agricultural Service has been delegated authority under § 2.68, and in participation with other agencies of the U.S. Government, to develop and formulate amendments to credit agreements under title I, Pub. L. 480, and the export credit sales program involving the rescheduling of amounts due from foreign countries under such agreements.

* * * * *

**§ 2.66 [Reserved]**

4. Section 2.66 is revoked and reserved.

5. Section 2.68 is amended by revising paragraph (a) (1), (2), and (9) and by adding new paragraph (a) (11) through (22) to read as follows:

**§ 2.68 Administrator, Foreign Agricultural Service.**

(a) *Delegations.* Pursuant to § 2.21(d), subject to reservations in § 2.22(d) the following delegations of authority are made by the Assistant Secretary for International Affairs and Commodity Programs to the Administrator, Foreign Agricultural Service:

(1) Coordinate the carrying out by Department agencies of their functions involving foreign agricultural policies and programs and their operations and activities in foreign areas (other than those functions, relating to international development, technical assistance, and training assigned to the Director of Agricultural Economics). Act as liaison agency on these matters and functions relating to foreign agriculture between the Department of Agriculture and the Department of State, the Special Representative for Trade Negotiations, the Trade Expansion Act Advisory Committee, Agency for International Development, and other departments, agencies, and committees of the U.S. Government, foreign governments, Organization for Economic Cooperation and Development, the European Common Market, the Food and Agriculture Organization of the United Nations, International Bank for Reconstruction and Development, Inter-American Development Bank, Organization of American States, and other public and private U.S. and international organizations, and the contracting parties to the General Agreement of Tariffs and Trade.

(2) Administer Departmental programs concerned with development of foreign markets for agricultural products of the United States except functions relating to export marketing operations under section 32, Pub. L. 320, 74th Congess (7 U.S.C. 612c) delegated to the Assistant Secretary for Marketing and Consumer Services, and utilization research delegated to the Assistant Secretary for Conservation, Research, and Education. Legal authority for these programs is contained in section 104(b)(1) of the Agricultural Trade Development and Assistance Act of 1954, as amended, hereinafter referred to as "Public Law 480" (7 U.S.C. 1704(b)(1)), section 601 of the Agricultural Act of 1954, as amended (7 U.S.C. 1761), and section 5 (f) of the CCC Charter Act (15 U.S.C. 714c(f)).

* * * * *

(9) Exercise the Department's responsibilities in connection with international negotiations of the International Wheat Agreement and in administration of such Agreement.

* * * * *

(11) Formulate and administer programs under section 5(f) of the CCC Charter Act (15 U.S.C. 714c (f)) and section 4, Pub. L. 89–808 (7 U.S.C. 1707a) to finance commercial export credit sales of agricultural commodities by U.S. exporters.

(12) Formulate and administer barter programs, under which agricultural commodities are exported, under sections 4 (h) and 5(f) of the CCC Charter Act (15 U.S.C. 714 b(h) and 714c(f)) and section 303 of Pub. L. 480 (7 U.S.C. 1692).

(13) Negotiate and implement agreements between CCC and private trade entities to finance the sales and exportation of agricultural commodities for dollars on long-term credit under title I of Pub. L. 480 (7 U.S.C. 1707).

(14) Perform functions of the Department in connection with the development and implementation of basic country agreements under title I of Pub. L. 480 to finance the sales and exportation of agricultural commodities on long-term credit or for foreign currencies.

(15) Participate in program development, evaluation, and review, including related liaison with the Agency for International Development, private relief agencies, and intergovernmental organizations, and activities involving operational responsibilities with respect to making agricultural commodities available for distribution in foreign countries under title II, Pub. L. 480 (7 U.S.C. 1721–1725).

(16) Coordinate within the Department activities arising under Pub. L. 480 (except as delegated to the Director of Agricultural Economics in § 2.27(a)) and to represent the Department in its relationships in such matters with the Department of State, the Interagency Staff Committee on Pub. L. 480, and other departments, agencies and committees of the Government.

(17) Arrange for transportation in connection with moving commodities from point of export under Pub. L. 480 and under section 5 of the CCC Charter Act (15 U.S.C. 714c) except for movement to trust territories or possessions.

(18) Formulate policy for export pricing and price review, in connection with export sales of CCC-owned commodities, except for tobacco, peanuts, tung oil, and gum naval stores and for export sales under Pub. L. 480.

(19) Formulate and administer programs for sales for export of CCC-owned agricultural commodities, except for tobacco, peanuts, tung oil, and gum naval stores.

(20) Allocate among the various export programs, agricultural commodities determined under § 2.21(a) to be available for export.

(21) Formulate and administer export payment programs (other than those under section 32, Pub. L. 320, 74th Congress (7 U.S.C. 612c)), and other programs as assigned to encourage or cause the export of U.S. agricultural commodities.

(22) Perform those functions under section 203(j) of the Agricultural Marketing Act of 1946 (7 U.S.C. 1622(j)) with respect to improvement of transportation service, facilities, and rates for the export of agricultural commodities and farm supplies which involve action before the Federal Maritime Commission, the Maritime Administration, or other similar transportation regulatory body, or which involve working directly with individual ocean carriers or groups of such carriers.

*Effective date.* These amendments shall become effective April 10, 1974.

For Subpart C.

Dated: April 1, 1974.

J. PHIL CAMPBELL,
*Acting Secretary of Agriculture.*

For Subpart H.

Dated: April 1, 1974.

