AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

federal register

THURSDAY, JANUARY 3, 1974

WASHINGTON, D.C.

Volume 39 ■ Number 2

Pages 771–949

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federal register
Area Code 202 Phone 523–5240

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

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Interior Department: National Park Service,Independence National Historical Park Advisory Commission, to be held at Philadelphia, Pennsylvania (open). 34748; 12–18–73

Interior Department: Arizona Strip District Advisory Board to be held at St. George, Utah (open)..... 34900; 12–19–73

Interior Department: Las Vegas Grazing District Advisory Board to be held at Las Vegas, Nevada.. 34902; 12–19–73

DoD: Defense Science Board to be held at Washington, D.C. (closed).. 34675; 12–17–73

EPA: National Air Pollution Control Techniques Advisory Committee to be held at Arlington, Virginia (open). 34685; 12–17–73

AEC: Advisory Committee on Reactor Safeguards Subcommittee on the North Anna Power Station to be held at Washington, D.C. (open and closed) 35358; 12–27–73

Commission on Civil Rights: Arizona State Advisory Committee to be held at Phoenix, Arizona (open)..... 35515; 12–28–73

Labor Department: Standards Advisory Committee on Agriculture to be held at San Francisco, Calif. (open). 35365; 12–27–73

Labor Department: Standards Advisory Committee on Heat Stress to be held at Washington, D.C. (open). 35365; 12–27–73

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AEC: General Advisory Committee, Research Subcommittee to be held at Washington, D.C. (open and closed). 35038; 12–21–73

AEC: Advisory Committee on Reactor Safeguards to be held at Washington, D.C. (open and closed)..... 35358; 12–27–73

EPA: National Air Pollution Control Techniques Advisory Committee to be held at Arlington, Virginia (open).. 34685; 12–17–73

State Department: Law of the Sea Advisory Committee (closed)..... 34900; 12–19–73

State Department: Government Advisory Committee on International Book and Library Programs to be held at Washington, D.C. (open)..... 34347; 12–13–73

HEW: National Advisory Council on Extension and Continuing Education to be held at Washington, D.C. (open). 34221; 12–12–73

HEW: Experimental Psychology Research Review Committee to be held at Washington, D.C. (closed except discussion session)..... 34351; 12–13–73

HEW: Social Sciences Research Review Committee to be held at Washington, D.C. (closed except discussion session)..... 34351; 12–13–73

HEW: Social Problems Research Review Committee to be held at Washington, D.C. (closed except discussion session)..... 34350; 12–13–73

HEW: Clinical Psychopharmacology Research Review Committee to be held at Washington, D.C. (closed except discussion session)..... 34350; 12–13–73

HEW: Juvenile Problems Research Review Committee to be held at Washington, D.C. (closed except discussion session)..... 34350; 12–13–73

HEW: Epidemiologic Studies Review Committee to be held at Rockville, Md. (closed except discussion session)..... 34350; 12–13–73

Interior Department: Prineville District Advisory Boards to be held at Prineville, Oregon (open)..... 34901; 12–19–73

Interior: .Cedar City District Advisory Board to be held at San Juan, Puerto Rico (open)..... 33423; 12–4–73

Interior Department: Bureau of Land Management, M–2 Miles City District Advisory Board to be held at Miles City, Montana (open)..... 33622; 12–6–73

Interior Department: BLM Nevada Grazing District Advisory Boards to be held at Las Vegas, Nevada (open). 29621; 10–26–73

Interior Department: BLM Rawlins District Advisory Board to be held at Rawlins, Wyo. (open)..... 34348; 12–13–73

National Endowment for the Humanities: Public Programs Panel to be held at Washington, D.C. (closed).... 34769; 12–18–73

NIH: Division of Research Grants, Endocrinology Study Section Workshop to be held at Silver Spring, Md. (open)..... 35034; 12–21–73

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Interior Department: BLM Nevada Grazing District Advisory Boards to be held at Winnemucca, Nevada (open). 29621; 10–26–73

Interior Department: Lewiston District Advisory Board to be held at Lewistown, Montana (open)..... 33317; 12–3–73

Interior: Salt Lake District U–2 District Advisory Board to be held at Salt Lake City, Utah (open)..... 34216; 34351; 12–13–74

AEC: General Advisory Committee, Research Subcommittee to be held at Washington, D.C. (closed) 35038; 12–21–73

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

State Department: Government Advisory Committee on International Book and Library Programs to be held at Washington, D.C. (open)..... 34347; 12–13–73

State Department: Law of the Sea Advisory Committee (closed).... 34900; 12–19–73

HEW: National Advisory Council on Extension and Continuing Education to be held at Washington, D.C. (open) 34221; 12–12–73

HEW: Clinical Program—Projects Research Review Committee to be held at Washington, D.C. (closed except discussion session)..... 34351; 12–13–73

HEW: Experimental Psychology Research Review Committee to be held at Washington, D.C. (closed)..... 34351 12–13–73

HEW: Social Sciences Research Review Committee to be held at Washington, D.C. (closed)..... 34351; 12–13–73

HEW: Social Problems Research Review Committee to be held at Washington, D.C. (closed)..... 34350; 12–13–73

HEW: Clinical Psychopharmacology Research Review Committee to be held at Washington, D.C. (closed) 34350; 12–13–73

HEW: Juvenile Problems Research Review Committee to be held at Washington, D.C. (closed)..... 34350; 12–13–73

HEW: Epidemiologic Studies Review Committee to be held at Rockville, Md. (closed)..... 34350; 12–13–73

National Endowment for the Humanities: Public Programs Panel to be held at Washington, D.C. (closed) 34769; 12–18–73

HEW: Health Insurance Benefits Advisory Council to be held at Washington, D.C. (open).. 35519; 12–28–73

AEC: Advisory Committee on Reactor Safeguards to be held at Washington, D.C. (open and closed) 35358; 12–27–73

JANUARY 12

State Department: Law of the Sea Advisory Committee (closed) 34900; 12–19–73

HEW: Personality and Cognition Research Review Committee to be held at San Francisco, Ca. (closed except discussion session)..... 34351; 12–13–73

HEW: Clinical Program—Projects Research Review Committee to be held at Washington, D.C. (closed) 34351; 12–13–73

HEW: Experimental Psychology Research Review Committee to be held at Washington, D.C. (closed) 12–12–73

Presidential Documents

Title 3—The President

EXECUTIVE ORDER 11755

Relating To Prison Labor

The development of the occupational and educational skills of prison inmates is essential to their rehabilitation and to their ability to make an effective return to free society. Meaningful employment serves to develop those skills. It is also true, however, that care must be exercised to avoid either the exploitation of convict labor or any unfair competition between convict labor and free labor in the production of goods and services.

Under section 4082 of title 18 of the United States Code, the Attorney General is empowered to authorize Federal prisoners to work at paid employment in the community during their terms of imprisonment under conditions that protect against both the exploitation of convict labor and unfair competition with free labor.

Several states and other jurisdictions have similar laws or regulations under which individuals confined for violations of the laws of those places may be authorized to work at paid employment in the community.

Executive Order No. 325A, which was originally issued by President Theodore Roosevelt in 1905, prohibits the employment, in the performance of Federal contracts, of any person who is serving a sentence of imprisonment at hard labor imposed by a court of a State, territory, or municipality.

I have now determined that Executive Order No. 325A should be replaced with a new Executive order which would permit the employment of non-Federal prison inmates in the performance of Federal contracts under terms and conditions that are comparable to those now applicable to inmates of Federal prisons.

NOW, THEREFORE, pursuant to the authority vested in me as President of the United States, it is hereby ordered as follows:

SECTION 1. (a) All contracts involving the use of appropriated funds which shall hereafter be entered into by any department or agency of the executive branch for performance in any State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands shall, unless otherwise provided by law, contain a stipulation forbidding in the performance of such contracts, the employment of persons undergoing sentences of imprisonment which have been imposed by any court of a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands. This limitation, however, shall not prohibit the employment by

a contractor in the performance of such contracts of persons on parole or probation to work at paid employment during the term of their sentence or persons who have been pardoned or who have served their terms. Nor shall it prohibit the employment by a contractor in the performance of such contracts of persons confined for violation of the laws of any of the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Trust Territory of the Pacific Islands who are authorized to work at paid employment in the community under the laws of such jurisdiction, if

(1)(A) The worker is paid or is in an approved work training program on a voluntary basis;

(B) Representatives of local union central bodies or similar labor union organizations have been consulted;

(C) Such paid employment will not result in the displacement of employed workers, or be applied in skills, crafts, or trades in which there is a surplus of available gainful labor in the locality, or impair existing contracts for services; and

(D) The rates of pay and other conditions of employment will not be less than those paid or provided for work of a similar nature in the locality in which the work is being performed; and

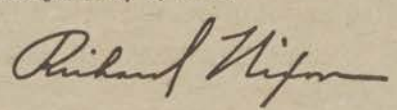
(2) The Attorney General has certified that the work-release laws or regulations of the jurisdiction involved are in conformity with the requirements of this order.

(b) After notice and opportunity for hearing, the Attorney General shall revoke any such certification under section 1(a)(2) if he finds that the work-release program of the jurisdiction involved is not being conducted in conformity with the requirements of this order or with its intent or purposes.

SEC. 2. The Federal Procurement Regulations, the Armed Services Procurement Regulations, and to the extent necessary, any supplemental or comparable regulations issued by any agency of the executive branch shall be revised to reflect the policy prescribed by this order.

SEC. 3. Executive Order No. 325A is hereby superseded.

SEC 4. This order shall be effective as of January 1, 1974.



THE WHITE HOUSE,
December 29, 1973.

[FR Doc.74-350 Filed 1-2-74;10:15 am]

EXECUTIVE ORDER 11756

Exemption of Whitney Gillilland From Mandatory Retirement

Whitney Gillilland, Vice Chairman of the Civil Aeronautics Board, will, during the month of January, 1974, become subject to mandatory retirement for age under the provisions of section 8335 of title 5 of the United States Code unless exempted therefrom by Executive order.

In my judgment, the public interest requires that Mr. Gillilland be exempted from such mandatory requirement.

NOW, THEREFORE, by virtue of the authority vested in me by subsection (c) of section 8335 of title 5 of the United States Code, I hereby exempt Whitney Gillilland from mandatory retirement for age until December 31, 1974.

Richard Nixon

THE WHITE HOUSE,
December 30, 1973.

[FR Doc.74-366 Filed 1-2-74;12:09 pm]

EXECUTIVE ORDER 11757

Exemption of Lawrence Quincy Mumford From Mandatory Retirement

Lawrence Quincy Mumford, Librarian of Congress, will, during December, 1973, become subject to mandatory retirement for age under the provisions of section 8335 of title 5 of the United States Code unless exempted therefrom by Executive order.

In my judgment, the public interest requires that Mr. Mumford be exempted from such mandatory requirement.

NOW, THEREFORE, by virtue of the authority vested in me by subsection (c) of section 8335 of title 5 of the United States Code, I hereby exempt Lawrence Quincy Mumford from mandatory retirement until December 31, 1974.

Richard Nixon

THE WHITE HOUSE,
December 30, 1973.

[FR Doc.74-367 Filed 1-2-74;12:09 pm]

Rules and Regulations

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

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

Title 7—Agriculture

CHAPTER I—AGRICULTURAL MARKETING SERVICE (STANDARDS, INSPECTIONS, MARKETING PRACTICES), DEPARTMENT OF AGRICULTURE

PART 201—PLANT VARIETY PROTECTION ACT REGULATIONS AND RULES OF PRACTICE

Limits of Reciprocity

Statement of considerations. Section 43 of the Plant Variety Protection Act (7 U.S.C. 2403) and § 180.5(a) of the regulations and rules of practice (7 CFR 180.5(a)) under the act provide as follows:

SECTION 43. *Reciprocity limits*—Protection under the act, may, by regulation, be limited to nationals of the United States, except where this limitation would violate a treaty and except that nationals of a foreign state in which they are domiciled shall be entitled to so much of the protection here afforded as is afforded by said foreign state to nationals of the United States for the same genus and species.

SEC. 180.5(a) Protection under the act shall be limited to nationals of the United States, except where this limitation would violate a treaty, and except that nationals of a foreign state shall be entitled to so much of the protection afforded under this act as afforded by said foreign state to nationals of the United States for the same genus and species.

The plant variety protection afforded by the Federal Republic of Germany and The Netherlands to nationals of the United States is equal to the protection afforded under the Plant Variety Protection Act. The protection afforded by the United Kingdom to nationals of the United States is not equal.

Pursuant to the administrative procedure provisions of 5 U.S.C. 553, there was published in the FEDERAL REGISTER (38 FR 13751 and 14691) on May 25, 1973, and June 4, 1973, a notice of proposed rulemaking and a correction with respect to proposed amendments of the regulations and rules of practice (7 CFR Part 201) relating to "General Requirements," which includes limits of reciprocity with nationals of foreign countries.

Interested persons were given an opportunity to submit written comments regarding the proposal. Over 1,000 copies of the proposal were distributed to interested trade and Government persons, groups, and organizations. Written comments were submitted by three persons, groups, or organizations. All three comments favored adoption of the proposal.

Correspondence with the Plant Variety Rights Office in the United Kingdom indicates that the rights granted under the United Kingdom Plant Breeders Rights Law for the genera Dahlia, Dianthus, and Pelargonium are limited to asexually produced material of the genera. Asexually produced material is not subject to protection under the Plant Variety Protection Act; therefore, the reference to the three genera is deleted from the amendments of the regulations and rules of practice as proposed on May 25, 1973.

It is concluded that, with the above change, the amendment as proposed on May 25, 1973, and corrected on June 4, 1973, are in the public interest and accordingly are promulgated as follows:

(Sec. 6, 84 Stat. 1542 (7 U.S.C. 2326) 38 FR 13751 and 14691)

Section 180.5(a) is amended by adding subparagraphs (1) and (2) as follows:

§ 180.5 General requirements.

(a) * * *

(1) Certificates of plant variety protection issued to nationals of the Netherlands and the Federal Republic of Germany shall entitle such nationals to the same protection afforded nationals of the United States under the Plant Variety Protection Act.

(2) Certificates of plant variety protection issued to nationals of the United Kingdom shall (i) expire in 15 years, or less, pursuant to sections 42(b) and 83(b) of the Plant Variety Protection Act, from the dates of issue of the certificates in the United States when issued for barley, *Hordeum vulgare* L.; oat, *Avena* spp.; lettuce, *Lactuca sativa* L.; wheat, *Triticum* spp.; bean, *Phaseolus vulgaris* L.; and delphinium, *Delphinium* spp.; (ii) expire in 17 years, or less, pursuant to sections 42(b) and 83(b) of the Plant Variety Protection Act, from the dates of issue of the certificates in the United States when issued for other eligible genus and species; and (iii) not exclude others from offering the protected novel varieties for sale.

These amendments shall become effective February 1, 1974.

Done at Washington, D.C. on: December 21, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.74-147 Filed 1-2-74;8:45 am]

PART 205—PLANT SANITATION REQUIREMENTS RELATING TO PURCHASES OF PROCESSED FRUITS AND VEGETABLES, OLIVE OIL, HONEY, NUTS, AND NUT PRODUCTS

Revocation of Part

This document informs the fruit and vegetable processing industry of sanitation requirements for certain foods purchased by the U. S. Department of Agriculture.

Notice of a proposed change in U. S. Department of Agriculture sanitation requirements relating to its purchases of processed fruits and vegetables, olive oil, honey, nuts, and nut products was published in the FEDERAL REGISTER of March 22, 1973 (38 FR 7466). Interested persons were afforded an opportunity to file written data, views or arguments pertaining thereto not later than April 21, 1973. Additional notice was published in the FEDERAL REGISTER of May 22, 1973 extending the time for receipt of written data, views or arguments, to October 1, 1973. Eighteen comments were received in response to notices and have been duly considered.

Under the proposal, the Department would have revoked sanitation requirements set forth in 7 CFR 205 and adopted in their stead the Good Manufacturing Practices regulations (21 CFR Part 128) issued under the Federal Food Drug and Cosmetic Act. In addition, a pre-bid survey and approval of facilities and packing would have been required for plants wishing to sell the aforementioned products to the Department.

Since issuance of the notice, the Agricultural Marketing Service and the Food and Drug Administration have revised their working agreement to strengthen controls over plant sanitation. Moreover, the Department has the continuing right to inspect at any time the facilities and premises of plants preparing foods for sale under contract to the Department. Provisions to this effect are contained in "General Terms and Conditions For the Procurement of Agricultural Commodities or Services" (USDA—1, October 1973) which is incorporated in purchase contracts. Therefore, it is determined that current procedures provide for adequate sanitation surveillance and that no change is necessary at this time.

Inasmuch as the Good Manufacturing Practices regulations are applicable by their terms to such contracts, it is not necessary to issue new USDA regulations to implement this change. Therefore, 7 CFR Part 205 is hereby revoked and the Good Manufacturing Practices regula-

tions will henceforth be the sanitation standards for plants preparing the aforementioned products for sale to the Department.

Dated: December 26, 1973.

E. L. PETERSON,
Administrator,
Agricultural Marketing Service.

[FR Doc.74-191 Filed 1-2-74;8:45 am]

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

[Navel Orange Reg. 304, Amdt. 1]

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

Limitation of Handling

This regulation increases the quantity of California-Arizona Navel oranges that may be shipped to fresh market during the weekly regulation period December 21-27, 1973. The quantity that may be shipped is increased due to improved market conditions for Navel oranges. The regulation and this amendment are issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and Marketing Order No. 907.

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

(2) The need for an increase in the quantity of oranges available for handling during the current week results from changes that have taken place in the marketing situation since the issuance of Navel Orange Regulation 304 (38 FR 34876). The marketing picture now indicates that there is a greater demand for Navel oranges than existed when the regulation was made effective. Therefore, in order to provide an opportunity for handlers to handle a sufficient volume of Navel oranges to fill the current market demand thereby making a greater quantity of Navel oranges available to meet such increased demand, the regulation should be amended, as hereinafter set forth.

(3) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (5 U.S.C. 553) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Navel oranges grown in Arizona and designated part of California.

(b) *Order, as amended.* The provisions in paragraph (b)(1) (i) and (iii) of § 907.604 (Navel Orange Regulation 304 (38 FR 34876)) are hereby amended to read as follows:

"(i) District 1: 651,000 cartons;"

"(iii) District 3: 49,000 cartons."

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

Dated: December 26, 1973.