CLAYTON YEUTTER,
*Assistant Secretary for International Affairs and Commodity Programs.*

[FR Doc.74–8239 Filed 4–9–74;8:45 am]

## CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION, DEPARTMENT OF AGRICULTURE

[Amendment No. 3]

## PART 410—FLORIDA CITRUS CROP INSURANCE

### Subpart—Regulations for the 1970 and Succeeding Crop Years

Pursuant to the authority contained in the Federal Crop Insurance Act, as amended, the above-identified regulations are amended effective beginning with the 1974 crop year in the following respects:

1. The first two sentences of subsection 3(a) of the Application and Policy shown in § 410.6 are amended to read as follows:

3. *Insured Crop.* (a) Unless otherwise provided on the county actuarial table, beginning with the 1972 crop year, application for insurance may be made with respect to any one or more types of citrus, as defined in section 22 hereof, produced by the insured on trees that have reached at least the tenth growing season after being set out. Also, beginning with the 1972 crop year, citrus produced on trees that have not reached the 10th growing season will be insured only if so provided on the county actuarial table or if citrus produced on such trees was insured under a contract in force in the 1971 crop year, which is continued in effect for the 1972 crop year, unless the acreage of such citrus is excluded because of risk as hereinafter provided.

2. The last sentence of subsection 14 (d) of the Application and Policy shown in § 410.6 is amended to read as follows:

If unmarketable as fresh fruit due to insured causes, pink and red grapefruit of citrus Type III and citrus of Types IV and V shall be deemed to have 50 percent damage unless the Corporation determines by the same cut method as used under subsection 14 (e)(4) that the juice loss has been greater than 50 percent, except that damage in excess of 50 percent for tangerines of Type IV shall be the actual percent of damaged fruit above 50 percent determined by a fresh fruit cut.

3. Subsection 22(g) of the Application and Policy shown in § 410.6 of this chapter is amended to read as follows:

(g) "Types of citrus" means any of the five types of fruit as follows: Type I, Early and midseason oranges; Type II, Late oranges; Type III, Grapefruit; Type IV, Navel oranges, tangelos, and tangerines; and Type V, Murcott Honey oranges (also known as Honey tangerines) and Temple oranges. Oranges commonly known as "Sour oranges" and "Clementines" shall not be deemed to be included in any of the insurable types of citrus.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U.S.C. 1506, 1516)

The foregoing amendment will enable the Corporation to insure the production of citrus from trees that have reached the seventh growing season in Indian River, Martin and St. Lucie Counties, Florida, where freeze is not considered a major problem. The current Florida Citrus contract provides that in all Florida Counties, applicants may apply for insurance only on the production of citrus from trees which have reached the tenth growing season. The amendment further provides that any pink or red grapefruit, or citrus of Types IV (except tangerines) and V which is unmarketable as fresh fruit due to insured causes shall be deemed to have 50 percent damage unless the actual percent of juice loss is determined by a dry fruit cut to be higher. The present contract provides for the use of a fresh fruit cut for determining the amount of damaged fruit in excess of 50 percent. This revision is considered necessary to improve the experience in the Florida citrus counties where a sizeable amount of citrus of these types, which were formerly marketed for fresh fruit, are now marketed for processing in normal years and in years of freeze damage a substantial amount is salvaged for juice.

It is desirable that the amendment become effective in 1974. Notice of changes must be given Florida citrus insureds by April 15, 1974, and applications for insurance will be taken in the near future. It would therefore be impossible to follow both the procedures for notice and public participation prescribed by 5 U.S.C. 553 (b) and (c) prior to the adoption of this amendment and to comply with the contractual provisions with respect to filing such changes in time to be effective for the 1974 crop year.

Under the circumstances, the Board of Directors found that it would be impracticable and contrary to the public interest to follow the procedure for notice and public participation prescribed by 5 U.S.C. 553(b) and (c), as directed by the Secretary of Agriculture in a Statement of Policy, executed July 20, 1971 (36 FR 13804), prior to its adoption. Accordingly, said amendment was adopted by the Board of Directors on April 3, 1974.

LLOYD E. JONES,
*Secretary, Federal Crop Insurance Corporation.*

[SEAL]

Approved on April 4, 1974.

J. PHIL CAMPBELL,
*Acting Secretary.*

[FR Doc.74-8241 Filed 4-9-74;8:45 am]

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## CHAPTER XIV—COMMODITY CREDIT CORPORATION, DEPARTMENT OF AGRICULTURE

### SUBCHAPTER B—LOANS, PURCHASES, AND OTHER OPERATIONS

[Seed Cotton Loan Program Regs.; Amdt. 1]

## PART 1427—COTTON

### Subpart—Seed Cotton Loan Program Regulations

INCREASE IN LOAN SERVICE FEE AND MISCELLANEOUS CHANGES

Notice of proposed rulemaking with respect to the loan program for the 1974 crops of upland and American-Pima seed cotton regarding the operating provisions to carry out the program was published in the FEDERAL REGISTER on February 26, 1974 (39 FR 7430).

No comments were received. However, Department officials have determined that the program will be offered in 1974 and that the loan service fee will be increased. Other operating provisions will remain basically the same as those for the 1973 program.

The regulations issued by Commodity Credit Corporation and published as Subpart—Seed Cotton Loan Program Regulations in the FEDERAL REGISTER (38 FR 14816 and 16631) are hereby amended as follows:

1. Paragraphs (a), (b), and (d) of § 1427.161 are amended to reflect the Division administering the program and substitute the Data Systems Field Office for the Kansas City office to more clearly define the office responsible for processing documents. The amended paragraphs read as follows:

**§ 1427.161 Administration.**

(a) *Responsibility.* The Cotton, Rice and Oilseeds Division, Agricultural Stabilization and Conservation Service, will administer the provisions of this subpart under the general supervision and direction of the Deputy Administrator, Programs, Agricultural Stabilization and Conservation Service, in accordance with program provisions and policy determined by the CCC Board of Directors and the President or Executive Vice President, CCC. In the field, the program in this subpart will be administered by the Agricultural Stabilization and Conservation State and county committees and the Data Systems Field Office.

(b) *Limitation of authority.* County executive directors, State and county committees, the Data Systems Field Office, and employees thereof do not have authority to waive or modify any of the provisions of the regulations in this subpart.

* * * * *

(d) *Executive Vice President, CCC.* No delegation herein to a State or county committee or the Data Systems Field Office shall preclude the President or Executive Vice President, CCC, or his designee, from determining any question arising under the regulations in this subpart or from reversing or modifying any determination made by a State or county committee or the Data Systems Field Office.

2. Section 1427.172 is amended to reflect an increase in the loan service fee. The amended section reads as follows:

**§ 1427.172 Loan service fee.**

A producer shall pay a loan service fee of $10 per loan, plus $1 for each additional risk or other individual lot in storage over one, for each loan disbursed. This fee is not refundable.

3. Paragraph 1427.181(c) is amended to substitute the Data Systems Field Office for the Kansas City office to more clearly define the office responsible for processing documents. The amended paragraph (c) reads as follows:

**§ 1427.181 Definitions.**

* * * * *

(c) *Data Systems Field Office.* The term "Data Systems Field Office" shall mean the Data Systems Field Office, Agricultural Stabilization and Conservation Service, U.S. Department of Agriculture, 8930 Ward Parkway, Kansas City, Missouri 64114 (mailing address P.O. Box 205, Kansas City, Missouri 64141).

* * * * *

(Secs. 4, 5, 62 Stat. 1070, as amended; 15 U.S.C. 714 b and c.)

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

Signed at Washington, D.C. on April 3, 1974.

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

[FR Doc.74-8206 Filed 4-9-74;8:45 am]

## Title 17—Commodity and Securities Exchanges

### CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. IAA-404]

### PART 275—RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

### Repeal of Requirement for Certain Fees and Assessments for Investment Advisers; Correction

In Release No. IAA-404 which was published in the FEDERAL REGISTER for April 3, 1974 at 39 FR 12108, the Securities and Exchange Commission announced amendments to § 275.203-3 in 17 CFR Chapter II. Through an oversight the section in question was incorrectly identified. The correct reference in the third column on 39 FR 12108, both in the paragraph identified as "Commission action" and in the section designation below it, should have read § 275.203-3.

For the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
*Secretary.*

APRIL 4, 1974.

[FR Doc.74-8256 Filed 4-9-74;8:45 am]

## Title 18—Conservation of Power and Water Resources

### CHAPTER I—FEDERAL POWER COMMISSION

#### SUBCHAPTER A—GENERAL RULES

[Docket No. R-469; Order No. 467-C]

### PART 2—GENERAL POLICY AND INTERPRETATIONS

### Commission Establishes Procedural Requirements for Filing Requests for Relief From Curtailment

APRIL 4, 1974.

On March 2, 1973, we issued Order No. 467-B, 49 FPC --, as our Statement of Policy applicable to interstate natural gas pipeline companies relating to the order of priorities of delivery to be followed, absent evidence to the contrary, during periods of supply shortage. We also stated therein that exceptions to the priorities-of-deliveries may be granted upon a finding of extraordinary circumstances after hearing initiated by a petition filed under § 1.7(b) of the Commission's rules of practice and procedure, 18 CFR 1.7(b). Additionally, we provided for emergency relief to be granted to forestall irreparable injury to life or property. By orders issued in the United[1] and Panhandle[2] curtailment proceedings, we further elaborated on the procedures for filing requests for relief and the factual information to be included in those requests. From experience acquired in processing numerous such requests, we conclude that certain supportive data should be presented in all future petitions for relief from curtailment. One purpose of this order is to define areas of inquiry which are common to requests for relief, and to require, as part of the initial request, presentation of pertinent facts accompanied by attestation of a responsible company official.

Another objective of this order is to express our policy regarding conditions which will attach to grants of interim relief from curtailment pending final action after hearing.[3] These conditions will be established on the basis of the pleadings in each individual petition. However, we will attach a specific payback obligation to each grant of such interim relief hereafter issued.[4] Such a payback obligation will be required of any petitioner, including distribution companies seeking relief on behalf of their customers, and will include a payback of any volumes received by virtue of relief granted by the Commission, whether on an interim basis pending hearing or after hearing, utilized in any manner other than that specified in the grant. Further, it is our intention to attach conditions, when applicable, requiring draw-down of alternate fuel reserves before petitioner can utilize any volumes of natural gas available under the relief granted. The period over which the granted relief shall extend will be determined on the basis of the individual facts in each instance.

The Commission finds:

(1) Since the amendment adopted herein concerns a matter of general policy, the notice and effective date provisions of 5 U.S.C. 553 are not applicable.

(2) It is appropriate and necessary in the public interest in administering the Natural Gas Act to adopt the procedures hereinafter ordered.

[1] United Gas Pipe Line Company, Docket Nos. RP71-29 and RP71-120, Order on Clarification issued November 30, 1973, 50 FPC --, as modified by Order on Rehearing issued January 11, 1974, 51 FPC --.

[2] Panhandle Eastern Pipe Line Company, Docket No. RP71-119, Order on Clarification issued December 13, 1973, 50 FPC --.

[3] Suggestions for certain conditions to attach to temporary grants of relief from curtailment were presented by General Motors Corporation in motions filed February 15, 1974, in Panhandle Eastern Pipe Line Company, Docket Nos. RP71-119, et al., and in Mississippi River Transmission Corporation, Docket Nos. RP74-62-1, et al.

[4] This action is without prejudice to the Commission's requiring a payback of deliveries made under prior grants of interim relief where no payback condition was specifically attached.