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

[FR Doc.74-151 Filed 1-2-74;8:45 am]

CHAPTER XI—AGRICULTURAL MARKETING SERVICE (MARKETING AGREEMENTS AND ORDERS; MISCELLANEOUS COMMODITIES), DEPARTMENT OF AGRICULTURE

PART 1207—POTATO RESEARCH AND PROMOTION PLAN

Rules of Practice

These amendments are of an organizational nature, reflecting a change in title of the hearing examiners. It makes no substantive change in the Potato Research and Promotion Plan.

On August 19, 1972, the Civil Service Commission published in the FEDERAL REGISTER (37 FR 16787) a rule changing the title of hearing examiner, as used in 5 CFR Part 930, Subpart B, to administrative law judge. By designation to the Office of Administrative Law Judges dated December 20, 1972 (37 FR 28475), as amended April 27, 1973 (38 FR 10795), the Secretary of Agriculture has provided for the issuance by the administrative law judges of initial decisions in adjudication proceedings subject to sections 556 and 557 of Title 5, United States Code, such decisions to become final without further proceedings unless there is an appeal to the Secretary by a party to the proceeding in accordance with applicable rules of practice: *Provided, however,* That no decision shall be final for purposes of judicial review except a final decision of the Secretary upon appeal.

Findings. It is found under section 4 of the Administrative Procedure Act (5 U.S.C. 553) that notice and other public procedure regarding the amendments are unnecessary and good cause is found for making them effective in less than 30 days after publication in the FEDERAL REGISTER. It is further found that to incorporate these and other technical changes in the Rules of Practice (7 CFR Part 1207.1-.19 and 1207.250-.252) under the Potato Research and Promotion Act (84 Stat. 2041; 7 U.S.C. 2611-2627), and pursuant to the authority contained in 84 Stat. 2040, 7 U.S.C. 608c, said Rules of Practice are hereby amended as follows:

SUBPART—RULES OF PRACTICE AND PROCEDURE GOVERNING PROCEEDINGS TO FORMULATE A PLAN UNDER THE POTATO RESEARCH AND PROMOTION ACT

1. Amend § 1207.2 as follows: Delete paragraph (k) and revise paragraph (d) as follows:

§ 1207.2 Definitions.

* * * * *

(d) The term "administrative law judge" or "judge" means any administrative law judge appointed pursuant to 5 U.S.C. 3105, and assigned to conduct the proceeding.

* * * * *

2. In §§ 1207.4, 1207.6, 1207.7, 1207.8, 1207.9, 1207.10, 1207.16, and 1207.19, wherever the terms "examiner" or "presiding officer" (or the plural or possessive thereof) appear, the term "judge" (or the plural or possessive thereof) is substituted.

SUBPART—RULES OF PRACTICE GOVERNING PROCEEDINGS ON PETITIONS TO MODIFY OR TO BE EXEMPTED FROM PLANS

1. Amend § 1207.251 as follows: Paragraph (d) is revised, paragraph (m) is revoked and reserved and paragraph (n) is revised as follows:

§ 1207.251 Definitions.

* * * * *

(d) The term "administrative law judge" or "judge" means any administrative law judge, appointed pursuant to 5 U.S.C. 3105, and assigned to the proceeding involved;

* * * * *

(m) [Reserved]

(n) The term "decision" means the judge's initial decision in proceedings subject to 5 U.S.C. 556 and 557, and includes the judge's (1) findings of fact and conclusions with respect to all material issues of fact, law or discretion as well as the reasons or basis thereof, (2) order, and (3) rulings on findings, conclusions and orders submitted by the parties;

* * * * *

2. In § 1207.252, paragraph (b)(1) delete the words "and directors" in the second sentence, delete paragraph (d), and revise paragraph (c) as follows:

§ 1207.252 Institution of proceeding.

* * * * *

(c) *Further proceedings.* Further proceedings on petitions to modify or to be exempted from plans shall be governed by §§ 900.52(c) through 900.71 (excluding § 900.70) of this title (Rules of Practice Governing Proceedings on Petitions to Modify or To Be Exempted From Marketing Orders except that all references to marketing orders shall mean plan), and as may hereafter be amended, and the same are incorporated herein and make a part hereof by reference.

Effective Date: The foregoing amendments and revisions, shall become effective January 3, 1974.

(84 Stat. 2040; 7 U.S.C. 608c)

Signed at Washington, D.C., on December 21, 1973.

JOHN C. BLUM,
Deputy Administrator,
Regulatory Programs.

[FR Doc.74-148 Filed 1-2-74;8:45 am]

CHAPTER XVIII—FARMERS HOME ADMINISTRATION, DEPARTMENT OF AGRICULTURE

SUBCHAPTER C—LOANS PRIMARILY FOR PRODUCTION PURPOSES

[FHA Instruction 441.2]

PART 1832—EMERGENCY LOANS

Subpart A—Emergency Loan Policies and Authorizations

Section 1832.5(c)(1) of Subpart A of Part 1832, Title 7, Code of Federal Regulations (38 FR 20245) is amended to add subdivision (iv). Subdivision (iv) prescribes the procedure for determining qualifying production losses in connection with Emergency loan eligibility when the loan will be used to replant a destroyed crop of the same or a different kind that will be produced during the same crop year.

At this time, in certain disaster areas, the loans provided for by this amendment are urgently needed to enable borrowers to replant at once. The amendment, therefore, is being published without notice of proposed rulemaking since a delay in implementing the effects of this addition would be contrary to the public interest.

Section 1832.5(c)(1) of Subpart A of Part 1832 as amended is effective January 3, 1974 and reads as follows:

§ 1832.5 Eligibility requirements.

* * * * *

(c) * * *

(1) * * *

(iv) The "loss value," in dollars, of crops to be replanted with a substitute crop of the same or a different kind, during the same crop year, will be the cost of replanting such crop. This additional cost of replanting, plus any other production losses from the same disaster, must be 10 percent or more of the applicant's normal production year gross income from his total farming operation.

* * * * *

(7 U.S.C. 1989; (42 U.S.C. 1480); delegation of authority by the Sec. of Agri., 38 FR 14944, 14948, 7 CFR 2.23; delegation of authority by the Asst. Sec. for Rural Development, 38 FR 14944, 14952, 7 CFR 2.70)

Dated: December 20, 1973.

FRANK B. ELLIOTT,
Administrator,
Farmers Home Administration.

[FR Doc.74-190 Filed 1-2-74;8:45 am]

Title 9—Animals and Animal Products

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

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

PART 73—SCABIES IN CATTLE

Areas Quarantined or Released

These amendments quarantine a portion of Antelope County in Nebraska because of the existence of cattle scabies. The restrictions pertaining to the interstate movement of cattle from quarantined areas as contained in 9 CFR Part 73, as amended, will apply to the area quarantined.

The amendments release a portion of Stanton County in Kansas from the areas quarantined because of cattle scabies. Therefore, the restrictions pertaining to the interstate movement of cattle from quarantined areas contained in 9 CFR Part 73, as amended, will not apply to the excluded area, but the restrictions pertaining to the interstate movement of cattle from nonquarantined areas contained in said Part 73 will apply to the excluded area. No area in Kansas remains under quarantine.

Accordingly, Part 73, Title 9, Code of Federal Regulations, as amended, restricting the interstate movement of cattle because of scabies is hereby amended as follows:

In § 73.1a, paragraph (b) relating to the State of Kansas is deleted and new paragraph (b) relating to the State of Nebraska is added to read:

§ 73.1a Notice of quarantine.

* * * * *

(b) Notice is hereby given that cattle in certain portions of the State of Nebraska are affected with scabies, a contagious, infectious, and communicable disease; and, therefore, the following area in such State is hereby quarantined because of said disease:

The premises of Norman Grothe Feedlot in Lincoln Precinct of Antelope County, located in the NE¼ of sec. 8, T. 23 N., R. 8 W.

(Secs. 4–7, 23 Stat. 32, as amended; secs. 1 and 2, 32 Stat. 791–792, as amended; secs. 1–4, 33 Stat. 1264, 1265, as amended; secs. 3 and 11, 76 Stat. 130, 132; 21 U.S.C. 111–113, 115, 117, 120, 121, 123–126, 134b, 134f; 37 FR 28464, 28477; 38 FR 19141.)

Effective date. The foregoing amendments shall become effective December 21, 1973.

Insofar as the amendments impose certain further restrictions necessary to prevent the interstate spread of cattle scabies, they must be made effective immediately to accomplish their purpose in the public interest. Insofar as the amendments relieve restrictions, they are no longer deemed necessary to prevent the spread of cattle scabies and they should be made effective promptly in order to be of maximum benefit to affected persons. It does not appear that public participation in this rulemaking proceeding would make additional relevant information available to the Department.

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

Done at Washington, D.C., this 21st day of December 1973.

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

[FR Doc.74-35 Filed 1-2-74;8:45 am]

Title 10—Atomic Energy

CHAPTER I—ATOMIC ENERGY COMMISSION

PART 0—CONDUCT OF EMPLOYEES

Conflict of Interest Restrictions; Financial Interests of AEC Employees

DECEMBER 19, 1973.

The Atomic Energy Commission has decided to amend 10 CFR Part 0, "Conduct of Employees," by adding a new § 0.735–29 to be applicable to Regulatory staff personnel and others connected with the licensing and regulatory activities of the Commission. This new section generally prohibits ownership of any stocks, bonds, or other securities of companies whose activities are closely related to the construction and operation of nuclear power facilities.

Part 0, inter alia, currently bars employee participation for the Government in particular matters in which the employee has a financial interest. The bar, however, does not extend to the ownership of the financial interest itself even though it may represent an interest in companies whose activities are subject to licensing and regulation by the Commission. Moreover, Part 0 exempts from the restriction against participation certain stock, bond and other security interests not exceeding $7,500 in market value, regardless of the issuing company's involvement in AEC licensed or regulated matters, upon the ground that such interests are too remote or inconsequential to affect the integrity of the employee's services.

While the Commission finds that such remote and inconsequential financial interests do not create any real conflict of interest between the employee's private interests and public responsibilities, the Commission is aware that questions of apparent conflict of interest sometimes arise from such limited financial interests. This apparent conflict is most acute in connection with matters that are in adjudication, particularly as related to the licensing of nuclear power

reactors involving contested issues. Accordingly, the Commission has decided to bar ownership, by those of its employees involved in licensing and regulatory activities, of stock, bond and other security interests in companies doing business in the nuclear power reactor field.

Because this amendment relates solely to matters of agency management or personnel, good cause exists for omitting notice of proposed rulemaking, and public procedure thereon, as unnecesary, and for making the amendment effective upon publication in the FEDERAL REGISTER.

Pursuant to Executive Order 11222 of May 8, 1965, 5 CFR 735.104, and sections 552 and 553 of Title 5 of the United States Code, the following amendment to Title 10, Chapter 1, Code of Federal Regulations, Part 0 is published as a document subject to codification, to be effective January 3, 1974.

In 10 CFR Part 0, a new § 0.735–29 is added to read as follows:

§ 0.735–29 Restriction against owning certain security interests upon Regulatory staff and other related personnel.

(a) On or after July 1, 1974, no Commissioner or employee listed in paragraph (a) (1) of this section (including a spouse, minor child or other member of the immediate household of a Commissioner or employee) shall own any stocks, bonds, or other securities of any corporation of the type listed in paragraph (a) (2) of this section.

(1) Employees subject to the provisions of this section are:

(i) Assistants to the Commissioners.

(ii) The Secretary and Assistant Secretary of the Commission.

(iii) Members of the Advisory Committee on Reactor Safeguards (including those who are special Government employees) and the Committee's executive technical and professional staff.

(iv) The General Counsel and all attorneys assigned to provide legal advice to the Regulatory staff.

(v) The Solicitor and attorneys assigned to assist the Solicitor.

(vi) The Director of Regulation and all employees under his jurisdiction.

(vii) Members of the Atomic Safety and Licensing Board Panel (including those who are special Government employees) and the Panel's executive, technical, and professional staff.

(viii) Members of the Atomic Safety and Licensing Appeal Panel (including those who are special Government employees) and the Panel's executive, technical and professional staff.

(2) Corporations covered by the provisions of this section are:

(i) Any publicly or privately owned utility company engaged in the generation, distribution or sale of electric energy, or parent company of such company.

(ii) Any company manufacturing or selling nuclear power or test reactors.

(iii) Any architectural-engineering company primarily engaged in the design or construction of nuclear power or test reactor facilities.

(iv) Any company whose business consists substantially of serving as consultant to companies engaged in activities licensed or regulated by the AEC.

(b) Such securities acquired on or after July 1, 1974, through gift, inheritance or other similarly involuntary manner, shall be disposed of within a reasonable period of time.

(c) The Commission may exempt an employee from the restrictions of paragraph (a) of this section where divestiture of the stock, bond, or other security interest is determined to be inequitable by the Commission.

These amendments to Part 0 were approved by the Civil Service Commission on November 5, 1973, and are effective January 3, 1974.

(EO 11222, 30 FR 6469, 3 CFR, 1965 Supp.; 5 CFR 735.104)

Dated at Germantown, Maryland, this 17th day of December 1973.

For the Atomic Energy Commission.

GORDON M. GRANT,
Acting Secretary of the Commission.

[FR Doc.74–177; Filed 1–2–74;8:45 am]

Title 12—Banks and Banking

CHAPTER II—FEDERAL RESERVE SYSTEM

SUBCHAPTER A—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

[Reg. H]

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

Waiver of Reports of Affiliates

1. Effective December 21, 1973, § 208.9 (b) and (c) are amended to read as follows:

§ 208.9 Publication of Reports of Member Banks and Their Affiliates.

* * * * *

(b) *Reports of Affiliates.*[10] (1) If reports of affiliates are requested by the Board of Governors of the Federal Reserve System, each report of an affiliate of a member State bank, including a holding company affiliate, shall be published at the same time and in the same newspaper as the affiliated bank's own condition report submitted to the Federal Reserve Bank, unless an extension of time for submission of the report of the affiliate has been granted under authority of the Board of Governors of the Federal Reserve System. When such extension of time has been granted, the report of the affiliate must be submitted and published before the expiration of such extended period in the same newspaper as the condition report of the bank was published.

(2) The copy of the report for the use of the printer for publication should be prepared on Form F.R. 220a. The published information shall in every respect with that shown on the face of the report of the affiliate furnished to the Federal Reserve Bank by the affiliated member bank, except that any item appearing under the caption "Financial relations with bank" against which the word "none" appears on the report furnished to the Federal Reserve Bank may be omitted in the published statement of the affiliate: *Provided*, That if the word "none" is shown against all of the items appearing under such caption in the report furnished to the Federal Reserve Bank the caption "Financial relations with bank" shall appear in the published statement followed by the word "none." All signatures shall be the same in the published statement as in the original report submitted to the Federal Reserve Bank, but the signatures may be typewritten or otherwise copied on the report for publication.

(3) A copy of the printed report shall be submitted to the Federal Reserve Bank attached to the certificate on Form F.R. 220a.

(c) *Waiver of reports of affiliates.* Pursuant to section 21 of the Federal Reserve Act (12 U.S.C. 486), the Board of Governors of the Federal Reserve System waives the requirement for the submission of reports of affiliates of State bank members of the Federal Reserve System, unless such reports are specifically requested by the Board of Governors. The Board of Governors of the Federal Reserve System may require the submission of reports which are necesary to disclose fully relations between member banks and their affiliates and the effect thereof upon the affairs of member banks.

2a. The purpose of this amendment is to relieve the reporting burden on member State banks. The information supplied by the report of an affiliate is normally available in more detail from other reports by member State banks to the Federal Reserve System.

b. There was no notice and public participation with respect to these amendments as such procedure would result in delay that would be contrary to the public interest and serve no useful purpose. The effective date was deferred for less than the 30-day period referred to in section 553(d) of Title 5, United States Code, because the action falls within the exception with respect to granting an exemption.

Dated at Washington, D.C., this 21st day of December, 1973.

By Order of the Board of Governors, December 21, 1973.

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

[FR Doc.74–115 Filed 1–2–74;8:45 am]

[10] Section 21 of the Federal Reserve Act, among other things, provides as follows: "Whenever member banks are required to obtain reports from affiliates, or whenever affiliates of member banks are required to submit to examination, the Board of Governors of the Federal Reserve System or the Comptroller of the Currency, as the case may be, may waive such requirements with respect to any such report or examination of any affiliate if in the judgment of the said Board or Comptroller, respectively, such report or examination is not necessary to disclose fully the relations between such affiliate and such bank and the effect thereof upon the affairs of such bank." In any case where the Board has waived the filing of a report of an affiliate, no publication of a report of an affiliate is required.

CHAPTER V—FEDERAL HOME LOAN BANK BOARD

SUBCHAPTER B—FEDERAL HOME LOAN BANK SYSTEM

[No. 73-2031]

PART 526—LIMITATIONS ON RATE OF RETURN

Limitations Relating to Rates of Return on Guam

The Federal Home Loan Bank Board considers it advisable to amend Part 526 of the Regulations for the Federal Home Loan Bank System (12 CFR Part 526) in order to exempt member institutions whose home offices are located on Guam from said Part 526. The amendment accomplishes this result by revising the definition of the term "member institution" in § 526.1(a) to exclude "any institution whose home office is located on Guam." The Board takes this action in conjunction with its amendments to Part 563 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 563) by Resolution No. 73-2032 (December 21, 1973). Said amendments to Part 563 exempt insured institutions whose principal offices are located on Guam from having to impose a minimum penalty for early withdrawal from fixed-rate, fixed-term accounts and other certificate accounts. Accordingly, the Board hereby amends § 526.1(a) to read as set forth below, effective January 1, 1974.

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

§ 526.1 **Definitions.**

As used in this Part 526—

(a) *Member institution.* Except as provided in the second sentence of this paragraph, the term "member institution" means any institution which is a member of a Federal Home Loan Bank and any other institution whose accounts are insured by the Federal Savings and Loan Insurance Corporation. The term "member institution" does not include (1) any savings bank whose accounts are insured by the Federal Deposit Insurance Corporation or (2) any institution whose home office is located on Guam.

* * * * *

(Sec. 5B, 47 Stat. 727, as added by sec. 4, 80 Stat. 824, as amended by sec. 2(b), 83 Stat. 372, as amended by sec. 4, Pub. L. 93-100, August 16, 1973; sec. 17, 47 Stat. 736, as amended; (12 U.S.C. 1425b, 1437). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

Dated: December 21, 1973.

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.74-196 Filed 1-2-74;8:45 am]

SUBCHAPTER C—FEDERAL SAVINGS AND LOAN SYSTEM

[No. 73-1891]

PART 545—OPERATIONS

Amendments Relating to Application Procedures

DECEMBER 19, 1973.