The Commission, acting pursuant to the provisions of the Natural Gas Act, as amended, particularly sections 4, 5, 7, 10, 14, 15, and 16 (52 Stat. 822, 823, 824, 825, 826, 828, 829, 830; 56 Stat. 83, 84; 61 Stat. 459; 76 Stat. 72; 15 U.S.C. 717c, 717d, 717f, 717i, 717m, 717n, 717o), and in accordance with 5 U.S.C. 553 orders:

(A) Part 2 of the Commission's General Rules, General Policy and Interpretations, 18 CFR Chapter I, Subchapter A, is amended by redesignating the existing § 2.78(a) as § 2.78(a)(1) and by adding a new § 2.78(a)(2), so that § 2.78 (a) shall read as follows:

**§ 2.78 Utilization and Conservation of Natural Resources—Natural Gas.**

(a)(1) The national interests in the development and utilization of natural gas resources throughout the United States will be served by recognition and implementation of the following priority-of-service categories for use during periods of curtailed deliveries by jurisdictional pipeline companies:

(i) Residential, small commercial (less than 50 Mcf on a peak day).

(ii) Large commercial requirements (50 Mcf or more on a peak day), firm industrial requirements for plant protection, feedstock and process needs, and pipeline customer storage injection requirements.

(iii) All industrial requirements not specified in paragraph (a)(1)(ii), (iv), (v), (vi), (vii), (viii), or (ix) of this section.

(iv) Firm industrial requirements for boiler fuel use at less than 3,000 Mcf per day, but more than 1,500 Mcf per day, where alternate fuel capabilities can meet such requirements.

(v) Firm industrial requirements for large volume (3,000 Mcf or more per day) boiler fuel use where alternate fuel capabilities can meet such requirements.

(vi) Interruptible requirements of more than 300 Mcf per day, but less than 1,500 Mcf per day, where alternate fuel capabilities can meet such requirements.

(vii) Interruptible requirements of intermediate volumes (from 1,500 Mcf per day through 3,000 Mcf per day), where alternate fuel capabilities can meet such requirements.

(viii) Interruptible requirements of more than 3,000 Mcf per day, but less than 10,000 Mcf per day, where alternate fuel capabilities can meet such requirements.

(ix) Interruptible requirements of more than 10,000 Mcf per day, where alternate fuel capabilities can meet such requirements.

(2) The priorities-of-deliveries set forth above will be applied to the deliveries of all jurisdictional pipeline companies during periods of curtailment on each company's system; except, however, that, upon a finding of extraordinary circumstances after hearing initiated by a petition filed under § 1.7(b) of the Commission's rules of practice and procedure, exceptions to those priorities may be permitted.

(3) The above list of priorities requires the full curtailment of the lower

priority category volumes to be accomplished before curtailment of any higher priority volumes is commenced. Additionally, the above list requires both the direct and indirect customers of the pipeline that use gas for similar purposes to be placed in the same category of priority.

(4) The tariffs filed with this Commission should contain provisions that will reflect sufficient flexibility to permit pipeline companies to respond to emergency situations (including environmental emergencies) during periods of curtailment where supplemental deliveries are required to forestall irreparable injury to life or property.

(b) Request for relief from curtailment shall be filed under § 1.7(b) of this chapter and shall conform to the requirements of §§ 1.15 and 1.16 of this chapter. Those petitions shall use the priorities set forth in (paragraph (a)(1), of this section) above, the definitions contained in paragraph (b)(3) of this section and shall contain the following minimal information:

(1) The specific amount of natural gas deliveries requested on peak day and monthly basis, and the type of contract under which the deliveries would be made.

(2) The estimated duration of the relief requested.

(3) A breakdown of all natural gas requirements on peak day and monthly bases at the plant site by specific end-uses.

(4) The specific end-uses to which the natural gas requested will be utilized and should also reflect the scheduling within each particular end-use with and without the relief requested.

(5) The estimated peak day and monthly volumes of natural gas which would be available with and without the relief requested from all sources of supply for the period specified in the request.

(6) A description of existing alternate fuel capabilities on peak day and monthly bases broken down by end-uses as shown in paragraph (b)(3) of this section.

(7) For the alternate fuels shown in paragraph (b)(5) of this section, provide a description of the existing storage facilities and the amount of present fuel inventory, names and addresses of existing alternate fuel suppliers, and anticipated delivery schedules for the period for which relief is sought.

(8) The current price per million Btu for natural gas supplies and alternate fuels supplies.

(9) A description of efforts to secure natural gas and alternate fuels, including documentation of contacts with the Federal Energy Office and any state or local fuel allocation agencies or public utility commission.

(10) A description of all fuel conservation activities undertaken in the facility for which relief is sought.

(11) If petitioner is a local natural gas distributor, a description of the currently effective curtailment program and details regarding any flexibility which may be available by effectuating additional curtailment to its existing industrial customers. The distributor should also provide a breakdown of the estimated disposition of its natural gas estimated to be available by end-use priorities established in paragraph (a)(1) of this section for the period for which relief is sought.

(Sec. 4, 52 Stat. 822, 76 Stat. 72, (15 U.S.C. 717c); Sec. 5, 52 Stat. 823, (15 U.S.C. 717d); Sec. 7, 52 Stat. 824, 825, 56 Stat. 83, 84, 61 Stat. 459, (15 U.S.C. 717f); Sec. 10, 52 Stat. 826, (15 U.S.C. 717i); Sec. 14, 52 Stat. 828, (15 U.S.C. 717m); Sec. 15, 52 Stat. 829, (15 U.S.C. 717n); Sec. 16, 52 Stat. 930, (15 U.S.C. 717o).

(B) The amendment provided for herein shall be effective as of the date of issuance of this order.

(C) The Secretary shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] KENNETH F. PLUMB, *Secretary.*

[FR Doc. 74-8146 Filed 4-9-74; 8:45 am]

## Title 21—Food and Drugs

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

### SUBCHAPTER J—RADIOLOGICAL HEALTH

## PART 1020—PERFORMANCE STANDARDS FOR IONIZING RADIATION EMITTING PRODUCTS

### Cabinet X-Ray Systems

In the FEDERAL REGISTER of October 10, 1973 (38 FR 28011), the Commissioner of Food and Drugs published a proposed performance standard for cabinet x-ray systems under Part 278—Regulations for the Administration and Enforcement of the Radiation Control for Health and Safety Act of 1968. Pursuant to recodification in the FEDERAL REGISTER of October 15, 1973 (38 FR 28623), these regulations are now under Subchapter J—Radiological Health.