The Federal Home Loan Bank Board, by Resolution No. 73-1432, dated September 28, 1973, proposed certain amendments to § 545.14 of the rules and regulations for the Federal Savings and Loan System (12 CFR 545.14) relating to application procedures for branch offices of Federal savings and loan associations. Notice of such proposed rulemaking was duly published in the FEDERAL REGISTER on October 19, 1973, (38 FR 29090) and allowed until November 12, 1973, for interested persons to submit written comments.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board hereby amends said § 545.14 by revising subparagraphs (a)(2) and (a)(3), by revising subparagraph (g)(3), by redesignating subparagraph (g)(4) as subparagraph (g)(5) and adding a new subparagraph (g)(4), by revising subparagraph (h)(1), and by adding a new paragraph (k) to read as set forth below, effective February 4, 1974.

Revised § 545.14(a)(2) refers to the new term "Principal Supervisory Agent" and is the same as this section of the proposal.

Revised § 545.14(a)(3) defines the Board's "Principal Supervisory Agent" as the President of the Federal Home Loan Bank of the District in which an applicant association's home office is located and is the same as this section of the proposal.

Revised § 545.14(g)(3) requires the Principal Supervisory Agent to give written advice to the applicant and a protestant as to whether such protestant's communication is "substantial". The proposal did not contain this requirement.

Revised § 545.14(g)(4) describes the concept of "substantial" protests of branch office applications and provides, in substance, that a protest will be considered to be "substantial" only if such protest consists of, or is supported by, a memorandum, brief or affidavit setting forth at least the following: (1) A summary of the reasons for the protest; (2) the specific matters in the application to which the protestant objects, including the reasons for each objection; (3) relevant economic or financial data supporting the protest; and (4) a statement of any adverse effects on the protestant which may result from approval of the application. The revised § 545.14(g)(4) is the same as this section of the proposal except that subdivision (i)(*a*) of this revised section requires a "substantial" protest to summarize the reasons for the protest whereas this subdivision of the proposal required a "substantial" protest to state "The legal basis for the protest."

Revised § 545.14(h)(1) provides that only an applicant, or a protestant who has filed a "substantial" protest to an application, has a right to have an oral argument held on the application. The revised section would still permit anyone to file any kind of communication in favor or in protest of a branch office application and to participate in any hearing which is held on the application. The revised § 545.14(h)(1) is the same as this section of the proposal except that this revised section changes the time within which an eligible person may call for oral argument on an application, if any communication in protest of the application has been filed. The proposal measured this time from the end of the period for filing communications in protest of an application, whereas, the revised section measures this time from the date that the Principal Supervisory Agent notifies the protestant as to whether his protest is "substantial".

Revised § 545.14(k) delegates to the "Principal Supervisory Agent" the authority to approve applications for branch offices (including limited facility branch offices) in a case in which no "substantial" protest has been filed. With respect to the approval authority for a limited facility branch office by the "Principal Supervisory Agent", any such approval will be subject only to such limitations as have been proposed, or concurred in, by the applicant association. The Board will continue to make the decision on each branch office application (including an application for a limited facility branch office) as to which a "substantial" protest has been filed or as to which the Supervisory Agent recommends denial of the application. This revised section is the same as the proposal.

1. Section 545.14 is amended to read as follows:

§ 545.14 **Branch office.**

(a) *General provisions.*

* * * * *

(2) A Federal association shall not establish a branch office without prior written approval by the Board or its Principal Supervisory Agent, as provided in this section. In the event of approval of an application for permission to establish a branch office, such approval may be conditioned on a requirement that the branch office be opened within such period, not less than 6 months, as may be fixed in such approval. Determination by a Federal association to make an application for permission to establish a branch office shall be evidenced by certification from such association's president and secretary to the effect that such association's board of directors has duly authorized by resolution the making and filing of such application. The making, filing, and processing of, and action on, such an application shall be in accordance with this section.

(3) All requests by a Federal association for advice or instructions with respect to any matter arising under this section shall be addressed to a Supervisory Agent of the Board. As used in this section, the term "Principal Supervisory

Agent" means the President of the Federal Home Loan Bank of the district in which the applicant's home office is located, and the term "Supervisory Agent" means the Principal Supervisory Agent or any other officer or employee of such bank designated by the Board as agent as provided by § 501.10 and § 501.11 of this chapter. All recommendations by Supervisory Agents and by officers and employees of the Board in connection with branch office applications shall be deemed to be privileged and confidential and subject to the provisions of § 505.6 of this chapter.

* * * * *

(g) *Processing of application by Supervisory Agent; public notice; inspection.*

* * * * *

(3) Within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of publication of said notice, any person may file, at the office of the Supervisory Agent designated in the notice, communications, including briefs, in favor or in protest of the application. Within 10 days after the date a communication (or additional information, if any) in protest of an application is timely filed in accordance with the provisions of the first sentence of this subparagraph, the Principal Supervisory Agent shall advise the applicant and the protestant, in writing, whether the protestant's communication is considered to be "substantial" in accordance with the provisions of subparagraph (4) of this paragraph. In the event any communication is filed in protest of the application, the applicant may file information relevant to such protest within 15 days after the last date for filing communications (or additional information, if any) pursuant to the first sentence of this subparagraph or waive the right to file such information. Information may be submitted in connection with an application only as provided in this section, unless additional information is requested by the Supervisory Agent or otherwise by or on behalf of the Board. Four copies shall be furnished of any communication or information filed pursuant to this subparagraph.

(4) (i) For the purposes of subparagraph (3) of this paragraph and paragraphs (h) and (k) of this section, a communication in protest of an application shall be considered "substantial" only when such communication consists of, or is supported by, a memorandum, brief or affidavit, or any combination thereof, setting forth at least the following:

(*a*) A statement summarizing the reasons for the protest;

(*b*) A list of specific matters in the application to which the protestant objects, together with the reasons for each such objection;

(*c*) A statement of the facts supporting the protest, including relevant economic or financial data; and

(*d*) A statement of any adverse effects on the protestant which may result from approval of the application.

(ii) In the event of any controversy as to whether a particular communication in protest should be considered "substantial", the final determination shall be made by the Principal Supervisory Agent.

(5) The application, together with all communications in favor or in protest thereof, shall be available at the office of the Supervisory Agent during regular working hours for inspection by any person after the issuance to the applicant of advice to publish a notice. Prior thereto, the application and the fact that it has been filed shall be held as confidential except to the extent provided otherwise in a working understanding between the Board and a State agency which regulates State-chartered savings and loan associations.

(h) *Oral argument.*—(1) *General provisions.* In any case in which a communication in protest of an application has been filed within the time specified in subparagraph (3) of paragraph (g) of this section, oral argument on the merits of such application shall be heard upon the written request of the applicant or any person who has timely filed a substantial communication in protest of such application, if such request of the applicant is received by the Supervisory Agent within 10 days after the Principal Supervisory Agent has mailed or delivered to the applicant the last written advice specified in the second sentence of subparagraph (3) of this paragraph or if such requests of a person who has timely filed a substantial communication in protest of such application is received by the Supervisory Agent within 10 days after the Principal Supervisory Agent has mailed or delivered to such person the written advice specified in the second sentence of subparagraph (3) of this paragraph. In any case in which no communication in protest of an application has been filed within the time specified in subparagraph (3) of paragraph (g) of this section, oral argument on the merits of such application shall be heard upon the written request of the applicant, if such request is received by the Supervisory Agent within 10 days after the expiration of the time specified in said subparagraph for filing communications in protest of such application. Such oral argument shall also be heard if the Supervisory Agent, after review of the application and other pertinent information, considers it desirable. When oral argument is to be held, the Supervisory Agent shall mail a notice, fixing the time and place thereof, to the applicant and to all persons who have filed a communication in favor or in protest of the application. Such oral argument shall be scheduled not less than 10 days after the mailing of such notice.

* * * * *

(k) *Appoval by Principal Supervisory Agent.* The Principal Supervisory Agent is authorized to approve, on behalf of the Board, an application for permission to establish a branch office, including a limited facility branch office, in any case in which no substantial communication in protest of such application has been filed pursuant to, and within the time specified in, subparagraph (3) of paragraph (g) of this section. With respect to approval of a limited facility branch office by the Principal Supervisory Agent, any such approval shall be subject only to such limitations as have been proposed, or concurred in, by the applicant association. In all other cases, the decision on an application for permission to establish a branch office shall be made by the Board.

(Sec. 5, 48 Stat. 132, as amended; 12 U.S.C. 1464. Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.74–85 Filed 1–2–74;8:45 am]

SUBCHAPTER D—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[No. 73–2032]

PART 563—OPERATIONS

Amendments Relating to Savings Accounts of Insured Institutions on Guam

The Federal Home Loan Bank Board considers it advisable to amend §§ 563.3–1 (d) and 563.3–2(d) of Part 563 of the Rules and Regulations for Insurance of Accounts (12 CFR Part 563) in order to exempt insured institutions whose principal offices are located on Guam from having to impose the minimum penalty for early withdrawal from fixed-rate, fixed-term accounts and other certificate accounts required by said §§ 563.3–1(d) and 563.3–2(d). The Board took this action in conjunction with its amendment to Part 526 of the Regulations for the Federal Home Loan Bank System (12 CFR Part 526) by Resolution No. 73–2031 (December 21, 1973). Accordingly, the Board hereby amends §§ 563.3–1(d) and 563.3–2(d) to read as set forth below, effective January 1, 1974.

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

The text of said §§ 563.3–1(d) and 563.3–2(d), as amended, is as follows:

§ 563.3–1 Fixed-rate, fixed-term accounts.

* * * * *

(d) *Withdrawal prior to expiration of term.*

(1) Each certification issued by an insured institution, other than an in-

sured institution whose principal office is located on Guam, for a fixed-rate, fixed-term account shall provide that, in the event of withdrawal of all or any portion of such account prior to the expiration of its term—

(i) The account holder shall receive interest from the beginning of the term of such account on the amount withdrawn at a rate not in excess of the rate then being paid on savings accounts accepted for an indefinite period of time.

(ii) The account holder shall also pay a penalty in an amount not less than the lesser of (*a*) the interest at such rate for 90 days (3 months) on the amount withdrawn or (*b*) all interest at such rate (since issuance or renewal of the account) on the amount withdrawn.

* * * * *

§ 563.3–2 Certificates evidencing other accounts.

* * * * *

(d) *Provisions relating to early withdrawal.* (1) Each certificate issued by an insured institution, other than an insured institution whose principal office is located on Guam, for a certificate account shall provide that, in the event of withdrawal of all or any portion of such account prior to completion of its time eligibility period—

(i) The account holder shall receive earnings from the date of issuance of such account on the amount withdrawn at a rate not in excess of the regular rate then being paid.

(ii) The account holder shall also pay a penalty in an amount not less than the lesser of (*a*) the earnings at such rate for 90 days (3 months) on the amount withdrawn or (*b*) all earnings at such rate (since issuance or renewal of the certificate account) on the amount withdrawn.

* * * * *

(Secs. 402, 403, 48 Stat. 1256, 1257, as amended; (12 U.S.C. 1725, 1726). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943–48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

Dated: December 21, 1973.

[SEAL] EUGENE M. HERRIN, *Assistant Secretary.*

[FR Doc.74-195 Filed 1-2-74;8:45 am]

SUBCHAPTER E—DISTRICT OF COLUMBIA SAVINGS AND LOAN ASSOCIATIONS AND BRANCH OFFICES

[73-1892]

PART 581—DEFINITIONS

PART 582—OFFICES

Amendments Relating to Application Procedures

DECEMBER 19, 1973.

The Federal Home Loan Bank Board, by Resolution No. 73-1433, dated September 28, 1973, proposed certain amendments to Parts 581 and 582 of the regulations for District of Columbia Savings and Loan Associations and Branch Offices (12 CFR Parts 581, 582), relating to definitions and offices, for the purpose of changing certain branch office application procedures. Notice of such proposed rule making was duly published in the FEDERAL REGISTER on October 19, 1973 (38 FR 29091), and allowed until November 12, 1973, for interested persons to submit written comments.

On the basis of its consideration of all relevant material presented by interested persons and otherwise available, the Board hereby amends said Part 581 by revising § 581.5 thereof to read as set forth below and amends said Part 582 by making the following revisions in § 582.1 thereof: Subparagraphs (a)(1) and (h)(1) are revised, to read as set forth below; subparagraphs (g)(2) and (g)(3), respectively, are redesignated as subparagraphs (g)(3) and (g)(2), respectively, and the redesignated subparagraph (g)(3) is revised, to read as set forth below; subparagraph (g)(4) is redesignated as subparagraph (g)(5) and a new subparagraph (g)(4) is added, to read as set forth below; and a new paragraph (k) is added, to read as set forth below, effective February 4, 1974.

Revised § 581.5 clarifies the meaning of the term "Supervisory Agent" and adds a new term, "Principal Supervisory Agent". The latter term is defined to mean the President of the Federal Home Loan Bank of Atlanta. This revised section is the same as this section of the proposal.

Revised § 582.1(a)(1) refers to the new term "Principal Supervisory Agent" and is the same as this section of the proposal.

Revised § 582.1(g)(2) requires the Principal Supervisory Agent to give written advice to the applicant and a protestant as to whether such protestant's communication is "substantial". The proposal did not contain this requirement.

Revised § 582.1(g)(4) describes the concept of "substantial" protests of branch office applications and provides in substance, that a protest will be considered to be "substantial" only if such protest consists of, or is supported by, a memorandum, brief or affidavit setting forth at least the following: (1) A summary of reasons for the protest; (2) the specific matters in the application to which the protestant objects, including the reasons for each objection; (3) relevant economic or financial data supporting the protest; and (4) a statement of any adverse effects on the protestant which may result from approval of the application. The revised § 582.1(g)(4) is the same as this section of the proposal except that subdivision (i)(*a*) of this revised section requires a "substantial" protest to summarize the reasons for the protest whereas this subdivision of the proposal required a "substantial" protest to state "The legal basis for the protest".

Revised § 582.1(h)(1) provides that only an applicant, or a protestant who has filed a "substantial" protest to an application, has a right to have an oral argument held on the application. The revised section would still permit anyone to file any kind of communication in favor or in protest of a branch office application and to participate in any hearing which is held on the application. The revised § 582.1(h)(1) is the same as this section of the proposal except that this revised section changes the time within which an eligible person may call for oral argument on an application, if any communication in protest of the application has been filed. The proposal measured this time from the end of the period for filing communications in protest of an application, whereas, the revised section measures this time from the date that the Principal Supervisory Agent notifies the protestant as to whether his protest is "substantial".

Revised § 582.1(k) delegates to the "Principal Supervisory Agent" the authority to approve an application for a branch office (including a limited facility branch office) in a case in which no "substantial" protest has been filed. With respect to the approval authority for a limited facility branch office by the "Principal Supervisory Agent", any such approval will be subject only to such limitations as have been proposed, or concurred in, by the applicant association. The Board will continue to make the decisition on each branch office application (including an application for a limited facility branch office) as to which a "substantial" protest has been filed or as to which a Supervisory Agent recommends denial of the application. This revised section is the same as this section of the proposal.

1. Section 581.5 is revised to read as follows:

§ 581.5 Principal Supervisory Agent; Supervisory Agent.

The term "Principal Supervisory Agent" means the President of the Federal Home Loan Bank of Atlanta. The term "Supervisory Agent" means the Principal Supervisory Agent or any other officer or employee of such bank designated by the Board as Agent as provided by § 501.10 and § 501.11 of this chapter.

* * * * *

2. Section 582.1 is amended to read as follows:

§ 582.1 Branch offices.

(a) *General provisions.* (1) An association shall not establish a branch office in the District of Columbia without prior written approval by the Board or its Principal Supervisory Agent, as provided in this section. An association which is incorporated or organized under the laws of the District of Columbia shall not establish a branch office elsewhere without prior written approval by the Board. Determination by an association to make an application for permission to establish a branch office shall be evidenced by a certification from such association's president and secretary to the effect that such association's board of directors has duly authorized by resolution the making and filing of such application. The making, filing, and processing of, and action on, an application for permission to establish a branch office shall be in accordance with this section. In the

event of approval of such an application for permission to establish a branch office, such approval may be conditioned on a requirement that the branch office be opened within such period, not less than 6 months, as may be fixed in such approval.

* * * * *

(g) *Processing of application by Supervisory Agent; public notice; inspection.*

* * * * *

(2) Promptly after publication of the notice, the applicant shall transmit two copies thereof to the Supervisory Agent accompanied by two copies of a publisher's affidavit of publication.

(3) Within 10 days (or within 30 days if advice is filed within the first 10 days stating that more time is needed to furnish additional information) after the date of publication of said notice, any person may file, at the office of the Supervisory Agent designated in the notice, communications, including briefs, in favor or in protest of the application. Within 10 days after the date a communication (or additional information, if any) in protest of an application is timely filed in accordance with the provisions of the first sentence of this subparagraph, the Principal Supervisory Agent shall advise the applicant and the protestant, in writing, whether the protestant's communication is considered to be "substantial" in accordance with the provisions of subparagraph (4) of this paragraph. In the event any communication is filed in protest of the application, the applicant may file information relevant to such protest within 15 days after the last date for filing communications (or additional information, if any) pursuant to the first sentence of this subparagraph or waive the right to file such information. Information may be submitted in connection with an application only as provided in this section, unless additional information is requested by the Supervisory Agent or otherwise by or on behalf of the Board. Four copies shall be furnished of any communication or information filed pursuant to this subparagraph.

(4) (i) For the purposes of subparagraph (3) of this paragraph and paragraphs (h) and (k) of this section, a communication in protest of an application shall be considered "substantial" only when such communication consists of, or is supported by, a memorandum, brief or affidavit, or any combination thereof, setting forth at least the following:

(*a*) A statement summarizing the reasons for the protest;

(*b*) A list of specific matters in the application to which the protestant objects, together with the reasons for each such objection;

(*c*) A statement of the facts supporting the protest, including relevant economic or financial data; and

(*d*) A statement of any adverse effects on the protestant which may result from approval of the application.

(ii) In the event of any controversy as to whether a particular communication in protest should be considered "substantial", the final determination shall be made by the Principal Supervisory Agent.

(5) The application, together with all communications in favor or in protest thereof, shall be available at the office of the Supervisory Agent during regular working hours for inspection by any person after the issuance to the applicant of advice to publish a notice. Prior thereto, the application and the fact that it has been filed shall be held as confidential.