The proposed standard would be applicable to all cabinet x-ray systems, including x-ray systems used for inspection of carry-on baggage at airline terminals and similar facilities, manufactured or assembled on or after a date that is one year following the date of FEDERAL REGISTER publication of the final regulation. The provisions of this section would not be applicable to systems which are designed exclusively for microscopic examination of material, e.g., x-ray diffraction, spectroscopic, and electron microscope equipment, or to systems for intentional exposure of humans to x-rays.

Interested persons were given until December 10, 1973, to file written comments with the Hearing Clerk regarding this proposal.

On January 16, 1974, the Commissioner of Food and Drugs published in the FEDERAL REGISTER (39 FR 2010) revisions to the proposed standard. One revision provided an earlier effective date, 15 days after date of publication of the final regulation in the FEDERAL REGISTER, for the cabinet x-ray standard as applied to x-ray systems designed for the inspection of carry-on baggage. The other revision was to amend the standard as it applies to x-ray systems designed for inspection of carry-on baggage to require that such devices have a means to insure operator presence at the control area in a position which permits surveillance of the ports and doors during generation of x radiation. The bases for these revisions were discussed in the preamble to these amendments.

Interested persons were given until February 19, 1974, to file written comments with the Hearing Clerk.

Fifteen letters commenting on the proposed standard were received, five of which generally supported all or part of the proposal. Seven letters indicated no general approval or disapproval, while the remaining three letters expressed significant opposition to the proposal in its published form.

1. Several comments related to the interpretation of specified provisions, or indicated misunderstanding of the intent of the proposed standard.

In response to these comments, the final regulation has been revised to reflect more clearly the intent of the standard without substantially altering its requirements.

2. One area of concern identified in the comments was that pulsed x-ray systems (pulse duration much less than one-half second) would not be able to comply with several of the requirements in the standard.

Since such systems pose no special radiation risks in normal use, the affected provisions have been revised to clarify how they would apply to pulsed systems. The affected paragraph is (c)(6)(iii) and (iv), (7)(iv), and (10).

3. A comment stated that the use of "disconnect" interlocks required by paragraph (c)(4)(i) is unwise since the switching of high-voltage lines is a poor engineering practice likely to result in interlock breakdown and resultant electrical hazard.

The use of "disconnect" interlocks as prescribed in the proposed paragraph (c)(4)(i) is considered good engineering practice when used as a back-up device, and is common to other types of electrical equipment. In response to the comment, however, paragraph (c)(4)(i) has been clarified to provide that one but not both of the required interlocks provide a disconnection of the energy supply circuit to the high voltage generator. Good engineering design would insure that the "disconnect" interlock does not switch the energy supply circuit to the high voltage generator except in the case of failure of the remainder of the safety circuits and if the operator fails to turn off the x-ray system prior to opening the door.

4. Paragraph (c)(1)(ii) requires that compliance with the exposure limit of paragraph (c)(1)(i) be measured with the system operated at conditions which result in maximum x-ray exposure at

the external surface. One comment questioned whether internal line voltage and/or service adjustments would be varied to produce maximum exposure or if just those adjustments used for normal operations would be varied.

The Commissioner advises that, for field compliance purposes only, the normal operating adjustments are to be varied to determine compliance with paragraph (c)(1)(ii). The effect of service adjustments will be evaluated in connection with approval of quality control and testing procedures.

5. Two comments were received concerning the exposure limit in paragraph (c)(1)(i) suggesting that it be lowered. A primary reason given for a limit lower than 0.5 mR in one hour was that it was well within the state-of-the-art of x-ray system manufacturers. One suggestion was for an exposure limit of 0.25 mR in one hour and another was for 0.1 mR in one hour.

The exposure limit of 0.5 mR in one hour was established so that under usual conditions of work load and occupancy the resulting personnel exposures will be well below limits for nonoccupationally exposed persons as recommended by the International Commission on Radiological Protection, the National Council on Radiation Protection and Measurements, the Federal Radiation Council, and most State governments. The limit is in agreement with that advised by the American National Standards Institute (ANSI Z54.1–1963) and is consistent with the state-of-the-art in manufacturing technology and field measurement techniques. Furthermore, the exposure limit of 0.5 mR in one hour, in practice, will result in systems designed to emit at a much lower level to account for production variations. However, since it is recognized that ionizing radiation bioeffects are cumulative, the need, technical feasibility, and practicality of lowering the exposure limit will be periodically reviewed by the Commissioner, and it will be lowered through amendment of the standard if sufficient basis is established therefor.

6. One comment stated that it appears to be an unnecessary design complication to require in paragraph (c)(4)(iii) that the functioning of every interlock necessitate use of the control required in paragraph (c)(6)(ii), and the functioning of the "disconnect" door interlock, required by paragraph (c)(4)(i), ought not to necessitate use of the control. The comment suggested that the second required door interlock could activate the control.

The provisions of the standard require that after interlock function use of the control would be necessary to resume x-ray production. This is necessary to preclude the use of interlocks as on-off mechanisms. This consideration applies to all required interlocks. If the second door interlock were to fail, the door could be used as an on-off mechanism if the "disconnect" door interlock were not required to activate the control specified in paragraph (c)(6)(ii).

7. One comment suggested that the States be notified when a manufacturer obtains a variance from the standard.

A notice of proposed rule making concerning variances from performance standards was published in the FEDERAL REGISTER of October 24, 1973 (38 FR 29340), which stated in the preamble that, where applicable, State radiation control authorities would be notified of applications for variances as well as actions taken.

8. Another comment stated that any required changes in baggage inspection systems as a result of Federal regulations would make the equipment ineffective in detecting contraband. In addition, the comment stated that the equipment currently in use by the respondent meets applicable State regulations, with personnel exposures far below recommended levels.