(h) *Oral argument*—(1) *General provisions.* In any case in which a communication in protest of an application has been filed within the time specified in subparagraph (3) of paragraph (g) of this section, oral argument on the merits of such application shall be heard upon the written request of the applicant or any person who has timely filed a substantial communication in protest of such application, if such request of the applicant is received by the Supervisory Agent within 10 days after the Principal Supervisory Agent has mailed or delivered to the applicant the last written advice specified in the second sentence of subparagraph (3) of this paragraph or if such request of a person who has timely filed a substantial communication in protest of such application is received by the Supervisory Agent within 10 days after the Principal Supervisory Agent has mailed or delivered to such person the written advice specified in the second sentence of subparagraph (3) of this paragraph. In any case in which no communication in protest of an application has been filed within the time specified in subparagraph (3) of paragraph (g) of this section, oral argument on the merits of such application shall be heard upon the written request of the applicant, if such request is received by the Supervisory Agent within 10 days after the expiration of the time specified in said subparagraph for filing communications in protest of such application. Oral argument shall also be heard if the Supervisory Agent, after review of the application and other pertinent information, considers it desirable. When oral argument is to be held, the Supervisory Agent shall mail a notice, fixing the time and place thereof, to the applicant and to all persons who have filed a communication in favor or in protest of the application. Such oral argument shall be scheduled not less than 10 days after the mailing of such notice.

* * * * *

(k) *Approval by Principal Supervisory Agent.* The Principal Supervisory Agent is authorized to approve, on behalf of the Board, an application for permission to establish a branch office, including a limited facility branch office, in any case in which no substantial communication in protest of such application has been filed pursuant to, and within the time specified in, subparagraph (3) of paragraph (g) of this section. With respect to approval of a limited facility branch office by the Principal Supervisory Agent, any such approval shall be subject only to such limitations as have been proposed, or concurred in, by the applicant association. In all other cases, the decision on an application for permission to establish a branch office shall be made by the Board.

(Sec. 5, 48 Stat. 132, as amended; Sec. 8, 48 Stat. 132, as added by Sec. 913, 84 Stat. 1815 (12 U.S.C. 1464, 1466a). Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN,
Assistant Secretary.

[FR Doc.74-86 Filed 1-2-74;8:45 am]

Title 14—Aeronautics and Space

CHAPTER I—FEDERAL AVIATION ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Airspace Docket No. 73-CE-14]

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

Alteration of Control Zone and Transition Area; Correction

On October 12, 1973, a final rule was published in the FEDERAL REGISTER (38 FR 28258, 28259), FR Doc. 73-21641, which included alteration of the Kansas City, Missouri control zone and transition area (Airspace Docket 73-CE-14). Subsequent to the issuance of the Final Rule it has been determined that the coordinates in the Kansas City, Missouri, control zone description are incorrect. In addition, that portion of the Kansas City, Missouri transition area designation which describes the 1200 and 5000-foot floor transition areas is inaccurate due to an inadvertent omission during its preparation. Action is taken herein to make these changes.

Since this amendment is editorial in nature it imposes no additional burden on any person, notice and public procedure hereon are unnecessary.

In consideration of the foregoing, the Airspace Docket No. 73-CE-14 is amended in the following respects:

(1) In the Kansas City, Missouri control zone description delete the phrase "latitude 39°07'27" N., longitude 94°35'-31" W." and substitute therefore "latitude 39°07'20" N., longitude 94°43'-30" W.".

(2) In the Kansas City, Missouri transition area designation delete the description beginning in line 21 and ending at the end of line 54 and substitute therefor the following:

* * * and that airspace extending upward from 1200 feet above the surface bounded on the southeast by the arc of a 42-mile radius circle centered on the Kansas City Municipal Airport beginning at the west boundary of V-159 and extending counter clockwise to the south boundary of V-12 thence along the south boundary of V-12, to longitude 93°30'00" W., thence north along longitude 93°30'00" W., to the southeast boundary of V-10 thence direct to latitude 39°47'45" N.,

longitude 93°34'00" W., thence southwest along the northwest boundary of V–10 to the east boundary of V–161, thence west to latitude 39°44'00" N., longitude 94°43'20" W., thence southwest to latitude 39°30'00" N., longitude 94°49'00" W., thence west along latitude 39°30'00" N., to the southwest boundary of V–71, thence northwest along the southwest boundary of V–71 to longitude 95°09'00" W., thence south along longitude 95°09'00" W., to the southeast boundary of V–10, thence NE along the southeast boundary of V–10 to the arc of a 10-mile radius circle centered on the Kansas City Municipal Airport, thence counter clockwise to the west boundary of V–159, thence south along the west boundary of V–159 to the point of beginning; and that airspace extending upward from 5,000 feet MSL bounded on the west by longitude 93°30'00" W.; on the south by V–4; on the east by V–424; on the north by V–116 and on the northwest by V–206; and within the area bounded on the west by longitude 93°30'00" W., on the south by V–116, on the east by V–206 and on the north by V–10; and within an area bounded on the west by V–161; on the southeast by V–10 and on the north by V–50.

These amendments are made under the authority of section 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348), and of section 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Kansas City, Missouri, on November 28, 1973.

A. L. COULTER,
Director, Central Region.

[FR Doc.74–42 Filed 1–2–74;8:45 am]

[Airspace Docket No. 73–EA–111]

PART 73—SPECIAL USE AIRSPACE

Alteration of Restricted Area

The purpose of this amendment to Part 73 of the Federal Aviation Regulations is to change the using agency of Restricted Area, R–4002, Bloodsworth Island, Md.

The U.S. Navy requested the change in order to more clearly identify the organization for whom the restricted area was designated. The Federal Aviation Administration concurred with the Navy's request.

Since this amendment is a minor amendment upon which the public is not particularly interested, notice and public procedure thereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, Part 73 of the Federal Aviation Regulations is amended, effective 0901 g.m.t., February 28, 1974, as hereinafter set forth.

In § 73.40 (39 FR 670), Restricted Area R–4002, Bloodsworth Island, Md., is amended by deleting the present using agency and substituting the following therefor:

Commanding Officer, Naval Amphibious School Little Creek, Norfolk, Va.

This amendment is made under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 20, 1973.

CLAUDE FEATHERSTONE,
Acting Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74–43 Filed 1–2–74;8:45 am]

[Docket No. 13398; Amdt. No. 896]

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

Recent Changes and Additions

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

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

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

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

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

1. Section 97.23 is amended by originating, amending, or canceling the following VOR–VOR/DME SIAPs, effective February 7, 1974.

Kinston, N.C.—Stallings Field, VOR/DME Rwy 4, Amdt. 5.
Memphis, Tenn.—Memphis Int'l. Arpt., VOR Rwy 35R, Amdt. 27.
Muncie, Ind.—Delaware County-Johnson Field, VOR Rwy 14, Amdt. 6.
Muncie, Ind.—Delaware County-Johnson Field, VOR Rwy 20, Amdt. 3.
Muncie, Ind.—Delaware County-Johnson Field, VOR Rwy 32, Amdt. 3.
Napa, Calif.—Napa County Arpt., VOR Rwy 6, Amdt. 5.
North Myrtle Beach, S.C.—Myrtle Beach Arpt., VOR Rwy 5, Amdt. 9.
North Myrtle Beach, S.C.—Myrtle Beach Arpt., VOR Rwy 23, Amdt. 10.

. . . effective January 10, 1974

St. Charles, Mo.—St. Charles—Smartt Airfield, VOR–A, Orig. Waco, Texas—James Connally Arpt., VOR–A, Amdt. 1.

. . . effective December 18, 1973

Kansas City, Mo.—Kansas City Municipal Arpt., VOR–A, Amdt. 6.
Kansas City, Mo.—Kansas City Municipal Arpt., VOR Rwy 3, Amdt. 7.
Kansas City, Mo.—Kansas City Municipal Arpt., VOR Rwy 18, Amdt. 12.
Kansas City, Mo.—Kansas City Municipal Arpt., VOR Rwy 21, Amdt. 6.

2. Section 97.25 is amended by originating, amending, or canceling the following SDF–LOC–LDA SIAPs, effective February 7, 1974.

Columbia, S.C.—Columbia Metropolitan Arpt., LOC (BC) Rwy 29, Amdt. 3.
Memphis, Tenn.—Memphis Int'l. Arpt., LOC (BC) Rwy 17L, Amdt. 6.
North Myrtle Beach, S.C.—Myrtle Beach Arpt., LOC Rwy 23, Amdt. 1.

3. Section 97.27 is amended by originating, amending, or canceling the following NDB/ADF SIAPs, effective February 7, 1974.

Kinston, N.C.—Stallings Field, NDB Rwy 4, Amdt. 2.
Memphis, Tenn.—Memphis Int'l. Arpt., NDB Rwy 35R, Amdt. 13.
North Myrtle Beach, S.C.—Myrtle Beach Arpt., NDB Rwy 23, Amdt. 1.

. . . effective January 10, 1974

Chillicothe, Mo.—Chillicothe Municipal Arpt., NDB Rwy 14, Orig.
Conrad, Mont.—Conrad Arpt., NDB Rwy 23, Orig.
Waco, Tex.—James Connally Arpt., NDB Rwy 17, Orig.
Waco, Tex.—James Connally Arpt., NDB Rwy 35, Amdt. 1.

. . . effective December 18, 1973

Kansas City, Mo.—Kansas City Municipal Arpt., NDB Rwy 18, Amdt. 10.

. . . effective December 13, 1973

Newark, N.J.—Newark Int'l. Arpt., NDB Rwy 22L, Amdt. 1, canceled.

4. Section 97.29 is amended by originating, amending, or canceling the following ILS SIAPs, effective February 7, 1974.

Kinston, N.C.—Stallings Field, ILS Rwy 4, Amdt. 1.
Memphis, Tenn.—Memphis Int'l. Arpt., ILS Rwy 17L, Amdt. 1.
Memphis, Tenn.—Memphis Int'l. Arpt., ILS Rwy 35R, Amdt. 15.

. . . effective January 10, 1974

Waco, Tex.—James Connally Arpt., ILS Rwy 17, Orig.

. . . effective December 18, 1973

Kansas City, Mo.—Kansas City Municipal Arpt., ILS Rwy 18, Amdt. 12.

5. Section 97.31 is amended by originating, amending, or canceling the fol-

lowing RADAR SIAPs, effective February 7, 1974.

Colorado Springs, Colo.—Peterson Field, RADAR-1, Amdt. 11.
Memphis, Tenn.—Memphis Int'l. Arpt., RADAR-1, Amdt. 25.

6. Section 97.33 is amended by originating, amending, or canceling the following RADAR SIAPs, effective February 7, 1974.

Napa, Calif.—Napa County Arpt., RNAV Rwy 36, Amdt. 1, canceled.
Napa, Calif.—Napa County Arpt., RNAV Rwy 36L, Orig.

Corrections: In Docket No. 13392, Amendment 895, to Part 97 of the Federal Aviation Regulations, published in the FEDERAL REGISTER, under § 97.25, effective December 27, 1973—change effective date of Niagara Falls, N.Y.—Niagara Falls Int'l. Arpt., LOC (BC) Rwy 10L, Amdt. 2, to December 18, 1973; under Sections 97.21 and 97.25—change effective date of Nome, Alas.—Nome Arpt., LFR Rwy 27, Amdt. 9, canceled and Nome, Alas.—Nome Arpt., NDB Rwy 27, Orig., to February 28, 1974.

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

Issued in Washington, D.C., on December 20, 1973.

JAMES M. VINES,
Chief,
Aircraft Programs Division.

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

[FR Doc.74-2 Filed 1-2-74;8:45 am]

[Docket No. 13408; Amdt. No. 159-14]

PART 159—NATIONAL CAPITAL AIRPORTS

Motor Vehicles Carrying Passengers for Hire; Correction

The document amending Part 159 of the Federal Aviation Regulations effective January 1, 1974 (issued in Washington, D.C., on December 21, 1973; published in the FEDERAL REGISTER on December 28, 1973) to permit an "open taxicab" policy at Washington National Airport inadvertently omitted the words "in a taxicab" from subdivision (iii) of § 159.3(a)(2).

As corrected, subdivision (iii) of § 159.3(a)(2) reads as follows, effective January 1, 1974:

§ 159.3 Motor vehicles carrying passengers for hire.

(a) * * *
(2) * * *

(iii) To carry immediately from the airport in a taxicab, passengers picked up, without a prior request, at the point of and immediately upon discharge of other passengers delivered there.

* * * * *

Issued in Washington, D.C., on December 28, 1973.

ALEXANDER P. BUTTERFIELD,
Administrator.

[FR Doc.73-27330 Filed 12-28-73;3:27 pm]

Title 17—Commodity and Securities Exchanges

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

[Release No. IA-396]

PART 275—RULES AND REGULATIONS, INVESTMENT ADVISER ACT OF 1940

Technical Amendment to Withdrawal From Registration of Investment Advisers

The Securities and Exchange Commission has today amended Rule 203-2 under the Investment Advisers Act of 1940 ("Act") to correct certain references to former sections 203(d) and (g) of the Act (15 U.S.C. 80b-3(d), 80b-3(g)).

The Investment Company Amendments Act of 1970 (Pub. L. 91-547, 84 Stat. 1430) contained amendments to the Act which, effective December 14, 1971, redesignated former sections 203 (d) and (g) as sections 203 (e) and (i), (15 U.S.C. 80b-3(e), 80b-3(i)) respectively. It has come to the Commission's attention that Rule 203-2 (17 CFR 275.203-2), in paragraphs (a) and (b) thereof, contains references to the old section numbers.

Section 211 of the Investment Advisers Act of 1940 (15 U.S.C. 80b-11) confers authority upon the Commission to make, issue, amend and rescind such rules, regulations and orders as are necesssary or appropriate to the exercise of its functions and powers under the Act.

Accordingly, paragraphs (a) and (b) of § 275.203-2 of Chapter II of Title 17 of the code of Federal Regulations under the Investment Advisers Act of 1940 are hereby amended to read as follows:

§ 275.203-2 Withdrawal from Registration.

(a) Notice of withdrawal from registration as an investment adviser pursuant to section 203(i) shall be filed on Form ADV-W in accordance with the instructions contained therein.

(b) Except as hereinafter provided, a notice to withdraw from registration filed by an investment adviser pursuant to section 203(i) shall become effective on the 60th day after the filing thereof with the Commission or within such shorter period of time as the Commission may determine. If, prior to the effective date of a notice of withdrawal from registration, the Commission has instituted a proceeding pursuant to section 203(e) to suspend or revoke registration, or a proceeding pursuant to section 203(i) to impose terms or conditions upon withdrawal, the notice of withdrawal shall not become effective except at such time and upon such terms and conditions as the Commission deems necessary or appropriate in the public interest or for the protection of investors.

* * * * *

The Commission finds that notice and procedure required by Section 553 of title 5 of the United States Code are not necessary since the amendments are technical in nature and do not involve substantive changes. Accordingly, the amendments shall become effective on December 21, 1973.

(Sec. 211, 54 Stat. 855 (15 U.S.C. 80b-11))

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 17, 1973.

[FR Doc.74-130 Filed 1-2-74;8:45 am]

Title 21—Food and Drugs

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

SUBCHAPTER B—FOOD AND FOOD PRODUCTS

PART 27—CANNED FRUITS AND FRUIT JUICES

Order to Amend Quality Standard for Canned Cherries in Regard to Blemish Limitation

In the matter of amending the standard of quality for canned cherries (§ 27.31) to change the definition and the limitation on size and blemishes: A notice of proposed rule making was published in the FEDERAL REGISTER of July 19, 1973 (38 FR 19226) based on a petition submitted by the National Canners Association, 1133 20th St. NW., Washington, DC 20036, to change the definition of a blemished cherry and increase the aggregate area of a blemish with skin discoloration (other than scald) from 5/64 inch to 9/32 inch in diameter. No comments were received in response to the proposal.

The proposed amendment was based on changes in the practices of growing and harvesting cherries since the standard was promulgated. The cherries grown today are softer and therefore more susceptible to blemishes. Also, the cherries are larger in size which means increased area for skin discoloration. Furthermore, the traditional handpicking and handling of cherries has been replaced by mechanical harvesters which utilize tanks of water to prevent bruising. As a result, the problem known as tank or water "scald" which causes minor color variation in the skin of the cherry but does not affect the fruit has greatly increased. Scald is not to be considered a blemish.

Having considered the information submitted in the petition and other relative material, the Commissioner of Food and Drugs concludes it will promote honesty and fair dealing in the interest of consumers to adopt the proposal to amend the quality standard for canned cherries as proposed.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055-1056, as amended by 70 Stat. 919, 72 Stat. 948; (21 U.S.C. 341, 371)) and under authority delegated to the Commissioner (21 CFR 2.120): *It is ordered;* That Part 27 be amended in § 27.31 by revising paragraph (a)(5) to read as follows:

§ 27.31 Canned cherries; quality; label statement of substandard quality.

(a) * * *

(5) Not more than 15 percent by count of the cherries in the container are

blemished with scab, hail injury, discoloration, scar tissue or other abnormality. A cherry showing skin discoloration (other than scald) having an aggregate area exceeding that of a circle 9/32 inch in diameter is considered to be blemished. A cherry showing discoloration of any area but extending into the fruit tissue is also considered to be blemished.

* * * * *

Any person who will be adversely affected by the foregoing order may at any time on or before February 4, 1974, file with the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justify the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective March 4, 1974, except as to any provisions that may be stayed by the filing of proper objections. Notice of the filing of objections or lack thereof will be given by publication in the FEDERAL REGISTER.

(Secs. 401, 701, 52 Stat. 1046, 1055-1056, as amended by 70 Stat. 919, 72 Stat. 948 (21 U.S.C. 341, 371).

Dated: December 21, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.74-141 Filed 1-2-74;8:45 am]

PART 121—FOOD ADDITIVES

Ethoxylated Mono- and Diglycerides for use as an Emulsifier in Foods

The Commissioner of Food and Drugs, having evaluated the data in a petition (FAP 0A2562) filed by Glidden-Durkee Division, SCM Corp., 900 Union Commerce Bldg., Cleveland, OH 44115, and other relevant material, concludes that the food additive regulations should be amended, as set forth below, to provide for the additional safe use of ethoxylated mono- and diglycerides as an emulsifier in cakes and cake mixes, in whipped vegetable oil toppings and topping mixes, in icings and icing mixes, in non-standardized frozen desserts, and in solid-state, edible vegetable fat-water emulsions intended for use as substitutes for milk or cream in beverage coffee.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 409(c)(1), 72 Stat. 1786; (21 U.S.C. 348(c)(1))) and under authority delegated to the Commissioner (21 CFR 2.120), § 121.1221(c) is revised to read as follows:

§ 121.1221 Ethoxylated mono- and diglycerides (polyoxyethylene (20) mono- and diglycerides of fatty acids).