It has been demonstrated that X-ray baggage inspection systems can comply with the standard and, at the same time, meet the FAA criteria for detection of contraband. The provisions of the standard were designed to assure adequate radiation protection when using any system. The fact that one particular system results in low personnel exposures does not invalidate the need for a general radiation protection standard.

9. The suggestion was made that the early effective date for the standard, as it applies to baggage inspection systems, i.e., 15 days after the date of publication of the final regulation, would cause suspension of manufacture of such systems. It was suggested that at least 90 days be allowed before the standard becomes effective.

On or before November 12, 1973, manufacturers of baggage x-ray equipment were notified that failure to adhere to the radiation safety recommendations (guidelines), published in the FEDERAL REGISTER of August 8, 1973 (38 FR 21442), could be the basis for defect actions pursuant to 21 CFR Parts 1003 and 1004. The guidelines impose very similar provisions to those of the cabinet x-ray standard; thus, manufacturers have been aware of the radiation safeguards needed in their equipment for a considerable period of time. A meeting was held between representatives of the manufacturers and the Bureau of Radiological Health on October 24, 1973, to discuss these requirements. There was general agreement that the provisions could be met. A notice published in the FEDERAL REGISTER of January 16, 1974 (39 FR 2010), further informed all interested persons of the need to comply with the guidelines until such time as the standard becomes effective.

The Commissioner has determined that x-ray baggage systems manufactured prior to the early effective date for such systems as prescribed in § 1020.40(a), and which fail to comply with either (1) the guidelines as published in the FEDERAL REGISTER of August 8, 1973 (38 FR 21442), or (2) the provisions of § 1020.40, shall be considered defective pursuant to section 359(e) of the act and shall be subject to the provisions of § 1003.11.

10. An inquiry was made to the Bureau of Radiological Health as to whether the standard would apply to x-ray gauges, as used in industrial applications for thickness monitoring in production line operations.

The standard would apply to x-ray gauges which are electronic devices and which conform to the definition of "cabinet x-ray system" in § 1020(b)(3). Many x-ray gauges used for thickness monitoring in production line operations would not be of a type covered by the standard.

The possible environmental consequences of this regulatory performance standard have been carefully considered, pursuant to the provisions of § 6.1(b), and it has been determined that the action will have neither a marginal nor a significant impact upon the environment. Based upon this determination, it has been concluded that an environmental impact statement pursuant to sec. 102(2)(c) of the National Environmental Policy Act is not required. A copy of the environmental analysis report is available for public review in the Office of the Hearing Clerk, Rm. 6–86, 5600 Fishers Lane, Rockville, MD 20852.

Section 358(c) of the act provides that a standard shall become effective not sooner than one year after date of promulgation unless the Secretary finds, for good cause shown, that an earlier effective date is in the public interest. The Administrative Procedure Act (5 U.S.C. 553(d)) provides that a regulation shall become effective not less than 30 days after publication unless otherwise provided by the agency for good cause shown. The final regulation states that the cabinet x-ray standard shall become effective one year after publication, except that x-ray baggage inspection systems manufactured or assembled beginning 15 days after publication shall meet the requirements of the new standard. The Commissioner finds that a relatively short effective date for the x-ray baggage inspection system is necessary to assure protection of the public health, by reducing unnecessary human exposure to ionizing radiation. The Commissioner has concluded that 15 days will provide sufficient time for such manufacturers to meet the certification requirements of § 1010.2 for new systems being manufactured and assembled. The Commissioner also believes that the requirements of the public health do not permit any longer effective date.

Therefore, pursuant to the Public Health Service Act, as amended by the Radiation Control for Health and Safety Act of 1968 (sec. 358, 82 Stat. 1177–1179; 42 U.S.C. 263f), and under authority delegated to the Commissioner of Food and Drugs (21 CFR 2.120), 21 CFR Part 1020 is amended by adding the following new section:

**§ 1020.40 Cabinet x-ray systems.**

(a) *Applicability.* The provisions of this section are applicable to cabinet x-ray systems manufactured or assembled on or after April 10, 1975, except that

the provisions as applied to x-ray systems designed primarily for the inspection of carry-on baggage are applicable to such systems manufactured or assembled on or after April 25, 1974. The provisions of this section are not applicable to systems which are designed exclusively for microscopic examination of material, e.g., x-ray diffraction, spectroscopic, and electron microscope equipment or to systems for intentional exposure of humans to x-rays.

(b) *Definitions.* As used in this section the following definitions apply:

(1) "Access panel" means any barrier or panel which is designed to be removed or opened for maintenance or service purposes, requires tools to open, and permits access to the interior of the cabinet.

(2) "Aperture" means any opening in the outside surface of the cabinet, other than a port, which remains open during generation of x radiation.

(3) "Cabinet x-ray system" means an x-ray system with the x-ray tube installed in an enclosure (hereinafter termed "cabinet") which, independently of existing architectural structures except the floor on which it may be placed, is intended to contain at least that portion of a material being irradiated, provide radiation attenuation, and exclude personnel from its interior during generation of x radiation. Included are all x-ray systems designed primarily for the inspection of carry-on baggage at airline, railroad, and bus terminals, and in similar facilities. An x-ray tube used within a shielded part of a building, or x-ray equipment which may temporarily or occasionally incorporate portable shielding is not considered a cabinet x-ray system.

(4) "Door" means any barrier which is designed to be movable or opened for routine operation purposes, does not generally require tools to open, and permits access to the interior of the cabinet. For the purposes of paragraph (c)(4)(i) of this section, inflexible hardware rigidly affixed to the door shall be considered part of the door.

(5) "Exposure" means the quotient of dQ by dm where dQ is the absolute value of the total charge of the ions of one sign produced in air when all the electrons (negatrons and positrons) liberated by photons in a volume element of air having mass dm are completely stopped in air.

(6) "External surface" means the outside surface of the cabinet x-ray system, including the high-voltage generator, doors, access panels, latches, control knobs, and other permanently mounted hardware and including the plane across any aperture or port.

(7) "Floor" means the underside external surface of the cabinet.

(8) "Ground fault" means an accidental electrical grounding of an electrical conductor.

(9) "Port" means any opening in the outside surface of the cabinet which is designed to remain open, during generation of x rays, for the purpose of conveying material to be irradiated into and out of the cabinet, or for partial insertion for irradiation of an object whose dimensions do not permit complete insertion into the cabinet.

(10) "Primary beam" means the x radiation emitted directly from the from the target and passing through the window of the x-ray tube.

(11) "Safety interlock" means a device which is intended to prevent the generation of x radiation when access by any part of the human body to the interior of the cabinet x-ray system through a door or access panel is possible.

(12) "X-ray system" means an assemblage of components for the controlled generation of x rays.

(13) "X-ray tube" means any electron tube which is designed for the conversion of electrical energy into x-ray energy.

(c) *Requirements*—(1) *Emission limit.* (i) Radiation emitted from the cabinet x-ray system shall not exceed an exposure of 0.5 milliroentgen in one hour at any point five centimeters outside the external surface.

(ii) Compliance with the exposure limit in paragraph (c)(1)(i) of this section shall be determined by measurements averaged over a cross-sectional area of ten square centimeters with no linear dimension greater than 5 centimeters, with the cabinet x-ray system operated at those combinations of x-ray tube potential, current, beam orientation, and conditions of scatter radiation which produce the maximum x-ray exposure at the external surface, and with the door(s) and access panel(s) fully closed as well as fixed at any other position(s) which will allow the generation of x radiation.

(2) *Floors.* A cabinet x-ray system shall have a permanent floor. Any support surface to which a cabinet x-ray system is permanently affixed may be deemed the floor of the system.

(3) *Ports and apertures.* (i) The insertion of any part of the human body through any port into the primary beam shall not be possible.

(ii) The insertion of any part of the human body through any aperture shall not be possible.

(4) *Safety interlocks.* (i) Each door of a cabinet x-ray system shall have a minimum of two safety interlocks. One, but not both of the required interlocks shall be such that door opening results in physical disconnection of the energy supply circuit to the high-voltage generator, and such disconnection shall not be dependent upon any moving part other than the door.

(ii) Each access panel shall have at least one safety interlock.

(iii) Following interruption of x-ray generation by the functioning of any safety interlock, use of a control provided in accordance with paragraph (c)(6)(ii) of this section shall be necessary for resumption of x-ray generation.

(iv) Failure of any single component of the cabinet x-ray system shall not cause failure of more than one required safety interlock.

(5) *Ground fault.* A ground fault shall not result in the generation of x-rays.

(6) *Controls and indicators for all cabinet x-ray systems.* For all systems to which this section is applicable there shall be provided:

(i) A key-actuated control to insure that x-ray generation is not possible with the key removed.

(ii) A control or controls to initiate and terminate the generation of x rays other than by functioning of a safety interlock or the main power control.

(iii) Two independent means which indicate when and only when x rays are being generated, unless the x-ray generation period is less than one-half second, in which case the indicators shall be activated for one-half second, and which are discernible from any point at which initiation of x-ray generation is possible. Failure of a single component of the cabinet x-ray system shall not cause failure of both indicators to perform their intended function. One, but not both, of the indicators required by this subdivision may be a milliammeter labeled to indicate x-ray tube current. All other indicators shall be legibly labeled "X RAY ON".

(iv) Additional means other than milliammeters which indicate when and only when x rays are being generated, unless the x-ray generation period is less than one-half second in which case the indicators shall be activated for one-half second, as needed to insure that at least one indicator is visible from each door, access panel, and port, and is legibly labeled "X RAY ON".

(7) *Additional controls and indicators for cabinet x-ray systems designed to admit humans.* For cabinet x-ray systems designed to admit humans there shall also be provided:

(i) A control within the cabinet for preventing and terminating x-ray generation, which cannot be reset, overridden or bypassed from the outside of the cabinet.

(ii) No means by which x-ray generation can be initiated from within the cabinet.

(iii) Audible and visible warning signals within the cabinet which are actuated for at least 10 seconds immediately prior to the first initiation of x-ray generation after closing any door designed to admit humans. Failure of any single component of the cabinet x-ray system shall not cause failure of both the audible and visible warning signals.

(iv) A visible warning signal within the cabinet which remains actuated when and only when x rays are being generated, unless the x-ray generation period is less than one-half second in which case the indicators shall be activated for one-half second.

(v) Signs indicating the meaning of the warning signals provided pursuant to paragraphs (c)(7)(iii) and (iv) of this section and containing instructions

for the use of the control provided pursuant to paragraph (c)(7)(i) of this section. These signs shall be legible, accessible to view, and illuminated when the main power control is in the "on" position.

(8) *Warning labels.* (i) There shall be permanently affixed or inscribed on the cabinet x-ray system at the location of any controls which can be used to initiate x-ray generation, a clearly legible and visible label bearing the statement:

CAUTION: X RAYS PRODUCED WHEN ENERGIZED

(ii) There shall be permanently affixed or inscribed on the cabinet x-ray system adjacent to each port a clearly legible and visible label bearing the statement:

CAUTION: DO NOT INSERT ANY PART OF THE BODY WHEN SYSTEM IS ENERGIZED—X-RAY HAZARD

(9) *Instructions.* (i) Manufacturers of cabinet x-ray systems shall provide for purchasers, and to others upon request at a cost not to exceed the cost of preparation and distribution, manuals and instructions which shall include at least the following technical and safety information: Potential, current, and duty cycle ratings of the x-ray generation equipment; adequate instructions concerning any radiological safety procedures and precautions which may be necessary because of unique features of the system; and a schedule of maintenance necessary to keep the system in compliance with this section.