* * * * *

(c) The additive is used or intended for use as follows:

Use	*Limitations*
1. As a dough conditioner in yeast-leavened bakery products.	Not to exceed 0.5 percent by weight of the flour used.
2. As an emulsifier in cakes and cake mixes.	Not to exceed 0.5 percent by weight of the dry ingredients.
3. As an emulsifier in whipped vegetable oil toppings and topping mixes.	Not to exceed 0.45 percent by weight of the finished whipped vegetable oil toppings.
4. As an emulsifier in icings and icing mixes.	Not to exceed 0.5 percent by weight of the finished icings.
5. As an emulsifier in non-standardized frozen desserts.	Not to exceed 0.2 percent by weight of the finished frozen desserts.
6. As an emulsifier in solid-state, edible vegetable fat-water emulsions intended for use as substitutes for milk or cream in beverage coffee.	Not to exceed 0.4 percent by weight of the finished vegetable fat-water emulsions.

Any person who will be adversely affected by the foregoing order may at any time on or before February 4, 1974 file with the Hearing Clerk, Food and Drug Administration, Rm. 6-86, 5600 Fishers Lane, Rockville, MD 20852, written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, specify with particularity the provisions of the order deemed objectionable, and state the grounds for the objections. If a hearing is requested, the objections shall state the issues for the hearing, shall be supported by grounds factually and legally sufficient to justfy the relief sought, and shall include a detailed description and analysis of the factual information intended to be presented in support of the objections in the event that a hearing is held. Objections may be accompanied by a memorandum or brief in support thereof. Six copies of all documents shall be filed. Received objections may be seen in the above office during working hours, Monday through Friday.

Effective date. This order shall become effective-on January 3, 1974.

(Sec. 409(c)(1), 72 Stat. 1786; (21 U.S.C. 348(c)(1)).)

Dated: December 21, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.74-138 Filed 1-2-74;8:45 am]

SUBCHAPTER C—DRUGS

PART 135a—NEW ANIMAL DRUGS FOR OPTHALMIC AND TOPICAL USE

Fenthion

The Commissioner of Food and Drugs has evaluated a supplemental new animal drug application (34-641V) filed by Chemagro, Division of Baychem Corp., Post Office Box 4913, Kansas City, Mo. 64120, proposing safe and effective use of 3 percent fenthion pour-on formulation for the control of lice in cattle. The supplemental application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), § 135a.7 is amended by revising paragraph (f) to read as follows:

§ 135a.7 Fenthion.

* * * * *

(f) *Conditions of use.* (1) The drug is used as a pour-on formulation for the control of grubs and lice in beef and nonlactating dairy cattle.

(2) It is used at the rate of one-half fluid ounce per 100 pounds of body weight placed on the backline of the animal. Only one application per season should be made for grub control and this will also provide initial control of lice. A second application for lice control may be made if animals become reinfested, but no sooner than 35 days after the first treatment. Proper timing of treatment is important for grub control; cattle should be treated as soon as possible after heal fly activity ceases. Cattle should not be slaughtered within 35 days following a single treatment. If a second application is made for lice control, cattle shoud not be slaughtered within 45 days of the second treatment. The drug must not be used within 28 days of freshening of dairy cattle. If freshening should occur within 28 days after treatment, do not use milk as human food for the balance of the 28-day interval. Do not treat lactating dairy cattle; calves less than 3 months old; or sick, convalescent, or stressed livestock. Do not treat cattle for 10 days before or after shipping, weaning, or dehorning or after exposure to contagious or infectious diseases.

Effective date. This order shall be effective January 3, 1974.

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

Dated: December 21, 1973.

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

[FR Doc.74-139; Filed 1-2-74; 8:45 am]

PART 135b—NEW ANIMAL DRUGS FOR IMPLANTATION OR INJECTION

Chloral Hydrate, Pentobarbital, and Magnesium Sulfate

The Commissioner of Food and Drugs has evaluated a new animal drug application (46-789V filed by Fort Dodge Laboratories, Fort Dodge, IA 50501, propos-

ing revised labeling for safe and effective use of chloral hydrate, pentobarbital, and magnesium sulfate in sterile aqueous solution for intravenous use in cattle and horses as a general anesthetic. The application is approved.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 512(i), 82 Stat. 347; (21 U.S.C. 360b(i))) and under authority delegated to the Commissioner (21 CFR 2.120), Part 135b is amended in § 135b.57 by revising the section heading; by redesignating existing paragraphs (a), (b), and (c)(1), (2), and (3) as paragraph (a)(1), (2), and (3)(i), (ii), and (iii), respectively; and by adding a new paragraph (b). As revised, § 135b.57 reads as follows:

§ 135b.57 Chloral hydrate, pentobarbital, and magnesium sulfate sterile aqueous solution.

(a)(1) *Specifications.* Chloral hydrate, pentobarbital, and magnesium sulfate injection contains 42.51 mg of chloral hydrate, 9.72 mg of pentobarbital, and 21.25 mg of magnesium sulfate in each milliliter of sterile aqueous solution containing water, 44.34 percent propylene glycol, and 11.5 percent alcohol.

(2) *Sponsor.* See code No. 062 in § 135.501(c) of this chapter.

(3) *Conditions of use.* (i) It is used for general anesthesia, and as a sedative-relaxant in cattle and horses.

(ii) For intravenous use only. The drug is administered at a dosage level of 20–50 ml/100 lb of body weight for general anesthesia. It is administered intravenously via gravity flow until the desired effect is produced as indicated by rate and depth of respirations, muscle tone, and corneal reflex. Due to the weight of the rumen contents, cattle usually require a lower dosage on the basis of body weight. When used as a sedative-relaxant, it is administered at a level of one-fourth to one-half of the anesthetic dosage level.

(iii) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

(b)(1) *Specifications.* Chloral hydrate, pentobarbital, and magnesium sulfate sterile aqueous solution contains 42.5 milligrams of chloral hydrate, 8.86 milligrams of pentobarbital, and 21.2 milligrams of magnesium sulfate in each milliliter of sterile aqueous solution containing water, 33.8 percent propylene glycol, and 14.25 percent ethyl alcohol.

(2) *Sponsor.* See code No. 017 in § 135.501(c) of this chapter.

(3) *Conditions of use.* (i) It is used for general anesthesia and as a sedative-relaxant in cattle and horses.

(ii) For intravenous use only. The drug is administered at a dosage level of 20 to 50 milliliters per 100 pounds of body weight for general anesthesia until the desired effect is produced. Cattle usually require a lower dosage on the basis of body weight. When used as a sedative-relaxant, it is administered at a level of one-fourth to one-half of the anesthetic dosage level.

(iii) Federal law restricts this drug to use by or on the order of a licensed veterinarian.

Effective date. This order shall be effective January 3, 1974.

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

Dated: December 21, 1973.

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

[FR Doc.74-140 Filed 1-2-74;8:45 am]

Title 26—Internal Revenue

CHAPTER I—INTERNAL REVENUE SERVICE, DEPARTMENT OF THE TREASURY

SUBCHAPTER B—ESTATE AND GIFT TAXES

[T.D. 7302]

PART 20—ESTATE TAX; ESTATES OF DECEDENTS DYING AFTER AUGUST 16, 1954

PART 25—GIFT TAX; GIFTS MADE AFTER DECEMBER 31, 1954

Place for Filing Estate and Gift Tax Returns With Respect to Certain Nonresidents and Issuance of Transfer Certificates

This document contains amendments to the Estate Tax Regulations (26 CFR Part 20) under section 6091 of the Internal Revenue Code of 1954 and to the Gift Tax Regulations (26 CFR Part 25) under section 6091 of such Code in order to provide revised rules relating to the place for filing estate and gift tax returns with respect to certain nonresidents. Further, an amendment to the Estate Tax Regulations (26 CFR Part 20) under section 6325 of the Internal Revenue Code of 1954 provides authorization for the service center director to issue transfer certificates in nonresident estates in certain cases.

Under § 20.6091–1(b) of the existing regulations, an estate tax return required to be filed under section 6018 of the Code must be filed with the Director of International Operations, Washington, D.C., if the decedent was not domiciled in the United States at the time of his death. However, the instructions for the estate tax return required to be filed with respect to a nonresident citizen or a nonresident alien (Forms 706 and 706NA, respectively) presently provide that the return is to be filed with the Internal Revenue Service Center, Philadelphia, Pennsylvania. The amendments made by this document would conform the regulations to the instructions issued with respect to the estate tax returns.

Because the amendments merely direct the taxpayer to file at the place designated by the instructions for the applicable forms, no effective date is provided with respect to the revised rules. Accordingly, estate tax returns heretofore or hereafter filed with the service center in accordance with the instructions to the form are considered to be filed at the proper place. Further, estate tax returns heretofore filed with the Director of International Operations in accordance with the regulations are considered to have been filed at the proper place.

The amendments also provide authorization for the service center director, in addition to the district director, to issue transfer certificates in the case of nonresidents where the tax imposed upon the estate is fully discharged or provided for. The amendments do not extend the authorization to issue such transfer certificates to the service center director in cases where the tax has not been fully discharged.

Under § 25.6091–1(c) of the existing regulations, a gift tax return required to be filed under section 6019 of the Code must be filed with the Director of International Operations, or in accordance with the applicable instructions to the form, if the donor is a nonresident who does not have a principal place of business which is located in an internal revenue district. The instructions for the gift tax return (Form 709) presently provide that the returns for such nonresidents are to be filed with the Internal Revenue Service Center, Philadelphia, Pennsylvania. The regulations are amended by this document to specifically refer to the service center as the proper place for filing gift tax returns for such nonresident donors.

In order to revise the rules relating to the place for filing estate and gift tax returns of nonresidents and the issuance of transfer certificates, the Estate Tax Regulations (26 CFR Part 20) under sections 6091 and 6325 of the Internal Revenue Code of 1954 and the Gift Tax Regulations (26 CFR Part 25) under section 6091 of such Code are hereby amended as follows:

ESTATE TAX REGULATIONS (26 CFR PART 20)

PARAGRAPH 1. Paragraph (b) of § 20.6091–1 is amended to read as follows:

§ 20.6091–1 Place for filing returns or other documents.

* * * * *

(b) *Non-U.S. domiciliaries.* If the decedent was not domiciled in the United States at the time of his death, the preliminary notice required by § 20.6036–1 in the case of the estate of a decedent dying before January 1, 1971, and the estate tax return required by § 20.6018–1 shall be filed with the Internal Revenue Service Center, Philadelphia, Pennsylvania or the Director of International Operations, Washington, D.C., depending upon the place designated on the return form or in the instructions issued with respect to such form. This paragraph applies whether or not the decedent was a citizen of the United States and whether or not the return is made by hand-carrying.

PAR. 2. Paragraph (c) of § 20.6325–1 is amended to read as follows:

§ 20.6325–1 Release of lien or partial discharge of property; transfer certificates in nonresident estates.

* * * * *

(c) A transfer certificate will be issued by the service center director or the dis-

trict director when he is satisfied that the tax imposed upon the estate, if any, has been fully discharged or provided for. The tax will be considered fully discharged for purposes of the issuance of a transfer certificate only when investigation has been completed and payment of the tax, including any deficiency finally determined, has been made. If the tax liability has not been fully discharged, transfer certificates may be issued permitting the transfer of particular items of property without liability upon the filing with the district director of such security as he may require. No transfer certificate is required in an estate of a resident decedent. Further, in the case of an estate of a nonresident decedent (regardless of citizenship) a transfer certificate is not required with respect to property which is being administered by an executor or administrator appointed, qualified, and acting within the United States. For additional regulations under section 6325, see § 301.6325-1 of this chapter (Regulations on Procedure and Administration).

GIFT TAX REGULATIONS
(26 CFR PART 25)

Par. 3. Paragraph (c) of § 25.6091-1 is amended to read as follows:

§ 25.6091-1 Place for filing returns and other documents.

* * * * *

(c) *Returns of certain nonresidents.* If the donor is a nonresident (whether or not a citizen), and he does not have a principal place of business which is located in an internal revenue district, the gift tax return required by section 6019, whether or not such return is made by hand carrying, shall be filed with the Internal Revenue Service Center, Philadelphia, Pennsylvania, or the Director of International Operations, Washington, D.C., depending upon the place designated on the return form or in the instructions issued with respect to such form.

Because of the immediate need to conform provisions contained in this Treasury decision with the instructions applicable to estate and gift tax forms required to be filed with respect to nonresidents, it is found impracticable and unnecessary to issue it with notice and public procedure thereon under subsection (b) of section 553 of title 5 of the United States Code.

(Sec. 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).)

[SEAL] DONALD C. ALEXANDER,
Commissioner of Internal Revenue.

Approved: December 21, 1973.

JOHN H. HALL,
Deputy Assistant Secretary of the Treasury.

[FR Doc.74-189 Filed 1-2-74;8:45 am]

Title 34—Government Management

CHAPTER II—OFFICE OF FEDERAL MANAGEMENT POLICY, GENERAL SERVICES

SUBCHAPTER D—FINANCIAL MANAGEMENT

PART 253—ADMINISTRATION OF COLLEGE AND UNIVERSITY RESEARCH GRANTS (FMC 73-7)

Administration of College and University Research

This document converts Office of Management and Budget Circular A-101 into a General Services Administration Federal Management Circular (FMC 73-7) in accordance with Executive Order 11717 and Office of Management and Budget Bulletin 74-4 which transferred in certain Office of Management and Budget responsibilities to the General Services Administration.

FMC 73-7, dated December 19, 1973, provides policies and procedures for establishing greater consistency among Federal agencies in the administration of grants, contracts, and other agreements with educational institutions.

Part 253, Administration of college and university research, is added to read as set forth below:

PART 253—ADMINISTRATION OF COLLEGE AND UNIVERSITY RESEARCH GRANTS (FMC 73-7)

Sec.
253.1 Purpose.
253.2 Supersession.
253.3 Policy intent.
253.4 Applicability and scope.
253.5 Responsibilities.
253.6 Attachment.
253.7 Inquiries.

AUTHORITY: Executive Order 11717 (38 F.R. 12315, May 11, 1973)

Effective date. This regulation is effective December 19, 1973.

Dated: December 19, 1973.

ARTHUR F. SAMPSON,
Administrator of General Services.

§ 253.1 Purpose.

This part provides policies and procedures for establishing greater consistency among Federal agencies in the administration of grants, contracts, and other agreements with educational institutions in the United States.

§ 253.2 Supersession.

The President by Executive Order 11717 of May 9, 1973, transferred the functions covered by this part from the Office of Management and Budget to the General Services Administration. This part is issued as a replacement for previous Office of Management and Budget Circular No. A-101. No substantive changes have been made.

§ 253.3 Policy intent.

Differing administrative policies and practices associated with Federal grants and contracts for supporting research at educational institutions create confusion and additional administrative effort for educational institutions, cause conflict between the university community and the Federal Government, and reduce the effectiveness of the institutions in performing the desired research. Since many burdensome inconsistencies in Government administrative policies and practices can be removed without jeopardizing the effective pursuit of the research efforts, it is in the interest of both the Government and educational institutions to remove such inconsistencies wherever feasible.

§ 253.4 Applicability and scope.

(a) The standard policies and practices promulgated by this part shall be applicable to all Federal grants, contracts, or other agreements for research projects with U.S. educational institutions which are awarded or extended with additional funds after March 31, 1971, except as otherwise required by statute. The provisions need not be applied to agreements with educational institutions for the operation of Government-owned laboratories.

(b) In the interest of maintaining uniformity to the greatest extent feasible, deviations from the requirements of the part shall be kept to a minimum and controlled as follows:

(1) The head of each agency shall prescribe a formal procedure for the control of deviations within the agency.

(2) In the case of individual research agreements, deviations may be authorized by the head of the agency or the officers designated by him for this purpose, in accordance with procedures established by the agency. In each instance the file shall disclose the nature of the deviation and the reasons for such special action.

(3) Deviations in classes of cases (to be applied to all similar research agreements) shall be considered on an expedited basis jointly by the agency desiring the deviation and the Office of Federal Management Policy, GSA, unless, in the judgment of the agency and with due regard to the objective of uniformity, circumstances preclude such joint effort. In such case, the Office of Federal Management Policy, GSA, will be notified of the deviation.

§ 253.5 Responsibilities.

The head of each Federal agency with a significant number of research grants or contracts with educational institutions will designate an official to serve as the agency representative on matters relating to the implementation of this part. The name and title of such representative will be furnished to the Office of Federal Management Policy, GSA, not later than thirty days after receipt of this part. If the name and title were previously transmitted to the Office of Management and Budget in connection with its OMB Circular No. A-101, notification to the Office of Federal Management Policy, GSA, is required only when there is a change in the designated representative.

§ 253.6 Attachment.

Attachment A provides standard policies and practices for administration of research projects at educational institutions in the United States.

§ 253.7 Inquiries.

Further information concerning this part may be obtained by contacting:

General Services Administration (AMF) Washington, DC 20405. Telephone: IDS 183–7747, FTS 202–343–7747.

STANDARD POLICIES AND PRACTICES FOR ADMINISTRATION OF RESEARCH PROJECTS AT EDUCATIONAL INSTITUTIONS IN THE UNITED STATES

PART I—POLICY ON REVIEW AND DIRECTION OF THE RESEARCH EFFORT

A. *Types of research projects.* The extent of the latitude that should be extended to the principal investigator or project leader on a research project to make changes in the manner in which the research effort is carried out will depend upon the characteristics of the research project. The extent of such latitude should generally be the same for similar projects. Consistent Government requirements will serve to improve the understanding by the investigator and other university officials of the type of actions that may be taken without Government approval and those that warrant consultation with the Government. For purposes of Part I, research projects are divided into two principal types, as follows:

Type 1: Research projects for which the course of the work is not defined precisely and specific points in time for achievement of results are not spelled out, but the principal objectives of the research are stated. For such projects, the institution will bear primary responsibility for the conduct of the research and will exercise judgment toward attaining the stated research objectives within the limits of the resources provided.

Type 2: Research projects for which detailed objectives or goals are specified in advance by the Government or for which the Government otherwise considers it necessary to be able to exercise close control over the direction, specifications, methods or schedules of the research.

B. *Direction of research projects.* The following provisions of Part I are directed to the Type 1 research projects, although they should be followed for Type 2 projects whenever possible. If review or direction requirements for Type 2 projects are to differ from those specified below, the research agreement should clearly specify such additional or different requirements.

1. *Changes in research methods, procedures, objectives, or phenomena under study.*

a. The principal investigator should be permitted to change the methods and procedures employed in performing the research without the need to make special reports on proposed actions or obtain Government approval. Significant changes in methods or procedures shall be reported to the Government in periodic or final technical reports. In the event the methodology or experiment is stated as a specific objective of the research work, this should be stated in the research instrument, and paragraph b, below, would apply to such changes.

b. The stated objectives of the research effort shall not be changed, except with the approval of the Government agency.

c. The phenomenon or phenomena under study, i.e., the broad category of research, shall not be changed except with the prior approval of the Government agency.

d. The degree of Government review or direction exercised may vary from project to project under these approval requirements, depending upon the amount of detail used in stating the objectives of the research effort.

2. *Change or absence of the principal investigator or project leader.*

a. The decision by the Government agency as to whether it is interested in a proposed research project is based, to a considerable extent, upon its evaluation of the proposed principal investigator's knowledge of the field of study and his capabilities to manage the research project in an efficient and productive manner. Therefore, the Government desires that the named principal investigator or project leader be continuously responsible for the conduct of the research project and be closely involved with the research efforts. Because of this desire, the following approvals or notifications should be required:

(1) The institution shall obtain the sponsoring agency's approval to change the principal investigator or project leader, or to continue the research work during a continuous period in excess of three months without the participation of an approved principal investigator or project leader.

(2) The institution shall consult with the appropriate agency representative if the principal investigator plans to, or becomes aware that he will, devote substantially less effort to the work than anticipated in the approved proposal. If the agency determines that the reduction of effort would be so substantial as to impair the successful prosecution of the research, the agency may request a change of principal investigator, termination of the research effort or other appropriate modification of the research agreement.

b. There may be certain projects which involve coprincipal investigators or otherwise include more than one key person who may be considered essential to the conduct of the proposed research project. In such cases the provisions of 2.a.(1) and (2), above, may be applied to each such key person rather than just the project leader. If such approval is to apply to other than the project leader, the research project support instrument should identify the individual(s) to whom the provisions apply.

3. *Subcontracting or transferring the research effort.* Since the Government decision to support a proposed research project is based in part upon its evaluation of the capabilities of the principal investigator, as well as the support available to the project from his institution, such as facilities and administrative assistance, none of the research effort should be subcontracted or transferred to another organization without the specific prior approval of the sponsoring agency. This would not preclude the purchase of supplies materials, equipment or general support services. None of the foregoing shall be construed to authorize transfer of a research contract, or any interest therein, where prohibited by law.

PART II—APPROVAL PROCEDURES FOR EXPENDITURES UNDER RESEARCH AGREEMENTS

A. Government controls and limitations on expenditures for specific items under research projects at educational institutions shall be in accordance with the provisions of Federal Management Circular 73–8 issued by GSA.

B. If any of the actions requiring approval in accordance with FMC 73–8 have received specific agency approval during the proposal and award process, a further approval should not be required. Whenever practical, the approvals should be given at the time of the project award or extension to avoid any delays during the course of the project.

C. Approval requirements relating to expenditures under research agreements, in addition to those provided for in FMC 73–8, shall not be imposed except in accordance with the deviation procedure of this part or as specifically required by statute.

D. The provisions of Part II do not apply to agency limitations or restrictions on total charges or total direct cost charges to the Government for specified projects or time periods.

PART III—POLICY ON VESTING TITLE TO EQUIPMENT

The vesting of title to equipment in educational institutions furthers the overall Government objective of strengthening the scientific capability of such institutions. In addition, the Government's costs and administrative burden of accounting, shipment, storage, disposition, and otherwise treating the equipment as Government property are reduced or eliminated by vesting title in the institution. Therefore, Federal agencies shall follow the policies set forth below, to the extent permitted by statute, in determining when title to equipment should be vested in the institution under research projects with educational institutions:

1. Title to equipment purchased or fabricated under any type of research instrument at educational institutions shall be vested in the institution, without further obligation to the Government except as provided for under 2. below, unless it is determined that such vesting is not in furtherance of the objectives of the agency or unless there is not proper authority to vest title in the institutions. Such title shall be vested in the institution upon acquisition of the equipment or as soon as feasible thereafter.

2. The sponsoring agency may, if it desires, reserve the right to require the institution to transfer title to items of equipment to the Government or to a third party named by the Government, where such third party is otherwise eligible under existing statutes. The reservation should provide that the right may be exercised at any time, but no later than twelve months after the agency has received a final fiscal report (or special equipment acquisition report, if required by the agency) from the institution after completion or termination of the particular project. Such right to require transfer of title should not apply to any items of equipment with an acquisition cost of less than $1,000.

3. The research instrument should clearly indicate where title to equipment is to be vested. If title to any equipment is to vest in the Government, the research instrument should specify which items are to be Government property.

PART IV—POLICY ON USE OF ADVANCE PAYMENTS

A. In view of the nonprofit position of educational institutions, and the stated Government objective of strengthening the research capabilities of these institutions, all agencies shall make advance payments in reasonable amounts on research projects whether under a contract or grant, whenever practical, in all cases where the agency is authorized by law to do so.

B. The Treasury Department's letter of credit procedure should be used as the means of furnishing advance payments, whenever feasible. The use of the letter of credit procedure to the maximum extent possible will

serve to limit the number of different methods to be used by the institution in obtaining funds, and will also limit the amount of advances to minimum amounts so as to reduce financing costs to the Government.

[FR Doc.74-34 Filed 1-2-74;8:45 am]

Title 40—Protection of Environment

CHAPTER I—ENVIRONMENTAL PROTECTION AGENCY

SUBCHAPTER E—PESTICIDE PROGRAMS

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

Certain Inert Ingredients in Pesticide Formulations

A number of comments were received in response to the notice published in the FEDERAL REGISTER of July 24, 1973 (38 FR 19840), proposing establishment of exemptions from tolerances for certain inert or occasionally active ingredients in pesticide formulations under provisions of section 408 of the Federal Food, Drug, and Cosmetic Act; no requests for referral to an advisory committee were received.

In connection with the item "ammonium carbamate" in the table in paragraph (c), Phostoxin Sales, Inc., Minneapolis, MN 55435 suggested that the use be shown as "synergist in the aluminum phosphide formulation PHOSTOXIN ®." Because trademarks are not used in § 180.1001, the suggestion was not accepted. The other comments requested that the limitation "Not more than 1 percent of pesticide formulation" specified for polyvinyl alcohol in the table in paragraph (d) be removed. It is concluded that deletion of the limitation will protect the public health and that the proposal reflecting this change should be adopted.

Therefore, pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (c), (e), 68 Stat. 512, 514; 21 U.S.C. 346a (c), (e)), the authority transferred to the Administrator of the Environmental Protection Agency (35 FR 15623), and the authority delegated by the Administrator to the Deputy Assistant Administrator for Pesticide Programs (36 FR 9038), § 180.1001 is amended by (1) revising the items "α-Alkyl (C_{10}—C_{16})-*omega*-* * *" and "Castor oil polyoxyethylated * * *" in the table in paragraph (c); (2) transferring to the table in paragraph (c) from the table in paragraph (d) the items "Propyl *p*-hydroxybenzoate * * *" and "Sorbic acid * * *"; (3) revising the items "Locust bean gum * * *" and "Methyl violet 2B * * *" in the table in paragraph (d); (4) revising the item "Mineral oil, U.S.P. * * *" in the table in paragraph (e); and (5) alphabetically inserting new items in the tables in paragraphs (c), (d), and (e), as follows:

§ 180.1001 Exemptions from the requirement of a tolerance.

* * * * *

(c) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* * *
α-Alkyl (C_{12}–C_{18})-*omega*-hydroxypoly(oxyethylene); the poly(oxyethylene) content averages 3–20 moles.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Ammonium carbamate		Synergist in aluminum phosphide formulations.
* * *	* * *	* * *
Castor oil, polyoxyethylated; the poly(oxyethylene) content averages 30–54 moles.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Methyl esters of higher fatty acids conforming to Title 21, § 121.224.		Antidusting agent.
* * *	* * *	* * *
Polyglycerol esters of fatty acids conforming to Title 21, § 121.1120.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Propyl *p*-hydroxybenzoate		Preservative for formulations.
* * *	* * *	* * *
Sodium diisobutyl-naphthalenesulfonate.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Sodium isopropylisohexyl-naphthalenesulfonate.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Sorbic acid (and potassium salt)		Preservative for formulations.
* * *	* * *	* * *
Sucrose octaacetate		Adhesive.
* * *	* * *	* * *

(d) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* * *
Aluminum 2-ethylhexanoate	Not more than 0.25% of pesticide formulation.	Gelling agent.
* * *	* * *	* * *
N, N-Bis[α-ethyl-*omega*-hydroxypoly(oxyethylene) alkylamine; the poly(oxyethylene) content averages 3 moles; the alkyl groups (C_{14}–C_{18}) are derived from tallow, or from soybean or cottonseed oil acids.		Surfactants for preemergence use with herbicides on sugarcane only.
* * *	* * *	* * *
Dodecylphenol	Not more than 0.6% of pesticide formulations.	Coupling agent in emulsifier.
* * *	* * *	* * *
Locust bean gum		Adhesive, component of defoamers.
* * *	* * *	* * *
Maleic acid and maleic anhydride.	For pesticide formulations applied to apples with a minimum preharvest interval of 21 days.	Stabilizer.
* * *	* * *	* * *
Methyl isoamyl ketone		Solvent, cosolvent.
* * *	* * *	* * *
Methyl violet 2B	Not more than 0.02% of pesticide formulation.	Dye.
* * *	* * *	* * *
Oleic acid diester of α-hydro-*omega*-hydroxypoly(oxyethylene); the poly(oxyethylene) molecular weight averages 2,300.		Surfactant.
* * *	* * *	* * *
Polyvinyl alcohol		Binder; water soluble bag-container or film-tape for encapsulating seeds.
* * *	* * *	* * *
Sodium polyflavinoid sulfonate, consisting chiefly of the copolymer of catechin and leucocyanidin.		Sunscreen agent for viral insecticides for use on cotton.
* * *	* * *	* * *
α-[*p*-(1,1,3,3-Tetramethylbutyl) phenyl]-*omega*-hydroxypoly-(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters and the corresponding sodium salts of the phosphate esters; the poly(oxyethylene) content averages 6 to 10 moles.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Tri-*tert*-butylphenol polyglycol ether (molecular weight 746).		Surfactant for formulations used before crop emerges from soil.

(e) * * *

Inert ingredients	Limits	Uses
* * *	* * *	* * *
α-Alkyl (C_{10}-C_{18})-*omega*-hydroxypoly-(oxyethylene); the poly(oxyethylene) content averages 3–20 moles.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
n-Butanol		Solvent for blended emulsifiers.
* * *	* * *	* * *
Castor oil, polyoxyethylated; the poly(oxyethylene) content averages 30–54 moles.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
3,6-Dimethyl-4-octyne-3,6-diol	Not more than 2.5% of pesticide formulation.	Surfactants, related adjuvants of surfactants.
α-(*o*,*p*-Dinonylphenyl)-*omega*-hydroxypoly(oxyethylene), produced by the condensation of 1 mole of dinonylphenol (nonyl group is a propylene trimer isomer) with an average of 4–14 moles of ethylene oxide.		Do.
α-(*o*,*p*-Dinonylphenyl)-*omega*-hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters and the corresponding ammonium, calcium, magnesium, monoethanolamine, potassium, sodium and zinc salts of the phosphate esters; the nonyl group is a propylene trimer isomer and the poly(oxyethylene) content averages 4–14 moles.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
2-Ethyl-1-hexanol	Not more than 2.5% of pesticide formulation.	Solvent, adjuvant of surfactants.
* * *	* * *	* * *
α-Hydro-*omega*-hydroxypoly(oxypropylene); molecular weight 2,000.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Lignosulfonate; ammonium, calcium, magnesium, potassium, sodium, and zinc salts.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Methyl esters of higher fatty acids conforming to Title 21, § 121.224.		Antidusting agent.
Mineral oil, U.S.P., or conforming to Title 21, § 121-1146 or § 121.2589(a), (b).		Solvent, diluent.
* * *	* * *	* * *
α-(*p*-Nonylphenyl)-*omega*-hydroxypoly(oxyethylene) mixture of dihydrogen phosphate and monohydrogen phosphate esters and the corresponding ammonium, calcium, magnesium, monoethanolamine, potassium, sodium and zinc salts of the phosphate esters; the nonyl group is a propylene trimer isomer and the poly(oxyethylene) content averages 4–14 moles.		Surfactants, related adjuvants of surfactants.
α-(*p*-Nonylphenyl)-*omega*-hydroxypoly(oxyethylene) produced by the condensation of 1 mole of nonylphenol (nonyl group is a propylene trimer isomer with an average of 15 moles of ethylene oxide.		Do.
* * *	* * *	* * *
Polyglycerol esters of fatty acids, conforming to Title 21, § 121.1120.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
n-Propanol.		Solvent, for blended emulsifiers.
* * *	* * *	* * *
Sodium diisobutylnaphthalenesulfonate.		Surfactants, related adjuvants of surfactants.
Sodium isopropylisohexylnaphthalenesulfonate.		Do.
* * *	* * *	* * *
Sodium monoalkyl and dialkyl (C_6-C_{18}) phenoxybenzenedisulfonate mixtures containing not less than 70% of the monoalkylated product.		Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
2,4,7,9-Tetramethyl-5-decyne-4,7-diol.	Not more than 2.5% of pesticide formulation.	Surfactants, related adjuvants of surfactants.
* * *	* * *	* * *
Tri-*tert*-butylphenol polyglycol ether (molecular weight 746).		Dispersing agent.
1,1,1-Trichloroethane.	Not more than 25% of pesticide formulation.	Solvent, cosolvent.
* * *	* * *	* * *
Urea.		Stabilizer, inhibitor.
* * *	* * *	* * *

Any person who will be adversely affected by the foregoing order may at any time on or before February 4, 1974 file with the Hearing Clerk, Environmental Protection Agency, Room 1019E, 4th & M Streets., SW., Waterside Mall, Washington, D.C. 20460, written objections thereto in quintuplicate. Objections shall show wherein the person filing will be adversely affected by the order and specify with particularity the provisions of the order deemed objectionable and the grounds for the objections. If a hearing is requested, the objections must state the issues for the hearing. A hearing will be granted if the objections are supported by grounds legally sufficient to justify the relief sought. Objections may be accompanied by a memorandum or brief in support thereof.

Effective date. This order shall become effective January 3, 1974.

(Sec. 408 (c), (e), 68 Stat. 512, 514; 21 U.S.C. 346a (c), (e))

Dated: December 20, 1973.

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

[FR Doc.74-17 Filed 1-2-74;8:45 am]

Title 41—Public Contracts and Property Management

CHAPTER 5A—FEDERAL SUPPLY SERVICE GENERAL SERVICES ADMINISTRATION

PART 5A-1—GENERAL

Internal GSA Regulations System

In the interest of providing simpler and more effective internal procurement regulations which, together with the Federal Procurement Regulations, govern GSA procurement practices, the scope of Chapter 5A is being expanded to become the only GSA implementation of the FPR for supply and service contracts, other than construction. Similarly, the scope of Chapter 5B is being expanded for construction contracts and related service contracts. Chapter 5, 5C, and 5D of this Title will be phased out and discontinued. Subpart 5A-1 is amended to reflect the change in scope of GSPR 5A to cover supply and service contracts, other than construction.

The table of contents for Part 5A-1 is amended by revision of the following entries:

5A-1.102 General Services Administration Procurement Regulations (GSPR).
5A-1.103 Relationship of GSPR Chapter 5A to the FPR.

Section 5A-1.000 is revised to read as follows:

§ 5A-1.000 Scope of part.

This part describes the method by which the General Services Administration, Federal Supply Service (FSS), in coordination with the Automated Data and Telecommunications Service (ADTS), implements and supplements the Federal Procurement Regulations (41 CFR 1) and contains policies and procedures which implement and supplement Part 1-1 of the Federal Procurement Regulations (41 CFR 1-1).

SUBPART 5A–1.1—INTRODUCTION

Subpart 5A–1.1 is revised to read as follows:

§ 5A–1.101 Scope of subpart.

This subpart establishes Chapter 5A of the General Services Administration Procurement Regulations (41 CFR 5A), states its relationship to the Federal Procurement Regulations (FPR), and sets forth other introductory information.

§ 5A–1.102 General Services Administration Procurement Regulations (GSPR).

(a) The General Service Administration Procurement Regulations (GSPR) are the GSA procurement policies and procedures which, together with the Federal Procurement Regulations, govern GSA procurement practices.

(b) GSA procurement policies and procedures applicable to the procurement of personal property and nonpersonal services, other than construction, implementing and supplementing the FPR, are prescribed by the Commissioner, FSS, in coordination with the Commissioner, ADTS, in GSPR Chapter 5A. GSA procurement policies and procedures applicable to the procurement of construction and related services, implementing and supplementing the FPR, are prescribed by the Commissioner, Public Buildings, in GSPR Chapter 5B.

§ 5A–1.103 Relationship of GSPR Chapter 5A to the FPR.

(a) GSPR Chapter 5A implements and supplements the FPR and is part of the Federal Procurement Regulations System. Material published in the FPR (which has Government-wide applicability) becomes effective throughout GSA upon the effective date of the particular FPR material. Such material will generally not be repeated, paraphrased, or otherwise restated in GSPR 5A.

(b) Implementing material is that which expands upon related FPR material. Supplementing material is that for which there is no counterpart in the FPR.

(c) Material in Chapter 5A may deviate from an FPR provision when a deviation (see § 5A–1.109) is explicitly authorized. Where Chapter 5A contains no material implementing the FPR, the FPR alone will govern.

§ 5A–1.104 Applicability.

Chapter 5A applies to all purchases and contracts made by the General Services Administration for the procurement of personal property and non-personal services (excluding construction, building service contracts, and space acquisition).

§ 5A–1.105 Exclusions.

(a) Certain procurement policies and procedures which come within the scope of this chapter nevertheless may be excluded therefrom when there is justification. These exclusions include the following categories:

(1) Subject matter which bears a security classification;

(2) Policies or procedures which are expected to be effective for a period of less than 6 months;

(3) Policies and procedures which are effective on an experimental basis for a reasonable period;

(4) Policies or procedures pertaining to other functions of GSA as well as to procurement functions and where there is need to make the issuance available simultaneously to all employees concerned; and

(5) Where speed of issuance is essential, numerous changes are required, and all necessary changes cannot be made promptly.

(b) Procurement policies and procedures issued in other than the FPR System format under subparagraphs (a)(4) and (5), above, shall be codified into Chapter 5A at the earliest practicable date, but in any event not later than 6 months from date of issuance.

§ 5A–1.106 Method of issuance.