(ii) Manufacturers of cabinet x-ray systems which are intended to be assembled or installed by the purchaser shall provide instructions for assembly, installation, adjustment and testing of the cabinet x-ray system adequate to assure that the system is in compliance with applicable provisions of this section when assembled, installed, adjusted and tested as directed.

(10) *Additional requirements for x-ray baggage inspection systems.* X-ray systems designed primarily for the inspection of carry-on baggage at airline, railroad, and bus terminals, and at similar facilities, shall be provided with means, pursuant to subdivisions (i) and (ii) of this subparagraph, to insure operator presence at the control area in a position which permits surveillance of the ports and doors during generation of x radiation.

(i) During an exposure or preset succession of exposures of one-half second or greater duration, the means provided shall enable the operator to terminate the exposure or preset succession of exposures at any time.

(ii) During an exposure or preset succession of exposures of less than one-half second duration, the means provided may allow completion of the exposure in progress but shall enable the operator to prevent additional exposures.

(d) *Modification of a certified system.* The modification of a cabinet x-ray system, previously certified pursuant to § 1010.2 by any person engaged in the business of manufacturing, assembling or modifying cabinet x-ray systems shall be construed as manufacturing under the act if the modification affects any aspect of the system's performance for which this section has an applicable requirement. The manufacturer who performs such modification shall recertify and reidentify the system in accordance with the provisions of §§ 1010.2 and 1010.3 of this chapter.

*Effective date.* This order shall become effective on April 10, 1975 except that the provisions as applied to x-ray systems designed primarily for the inspection of carry-on baggage shall become effective on April 25, 1974.

(Sec. 358, 82 Stat. 1177–1179; 42 U.S.C. 263f.)

Dated: April 5, 1974.

SHERWIN GARDNER,
*Deputy Commissioner of Food and Drugs.*

[FR Doc.74-8290 Filed 4-8-74;11:22 am]

## Title 33—Navigation and Navigable Waters

## CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD CCGD 5-74-03 R]

## PART 127—SECURITY ZONES

### Anchorage Six, Baltimore Harbor, Md.; Establishment

This amendment to the Coast Guard's Security Zone Regulations, establishes Anchorage Six, Baltimore Harbor, Maryland as a security zone. This security zone is established to facilitate the protection during a period at anchorage of the Rumanian Fishing Trawler INAU, a vessel seized by the Coast Guard for fishing illegally within the Contiguous Zone of the United States.

This amendment is issued without publication of a notice of proposed rulemaking and this amendment is effective in less than 30 days from date of publication because good cause exists and public procedures on this amendment are impracticable because there is insufficient time for completing public procedures.

In consideration of the foregoing, 33 CFR Part 127 is amended by adding § 127.503 to read as follows:

**§ 127.503 Anchorage Six, Baltimore Harbor, Maryland.**

The waters within the following boundary are a security zone: The waters within the boundaries from a point at position 39–13–47.8N, 76–32–25W thence to point 39–14–02N, 76–32–02.9W thence to point 39–13–34N, 76–31–33.5W thence to a point 39–13–20N, 76–31–56W thence to the point of origin.

(46 Stat. 220, as amended, sec. 1, 63 Stat. 503, sec. 6(b), 80 Stat. 937; (50 U.S.C. 191, 14 U.S.C. 91, 49 U.S.C. 1655(b)); E.O. 10174, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949–1953 Comp. 356, 778, 873, 3 CFR, 1964–1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b))

*Effective date.* This amendment becomes effective at 2100 hours e.d.t., March 26, 1974 and will remain in effect until 0900 hours Eastern Daylight Time, March 27, 1974.

Dated: March 26, 1974.

G. H. PATRICK BURSLEY,
*Captain, United States Coast Guard, Captain of the Port, Baltimore, Maryland.*

[FR Doc.74-8217 Filed 4-9-74;8:45 am]

[CGD CCGD 5-74-04 R]

## PART 127—SECURITY ZONES

### Curtis Creek, Baltimore Harbor, Md.; Establishment

This amendment to the Coast Guard's Security Zone Regulations, establishes an area adjacent the United States Coast Guard Yard on Curtis Creek, Baltimore Harbor, Maryland as a security zone. This security zone is established to facilitate the protection of the Rumanian Fishing Trawler INAU, a vessel seized by the Coast Guard for fishing illegally within the Contiguous Zone of the United States.

This amendment is issued without publication of a notice of proposed rulemaking and this amendment is effective in less than 30 days from date of publication because good cause exists and public procedures on this amendment are impracticable because there is insufficient time for completing public procedures.

In consideration of the foregoing, 33 CFR Part 127 is amended by adding § 127.504 to read as follows:

**§ 127.504 Curtis Creek, Baltimore Harbor, Maryland.**

The waters within the following boundary are a security zone: The waters within the boundary from a point 39–12–05N, 76–34–30W thence to a point 39–12–02N, 76–34–40W thence to a point 39–11–45N, 76–34–38W thence to a point 39–11–53N, 76–34–22W thence to the point of origin.

(46 Stat. 220, as amended, sec. 1, 63 Stat. 503, sec. 6(b), 80 Stat. 937; (50 U.S.C. 191; 14 U.S.C. 91; 49 U.S.C. 1655(b)); E.O. 10173, E.O. 10277, E.O. 10352, E.O. 11249; 3 CFR, 1949–1953 Comp. 356, 778, 873, 3 CFR, 1964–1965 Comp. 349, 33 CFR Part 6, 49 CFR 1.46(b)).

*Effective date.* This amendment becomes effective at 0900 hours e.d.t., March 27, 1974 and will remain in effect until further notice.

Dated: March 26, 1974.

G. H. PATRICK BURSLEY,
*Captain, United States Coast Guard, Captain of the Port, Baltimore, Maryland.*

[FR Doc.74-8216 Filed 4-9-74;8:45 am]