(a) All Chapter 5A material deemed necessary for business concerns and others interested, to understand GSA procurement policies and procedures, will be published in the FEDERAL REGISTER. Other related material also may be published in the FEDERAL REGISTER when its inclusion will provide a logical, comprehensive statement of GSA procurement policies and procedures.

(b) GSPR Chapter 5A material published in the FEDERAL REGISTER will be published in cumulative form in Chapter 5A of Title 41 of the Code of Federal Regulations (41 CFR 5A). The FEDERAL REGISTER and Title 41 of the Code of Federal Regulations may be purchased from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C.

(c) GSPR Chapter 5A is issued in looseleaf form on blue paper stock.

§ 5A–1.107 Arrangement.

§ 5A–1.107–1 General plan.

Chapter 5A is divided into parts, subparts, sections, subsections, and further subdivisions as necessary.

§ 5A–1.107–2 Numbering.

(a) The numbering system used in Chapter 5A conforms to the FPR System (see § 1–1.007–2). Thus, a particular procurement policy or procedure is identified by the same number in both the FPR and Chapter 5A, except that the first digit of the number is either 1 (FPR) or 5A (GSPR).

(b) Where Chapter 5A implements a part, subpart, section, or subsection of the FPR, the implementing part, subpart, section, or subsection of Chapter 5A will be numbered (and captioned) to correspond to the FPR part, subpart, section, or subsection.

(c) Where Chapter 5A supplements the FPR and thus deals with subject matter not contained in the FPR, numbers in the group 50 through 89 will be assigned to the respective supplementing parts, subparts, or sections.

(d) Where the subject matter contained in a part, subpart, section, or subsection of the FPR requires no implementation, Chapter 5A will contain no corresponding part, subpart, section, or subsection. Thus, there may be gaps in the Chapter 5A series of part, subpart, section, or subsection numbers. In such cases, reference must be made to the FPR for applicable policy and procedure.

§ 5A–1.107–3 Cross-references.

(a) Within Chapter 5A, cross-references to the FPR will be made in the same manner as used within the FPR. Illustrations of cross-references to the FPR are:

(1) Part 1–3.

(2) Subpart 1–3.1.

(3) § 1–3.413–5.

(b) Within Chapter 5A, cross-references to parts, subparts, and sections will be made in a manner generally similar to that used in making cross-references to the FPR. For example, this paragraph would be referenced as "§ 5A–1.107–3(b)."

§ 5A–1.108 Citation.

(a) In formal documents, such as legal briefs, citations of Chapter 5A material shall give the number of the part, subpart, or section of Chapter 5A following the words "General Services Administration Procurement Regulations" and shall include an appropriate reference to "41 CFR ——" where the material has been published in the FEDERAL REGISTER.

(b) Any section of Chapter 5A, for purpose of brevity, may be informally identified as "GSPR" followed by the section number. For example, this paragraph would be identified in a letter as "GSPR 5A–1.108(b)."

§ 5A–1.109 Deviation.

(a) The term "deviation" as used in this Chapter 5A is defined in the same manner as described in § 1–1.009–1.

(b) In order to maintain uniformity to the greatest extent feasible, deviation from the FPR and GSPR Chapter 5A shall be kept to a minimum and controlled as follows:

(1) Approval of any deviation by GSA activities from the FPR in individual cases will be made only by the Head of the responsible Central Office Service or Staff Office, and in classes of cases only by the Administrator of General Services. Requests for deviations will be supported by statements adequate to disclose fully the nature of the deviation and the need therefor.

(2) Deviations from GSPR 5A will be made only after prior approval by the Commissioner, FSS, or by the Assistant Commissioner for Procurement, FSS, if the deviation does not affect the programs and operations assigned to any other GSA activity. However, deviations from Part 50, GSPR 5A (to be issued), constitute an exception to the above. Such deviations will be made only after prior approval by the Commissioner, ADTS, and will need no further approval if such deviations affect only the programs and operations assigned to ADTS.

(3) Deviation in classes of cases, authorized under subparagraphs (1) and (2), above, will expire, unless extended,

12 months from the date of approval, unless sooner rescinded, without prejudice to any action taken thereunder.

(Sec. 205(c), 63 Stat. 390; 40 U.S.C. 486(c); 41 CFR 5-1.101(c))

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

Dated: November 25, 1973.

M. J. TIMBERS,
Commissioner, ESS.

[FR Doc.74-170 Filed 1-2-74;8:45 am]

Title 47—Telecommunication

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 73—RADIO BROADCAST SERVICES

TV Program Identification; Inclusion of Coded Patterns

In the matter of amendment of § 73.682(a)(22) of the Commission's rules concerning the inclusion of coded patterns for electronic program identification in the video transmissions of television broadcast stations.

1. Section 73.682(a)(22) of the Commission's rules, which permits the inclusion of information in the video portion of the television broadcast signal to be utilized in a system for electronic program identification, reads as follows:

> The intervals within the first and last 10 microseconds of lines 21 through 23 and 260 through 262 (on a "field basis") may contain coded patterns for the purpose of electronic identification of television broadcast programs and spot announcements. No single transmission of such coded patterns shall exceed one second in duration. The transmission of these patterns shall not result in significant degradation of broadcast transmission.

2. The intent of the rule is to confine the transmissions of identification information to 10 microsecond segments of the first three and last three field lines of the portion of the video signal which contains picture information, and the field lines were designated with this end in view.

3. It appears, however, that within the tolerances specified in the Commission's rules, field lines up to and including line 21 may be contained in the vertical blanking interval, and, as a matter of current practice, television program transmissions are very frequency made with 21 lines of vertical blanking. Under such circumstances, line 21 cannot be utilized in the transmission of program identification information, as § 73.682(a)(22) contemplates.

4. If three field line segments are to remain accessible for program identification transmission pursuant to this rule, it appears that amendment of the rule is necessary. Accordingly, we are amending § 73.682(a)(22) to permit the employment of 10 microsecond segments of lines 22 through 24 for program identification information, in lieu of the corresponding segments of lines 21 through 23.

5. Since this amendment is essentially corrective in nature, we find that observance of the notice and public procedure requirements of the Administrative Procedure Act would involve unnecessary burdens and delays, and would be contrary to the public interest.

6. *Accordingly, It is ordered,* That, effective January 28, 1974, Part 73 of the Rules and Regulations is amended as set forth below. Authority for this action is found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended.

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

Adopted: December 12, 1973.

Released: December 18, 1973.

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

In § 73.682 paragraph (a)(22) is revised to read as follows:

§ 73.682 Transmission standards and changes.

(a) * * *

(22) The intervals within the first and last 10 microseconds of lines 22 through 24, and 260 through 262 (on a "field" basis) may contain coded patterns for the purpose of electronic identification of television broadcast programs and spot announcements. No single transmission of such coded patterns shall exceed one second in duration. The transmission of these patterns shall not result in significant degradation of broadcast transmission.

* * * * *

[FR Doc.74-14 Filed 1-2-74;8:45 am]

PART 73—RADIO BROADCAST SERVICES

[Docket No. 19727 RM-1981]

FM Broadcast Stations; New Bern, Morehead City-Beaufort, N.C.

In the matter of amendment of § 73.202(b), table of assignments, FM broadcast stations. (New Bern and Morehead City-Beaufort, North Carolina).

1. In the FM Table of Assignments, the only FM channel presently assigned to New Bern, North Carolina, is Class C Channel 293. Two channels 240A and 270 (Class C), are assigned on a hyphenated basis to Morehead City-Beaufort, North Carolina. On April 25, 1973, the Commission adopted a Notice of Proposed Rule Making in this proceeding (38 FR 10968), in response to a petition filed by New Bern Broadcasting, Inc. (petitioner) which proposed the reassignment of Channel 270 from Morehead City-Beaufort to New Bern and the replacement of Channel 270 at Morehead City-Beaufort with either Channel 265A or Class C Channel 277. No other revisions in our FM Table of Assignments were proposed or contemplated.

2. Comments were filed by petitioner, and by V.W.B., Inc. (V.W.B.), Mr. Philip S. Church, Mr. Mack Styron and Mr. Corris T. Baines. Petitioner also filed reply comments.

3. This proceeding confronts us with two independent questions: (1) Should a second Class C FM assignment be made to New Bern, North Carolina, and (2) should Morehead City-Beaufort, North Carolina, have a change in the nature of its present FM assignments, i.e., if Channel 270 (which is unoccupied at Morehead City-Beaufort) is reassigned to New Bern should it be replaced by a Class A channel (265) or a Class C channel (277)? We shall discuss each question separately.

NEW BERN, NORTH CAROLINA

4. New Bern, North Carolina (population 14,660)[1] is the largest city, in, and seat of, Craven County (population 62,554). The only FM assignment at New Bern, Class C Channel 293, is licensed to V.W.B., Inc. (WSFL) for use at Bridgeton, North Carolina, a community adjacent to New Bern. The only standard broadcast stations located in New Bern are WGSE (daytime-only), the permittees of which are Mr. J. D. Connor and Mr. G. C. Parker[2] d/b as P & C Broadcasting; WHIT (Class IV), licensed to petitioner, and WRNB (Class IV), licensed to Jefferay Broadcasting Corporation.

5. Petitioner notes that New Bern is located at the confluence of the Neuse and Trent Rivers, in the Central Coastal Region of Eastern North Carolina. It is maintained that it is the principal city of the lower Neuse River Basin in the Southeast Coastal Plain and as such, that it serves as the focal point of economic, social and cultural activities in the area. Detailed information furnished by petitioner about the economic and other characteristics of New Bern was set forth in the Notice and is not repeated here. We are advised that the community is somewhat isolated with the nearest city having a population of over 25,000, Kinston, North Carolina, being approximately 30 miles distant. The closest community with a population of over 50,000 is Goldsboro, North Carolina, approximately 54 miles distant.

6. V.W.B., the only opponent to the proposed reassignment of Class C Channel 270 from Morehead City-Beaufort to New Bern points out that the Morehead City-Beaufort area of North Carolina is not unimportant and in its view requires the use of a Class C FM channel. We note V.W.B.'s argument but observe that if Channel 270 is reassigned from Morehead City-Beaufort to New Bern, Morehead City-Beaufort can have as its replacement either Class A Channel 265 or completely comparable Class C Channel 277. In brief, New Bern can benefit from a new service without discommoding the citizens of the Morehead City-Beaufort area in any way.

7. V.W.B. suggests that Channel 270 should be reassigned to Jacksonville, North Carolina, rather than to New Bern because Jacksonville is larger. The population of Jacksonville is 16,021 persons. Its county, Onslow, contains 103,126 resi-

[1] All population figures cited are from the 1970 U.S. Census unless otherwise specified.

[2] Mr. J. D. Connor and Mr. G. C. Parker own about 45 percent of the stock of V.W.B., Inc., aforementioned licensee of WSFL.

dents. Two FM assignments exist at Jacksonville, 221A (WRCM, licensed to Onslow Broadcasting Corp.) and 288A (WXQR, licensed to Marine Broadcasting Corporation). Three standard broadcast stations also are located in the community: WJNC (an unlimited service, licensed to Onslow Broadcasting Corp.); WBBS (a daytime-only service, licensed to Brown Broadcasting Co.) and WLAS (a daytime-only service, licensed to Seaboard Broadcasting Corp.). In view of the approximately similar sizes of New Bern and Jacksonville proper, the nature and number of oral services in both communities at this time (see paragraph 4 supra for New Bern's statistics), and the fact that no interest of any kind has been shown in this proceeding in establishing a new FM service at Jacksonville, we are of the view that as between Jacksonville and New Bern it is more appropriate to assign a new FM service to New Bern. Too, we note that a Class C Channel 270 at New Bern would be in competition with an equal Class C channel (WSFL) while the assignment of the Class C channel to Jacksonville would create an undersirable intermixing of classes of FM stations.

8. It is urged by V.W.B. that the New Bern area presently has sufficient service and that the addition of a new service could bring serious economic harm to existing stations in the area. Although these assertions are made, no engineering or economic data is offered to demonstrate which radio services actually serve the New Bern area or how they would be harmed. No party other than V.W.B. has objected to the proposed New Bern assignment on economic impact or other grounds. V.W.B. also maintains that if a Class C channel is assigned to New Bern and if the petitioner (who is the licensee of AM Station WHIT at New Bern) were licensed to operate on the new channel it would have a competitive advantage over independent FM stations in the area. We observe that the stockholders (in part) of V.W.B. which controls WSFL, licensed at Bridgeton, North Carolina (community adjacent to New Bern) control WGSE a standard broadcast station at New Bern—see paragraph 4 and footnote 2 supra. It is our belief that the economic impact issue raised by V.W.B. (as well as the question of an appropriate site for a new Class C FM station's tower at New Bern, a matter also raised by V.W.B.) is best considered at the time of the filing of an actual application for a Class C Channel 270 at New Bern.

9. Our engineering analysis indicates that the proposed reallocations are feasible and that the proposed assignment of Channel 270 to New Bern would foreclose future assignments only on Channel 272A. Within the precluded area there is but one community (Plymouth, population 4,774) where FM Channel 272A could be assigned if Channel 270 were not assigned to New Bern. Channel 240A is presently assigned to that community and has no application pending for its use.

10. In view of the foregoing, we are convinced that it is in the public interest to reassign Class C FM Channel 270 from Morehead City-Beaufort, North Carolina, to New Bern, North Carolina.

MOREHEAD CITY-BEAUFORT, NORTH CAROLINA

11. Since we believe that Channel 270 should be reasigned from Morehead City-Beaufort to New Bern, the question now before us is—should the replacement for Class C Channel 270 at Morehead City-Beaufort be a Class A (265) or a Class C assignment (277)?

12. Carteret County, North Carolina, with a population of 31,603, contains Morehead City (population 5,233) and nearby Beaufort, its seat (population 3,368), with a combined population of 8,601 persons. FM Channels 240A and 270 are, at the present time, assigned on a hyphenated basis to Morehead City-Beaufort. The former channel has a construction permit outstanding for its use which is held by Carteret Broadcasting Company. As stated above, the latter channel has no application pending for its use and is to be reassigned to New Bern. Class IV AM Station WBMA is licensed to Mr. Richard Ray Cummins at Beaufort, while daytime-only AM Station WMBL is licensed to Carteret Broadcasting Company at Morehead City.

13. The record in this proceeding indicates that there are three independent parties, Mr. Philip S. Church, Mr. Mack Styron and Mr. Corris T. Baines, each interested in bringing a new FM service to Morehead City-Beaufort. The only condition for so doing, set out by each of these independent parties, is that they desire to activate a station on a Class C channel. None of the parties has indicated an intention to apply for a Class A substitute for Class C Channel 270.

14. Carteret County is a peninsula which lies between the Neuse River on the north, Pamlico Sound on the northeast, and Bogue, Back and Core Sounds on the south and east. Beyond the Sounds are the narrow Bogue, Shackleford and Core Banks, Onslow and Raleigh Bays, and the Atlantic Ocean. The county has a land area of 340,000 acres and approximately 400 square miles of inland waters. It has 80 miles of ocean beaches.

15. Mr. Church's comments state that:

"The principal industries in the County are tourism, commercial and sport fishing, lumber mills, plywood processing, ship building, and the manufacture of mobile homes, clothing, asphalt roofing and shingles. The major agricultural products are sweet and Irish potatoes, soybeans, cabbage, wheat, oats, corn and tobacco. The port at Morehead City is the world's largest tobacco exporting facility. In addition to providing equipment for handling general cargo, the terminal also has modern bulk cargo handling equipment."

These comments also state that between 1960 and 1970 the population of Carteret County increased by 15.2 percent and supply the following growth information between 1968 and 1972:

	1968	1972
Visitors to the county's State park	642,595	862,711
Travel-related expenditures in the county	$5,815,000	$8,050,000
Retail sales in Carteret County	$46,950,787	$75,616,348
Worth of building permits in the county	$2,970,358	$9,627,240

Thus, according to Mr. Church, the year-round population has grown substantially in Carteret County and summer tourism has become a major industry in the area—trends that he believes will continue.

16. In response to our Notice's contemplated substitution of Class A Channel 265 for Class C Channel 270, i.e., the making of all FM assignments at Morehead City-Beaufort equal Class A assignments, three opposing arguments are offered: first, it is pointed out that the only existing FM channel (other than 270) in Morehead City-Beaufort is, although a Class A channel, part of an AM–FM combination—a construction permit is held for Class A Channel 240 and a license held for standard broadcast Station WMBL, both at Morehead City-Beaufort, by Carteret Broadcasting Company. In light of this fact it is maintained that the best way of establishing a viable new independent FM station at Morehead City-Beaufort which would diversify the media there is for it to be established on a Class C channel so as to permit the new licensee to effectively compete with the AM–FM combination. Second, it is asserted that Carteret County requires a Class C wide coverage FM station in order to serve the entire county and bring it information, news and entertainment pertinent to the similar interests of the citizens of all of Carteret County. Third, it is indicated that a Class A channel substitute (265A) for deleted Class C Channel 270 will not be activated and that there are three parties currently interested in rapidly establishing a new radio voice in Carteret County on a Class C substitute (277) for Class C Channel 270.

17. Although the substitution of Channel 265A for deleted Class C Channel 270 at Morehead City-Beaufort would deintermix the classes of FM stations there, the counter-arguments offered indicate to us that under the present circumstances it would not be in the public interest to disturb the nature of the existing FM channels at Morehead City-Beaufort. We have come to the judgment therefore, that it is in the public interest to replace Class C FM Channel 270 with comparable Class C FM Channel 277 at Morehead City-Beaufort, North Carolina—Alternative Proposal 2 in our Notice in this proceeding.

18. Authority for the action taken herein is contained in sections 4(i), 303 and 307(b) of the Communications Act of 1934, as amended.

19. Accordingly, in view of the foregoing, *It is ordered*, That effective February 4, 1974, the FM Table of Assignments in § 73.202(b) of the Commission's rules

is amended, insofar as the communities listed below are concerned, to read as follows:

City:	Channel No.
Morehead City-Beaufort, North Carolina	204A, 277.
New Bern, North Carolina	270, 293.

20. *It is further ordered*, That this proceeding (Docket No. 19727, RM–1981) is terminated.

(Secs. 4, 303, 307, 48 Stat., as amended, 1066, 1082, 1083; 47 U.S.C. 154, 303, 307.)

Adopted: December 19, 1973.

Released: December 27, 1973.

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

[FR Doc.74–40 Filed 1–2–74;8:45 am]

Title 49—Transportation

CHAPTER III—FEDERAL HIGHWAY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

SUBCHAPTER A—MOTOR CARRIER SAFETY REGULATIONS

[Notice No. 73–29]

APPENDIX A—INTERPRETATIONS

Noncontinuous Displays of Instrument Gauge Readouts

The Director of the Bureau of Motor Carrier Safety is amending Appendix A of the Motor Carrier Safety Regulations by adding a new Interpretation No. 5. The purpose of the amendment is to give the public notice of an interpretation of § 393.51 of the Regulations (49 CFR 393.51) recently issued by the Bureau.

Since this amendment relates to a matter of interpretation of existing rules, notice and public procedure thereon are unnecessary.

In consideration of the foregoing, Appendix A to Subchapter A of Chapter III in title 49, CFR is amended by adding a new Interpretation No. 5, reading as set forth below.

(Sec. 204, Interstate Commerce Act, 49 U.S.C. 304; sec. 6, Department of Transportation Act, 49 U.S.C. 1655; delegations of authority by the Secretary of Transportation and the Federal Highway Administrator at 49 CFR 1.48 and 389.4, respectively)

Issued on December 26, 1973.

ROBERT A. KAYE,
Director, Bureau of Motor Carrier Safety.

[INTERPRETATION NO. 5]

A manufacturer of commercial motor vehicles has advised the Bureau that it is developing a digital instrument readout system. In the system, readouts of the gauges that monitor certain vehicle systems, specifically road speed and engine revolutions per minute, are displayed on the driver's instrument panel continuously. Other gauge readouts are displayed on a third, multi-use digital screen only when selected by the driver. Among the functions in the latter category are oil pressure and primary air pressure in the vehicle's brake system. If the service brake air pressure drops below 60 psi, however, certain warning systems (a red light and a buzzer) are automatically activated, and the primary air pressure level automatically registers on the display panel, overriding any other readouts the driver may have selected.

The manufacturer has asked whether the system, as described, may lawfully be used in a vehicle operated by a commercial motor carrier operating in interstate or foreign commerce and subject to the Motor Carrier Safety Regulations. Of specific concern are the provisions of § 393.51(c)(2) of the Regulations which provide that a motor vehicle equipped with an air brake system must have "a pressure gauge which indicates to the driver the pressure in pounds per square inch available for braking."

It is the view of the Bureau of Motor Carrier Safety that the Motor Carrier Safety Regulations permit the operation of a vehicle equipped with the described instrument readout system as long as two conditions are met: First, the driver must be able to monitor air pressure on the display panel whenever he elects to do so; Second, the system must automatically display to the driver the primary air pressure in pounds per square inch available for braking whenever that pressure drops below one-half of the compressor governor cutout pressure. In the case of such a pressure drop, the display of air pressure must override any other display shown on the panel.

The basic features of this interpretation hold good for motor vehicles equipped with vacuum brakes, except that the cutoff point below which the vacuum in the vehicle's supply reservoir must be automatically displayed is 8 inches of mercury. See § 393.51(d) of the regulations (49 CFR 393.51(d)).

The Bureau has also given consideration to the use of an instrument panel providing non-continuous display of vehicle speed. It is the Bureau's tentative view that § 393.82 of the Motor Carrier Safety regulations, 49 CFR 393.82, requires that the vehicle's speed in miles per hour must be continuously displayed to the driver while the vehicle is in operation. Hence, a system in which the speedometer readout would be available to the driver only upon exercise of his election (as by pressing a designated button) would not conform to the requirements of § 393.82.

[FR Doc.74–108 Filed 1–2–74;8:45 am]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 73–13; Notice 3]

PART 571—MOTOR VEHICLE SAFETY STANDARDS

Air Brake Systems

This notice amends Motor Vehicle Safety Standard No. 121, *Air brake systems*, by modifying the emergency stopping distance requirements for truck-tractors, the parking brake requirements for trailer converter dollies, and the recovery requirements for antilock equipped brakes, and by establishing a new test condition for loaded truck-tractors, special test conditions for certain drive and axle configurations, and a new burnish condition for road tests.

The amendments adopted by this notice represent a partial adoption of the changes proposed in Docket No. 73–13, Notice 1 (38 FR 14963; June 7, 1973). The comments to the proposal were divided as to the merits of most of the changes proposed. Running throughout the comments, however, was an overriding concern with lead time. Although a manufacturer might favor a change, such as the proposed change in the burnish condition, he may find himself unable to adjust to it within the time remaining before the standard becomes effective on September 1, 1974. The NHTSA, for its part, does not consider the proposed changes significant enough to warrant postponing the effective date of the standard. The agency has therefore adopted two provisions for which lead time appears to be a problem—the new burnish condition and the new truck-tractor test condition—as options for the period between September 1, 1974, and September 1, 1976. Of the remaining changes proposed in Docket 73–13, some are adopted effective September 1, 1974, others are not being adopted and will not be further considered for adoption, and others remain as candidates for adoption. If the latter are adopted, they will become effective at some date beyond September 1, 1974. The treatment accorded each of the proposed changes is set out in order below.

S4. Definitions were proposed for "isolated reservoir" and "service reservoir". Insofar as the principal use of these definitions was to be in proposed amendments which are not being adopted at this time, there is little purpose in adding them to S4 at this time. They are therefore not adopted.

S5.1.2.5 This new section was to have been added to prevent the diversion of air from the service reservoirs into other reservoirs when the service reservoir pressure is below 60 psi. In addition to questions of lead time, several comments stated that the equipment served by auxiliary reservoirs, such as windshield wipers, often plays a role in safety as significant as that of the brake system. In consideration of these factors, the section is not being adopted at this time, and if subsequently adopted will take into account both lead time and the effects on other safety systems.

S5.1.3 The amendment proposed to the towing vehicle protection system requirements was to have accompanied the amended emergency braking requirements of S5.7, and would have designated the protection system as the system enabling the vehicle to meet the emergency stopping requirements of S5.7.2.2 and S5.7.2.3. The agency has decided to defer action on the amendments to S5.7, as discussed below, and accordingly takes no final action on S5.1.3 at this time.

S5.1.6 An amendment was proposed to the antilock failure signal requirements in response to a petition by Berg Manufacturing Company. Berg has subsequently withdrawn its petition, and in the absence of compelling reasons to adopt the proposed change, the NHTSA has decided not to amend S5.1.6.

S5.2.1.1. The requirement for the reservoir used to release the parking brakes was to be amended to specify two brake

releases, rather than one, and to specify the initial pressure from which these releases were to be accomplished. The agency continues to regard these changes favorably, but has decided to defer final action until the issuance of amendments concerning the parking and emergency systems, as discussed under sections S5.6 and S5.7.

S5.3.1 and S5.3.2. Rather than amend the general language of these sections concerning the circumstances under which lockup is permitted during a stop, the agency has decided to leave the sections essentially unaltered. In response to requests to clarify the treatment accorded liftable axles, the section is amended to permit, in effect, liftable axles without antilock on vehicles with more than two nonsteerable axles. Liftable axles on vehicles with two nonsteerable axles would continue to be subject to the no-lockup requirement except for controlled lockup allowed by an antilock system.

The principal change proposed for S5.3.1 and S5.3.2 had been a change in the description of permissible lockup from "controlled lockup allowed by an antilock system" to "lockup of wheels controlled by an antilock system that does not permit more than half the wheels on any controlled axle to lock more than momentarily." The intent of the proposed revision was to forestall systems whose "control" over the lockup of wheels, although nominally within the meaning of the language, might be so marginal as to permit more than half the wheels on a tandem axle to lock throughout the duration of a stop. The proposed amendment, however, was read by some manufacturers as expressly permitting systems in which half the wheels on each axle would not be sensed or monitored by the antilock controller or cycled by the antilock system. Such was not the intent of the proposal. It appears, on further review, that such systems are not currently in prospect. The agency has concluded that the better course is not to amend the "controlled lockup" language at this time, but to observe developments in the industry, with a view toward amending the requirements if subsequent events indicate a safety need.

S5.3.4 The notice had proposed increasing the release time for trailers from 0.50 second to 0.60 second. In the face of several objections to the proposal on the grounds that it ran counter to the need for coordination of braking between vehicles in combination, and on the basis of information indicating that the timing problem is solvable for trailers, the proposal is being withdrawn.

S5.4.1 The notice had proposed deleting the retardation force requirement, leaving it applicable only to towed vehicles. The change had been proposed as a result of the proposed amendment to the tractor test conditions whereby the tractor would be tested with a trailer. In the light of the comments, and of the continuance of the current tractor test conditions as an option, the NHTSA has decided not to adopt the proposed change.

S5.4.3 The notice proposed to delete the minimum recovery pressure requirement for brakes equipped with antilock systems, leaving the 20 psi minimum force level for other brakes. Upon further consideration, the agency has concluded that a minimum recovery force requirement should be retained for antilock equipped brakes, but at a level below 20 psi. The agency has determined that 12 psi is a minimum level that permits a greater variety of brake linings while retaining a residual protection against over-sensitive brakes in the event of antilock failure. Accordingly, the agency adopts 12 psi as the minimum recovery force for antilocked brakes.

S5.6 The parking brake requirements of S5.6 had been one of the principal areas affected by the proposal. In addition to changes in the parking brake application requirements and deletion of the optional static pull test for parking brake holding ability, the notice had proposed new requirements for parking brake stopping capability. This latter proposal received almost unanimous criticism. Although the agency has not concluded that the proposal is without merit, the issues raised by the comments and the evident leadtime problems associated with the proposal have led the agency to conclude that no further action should be taken without additional notice and opportunity for comment and that the effective date for any such requirement should lie beyond September 1, 1974.

Of the remaining changes to S5.6 proposed by the notice, only the exemption of converter dollies from the parking brake requirements is being adopted at this time. The proposed deletion of the optional static pull test of S5.6.2 has not been carried out, and the options of S5.6.1 and S5.6.2 will be retained. The proposed parking brake application requirements of S5.6.6 and S5.6.7, which had reflected amendments proposed to the emergency braking requirements of S5.7, are not being adopted at this time, pending further rulemaking on S5.7.

S5.7 The notice had proposed substantial revisions to the emergency braking requirements of S5.7, principally in response to a petition by ATA and to an earlier petition by Ford. The majority of the changes proposed in response to the ATA petition continue to be viewed favorably by the NHTSA. However, review of the comments suggests both that further refinements are necessary and that the proposed changes will require additional time for implementation. The agency is therefore deferring final rulemaking action on the aspects of S5.7 addressed by the ATA to a later date and will issue such changes as it may decide upon with an effective date beyond September 1, 1974.

Amendments to the emergency stopping distance requirements, presently contained in S5.7.2.3 of the standard, were proposed by two successive notices. In Docket 73–4, Notice 1 (38 FR 6831), the agency proposed a favorable response to a petition by Ford concerning the emergency stopping distances for short-wheelbase two-axle truck-tractors in the unloaded condition. When tested in this weight condition, truck-tractors are driven without a trailer—a condition in which they are seldom operated over the road. The effect of the proposed amendment would have been to permit a limited number of truck-tractors equipped with modulated emergency braking systems to stop in a somewhat longer distance than that permitted other vehicles with modulated emergency braking.

Comments to Docket 73–4 indicated that there were other vehicles whose braking systems were complicated by the shorter emergency stopping distance. In response to these comments, the agency proposed in Docket No. 73–13, Notice 1, to apply the longer stopping distances to other vehicles in the unloaded condition provided they were capable of stopping within the shorter distance with the assistance of the parking brakes. The comments to Docket No. 73–13 objected to the use of the parking brake in this fashion, and some asserted that if the longer distance were appropriate for some vehicles it should be appropriate for all. Upon review of the comments, the agency has decided against a general lengthening of emergency stopping distances. Upon weighing the rarity of truck-tractor operation without a trailer against the potential costs of modifying truck-tractors to meet the shorter stopping distance in that configuration, however, the agency has concluded that the longer stopping distances specified in Column 4 of Table II should be applicable to truck-tractors, regardless of weight distribution or number of axles, but that other vehicles should continue to meet the emergency stopping distances of Column 3 of Table II. Section S5.7.2.3 is amended accordingly.

S5.8 The Notice had proposed to transfer the emergency braking capability requirement for trailers from S5.8 to S5.6.7. Until such time as the agency decides to adopt S5.6.7, S5.8 will be retained. To provide emergency capability for converter dollies, in the absence of mandatory parking brakes for them, the NHTSA has amended the section to provide for application of the dolly's service brakes in the event of complete air pressure loss in the control lines. This system is presently installed in virtually all dollies, as a result of regulations issued by the Bureau of Motor Carrier Safety (49 CFR 393.43) and is considered to be a practicable substitute for the parking brakes in emergency situations.

S6.1 A number of revisions to the test conditions of S6.1 were proposed. These revisions are adopted in substance, with some changes in structure and in section numbering. The new truck-tractor test condition, whose insertion as S6.1.2 had caused confusion as to the fate of the old S6.1.2, has been adopted as S6.1.10, thereby leaving the current sections S6.1.2 to S6.1.9 with their present numbering.

S6.1.8 The road test burnish procedures proposed in the notice are being adopted as an optional procedure for the

period September 1, 1974, to September 1, 1976. After September 1, 1976, the new burnish procedure will replace the older procedure as the only burnish prescribed for road tests. This two-step arrangement appears necessary to permit manufacturers whose testing to date has been conducted with the current burnish procedure, and who need additional time, to phase in the new procedure.

S6.1.10 A similar phase-in has been found necessary for the new tractor test conditions. Several manufacturers had stated that their evaluation programs had been conducted without trailers and that retesting would be necessary in order to certify their vehicles under the new conditions. The new conditions are therefore adopted as an option for the period September 1, 1974, to September 1, 1976. During this period a manufacturer may choose to test his vehicles under either loading condition, and such tests as the NHTSA conducts will be in the loading condition chosen by the manufacturer for vehicle under test.

S6.1.10.1 The control trailer to be used under S6.1.10 is specified as conforming to Standard No. 121.

S6.1.10.2 The center of gravity of the loaded trailer is specified as being at a height of 66±3 inches above the ground. There was a variety of opinion in the comments as to how high the center of gravity should be, but upon reviewing the comments the agency has concluded that the 66±3 inch range originally proposed is reasonably representative of loading conditions. Axle load shift due to the rake angle of the trailer bed does not appear to be a problem in that each axle of the trailer is loaded to its GAWR when the trailer is connected to the tractor.

S6.1.10.3 and S6.1.10.4 In response to comments suggesting that the lengths and weight ratings of the trailers specified in the proposal were not those in most general use, the agency has increased the length of the trailer specified in S6.1.10.3, reduced the length of the trailer specified in S6.1.10.4, and lowered the gross axle weight rating for each trailer.

S6.1.10.5 The loading condition of the trailer for tests of the tractor's brakes is substantially the same as that proposed in the notice. The tractor's fifth wheel does not have to be adjustable, as some comments inferred, but if it happens to be adjustable it must be adjusted to produce the specified weight distribution. The axle loads are to be measured at the tire-ground interfaces, in response to comments that the former reference to the "force transmitted to the tractor axles through the kingpin" was not clear as to the method of measurement.

S6.1.10.6 and S6.1.10.7 These sections are designed to establish performance specifications for the trailers to be used for truck-tractor testing. They are not intended as performance requirements for trailers, but only as test equipment specifications for the tractor tests. The trailer loading condition specified is somewhat different from that used in testing the performance of the tractor, because the tests are aimed at isolating the performance of the trailer brakes. The location of the fifth wheel is specified as the position determined under S6.1.10.5, but the trailer is loaded so that its axle is at its gross axle weight rating and its kingpin is at unloaded weight.

The actuation and release times specified for the trailer in the evaluation tests were questioned by several comments. It may be necessary, in some cases, for a special valve to be installed on the tractor if the tractor's system is too slow to actuate the trailer's brakes in the time specified. The purpose of the timing specification is simply to remove the tractor's performance as a factor in the trailer brake evaluation. When the trailer is used in tests of a tractor pursuant to S5.3.1 it will, of course, be connected to the tractor's normal control system.

In addition to specifying the same loading in S6.1.10.7 as in S6.1.10.6, the ratio applied to determine the trailer's stopping distance under S6.1.10.7 has also been revised to conform to that used in S6.1.10.6. To accommodate tractors that are not capable of 60-mph speeds, each section now specifies that the trailer is tested at the speed at which the tractor for which it will be used is tested.

S6.1.11 and S6.1.12 These sections relate to special drive conditions and the position of liftable axles, and are adopted as proposed.

S6.1.13 This new section was proposed to establish performance requirements for the trailer timing test rig specified in Figure 1. In the light of objections in the comments to the performance levels specified, the agency is deferring final rulemaking at this time and will issue such changes as it may decide upon with an effective date beyond September 1, 1974.

The tables and figures proposed for adoption or amendment by the notice are adopted as proposed, except for the omission of the parking brake dynamic test from Table I.

In consideration of the foregoing, Motor Vehicle Safety Standard No. 121, *Air brake systems* (49 CFR 571.121), is amended as follows:

§ 571.121 [Amended]

1. S5.3.1 is revised to read:

S5.3.1 *Stopping distance—trucks and buses.* When stopped six times for each combination of weight, speed, and road condition specified in S5.3.1.1, in the sequence specified in Table I, the vehicle shall stop at least once in not more than the distance specified in Table II, measured from the point at which movement of the service brake control begins, without any part of the vehicle leaving the roadway and without lockup of any wheel at speeds above 10 mph except for:

(a) Controlled lockup of wheels allowed by an antilock system, or

(b) Lockup of wheels on nonsteerable axles other than the two rearmost nonliftable, nonsteerable axles on a vehicle with more than two nonsteerable axles.

2. S5.3.2 is revised to read:

S5.3.2 *Stopping capability — trailers.* When tested at each combination of weight, speed, and road condition specified in S5.3.2.1, in the sequence specified in Table I, with air pressure of 90 p.s.i. in the control line and service reservoir system and with no application of the towing vehicle's brakes, a trailer shall stop without any part of the trailer leaving the roadway and without lockup of any wheel at speeds above 10 mph, except for

(a) Controlled lockup of wheels allowed by an antilock system, or

(b) Lockup of wheels on nonsteerable axles other than the two rearmost nonliftable, nonsteerable axles on a trailer with more than two nonsteerable axles.

3. S.5.4.3 is revised to read:

S5.4.3 *Brake recovery.* Starting 2 minutes after completing the tests required by S5.4.2, the brake shall be capable of making 20 consecutive stops from 30 mph at an average deceleration rate of 12 ft/s/s, at equal intervals of 1 minute measured from the start of each brake application. The service line air pressure needed to attain a rate of 12 ft/s/s shall be not more than 75 lb/in², and not less than 20 lb/in², for a brake not controlled by an antilock system, or 12 lb/in², for a brake controlled by an antilock system.

4. S5.6 is revised to read:

S5.6 *Parking brake system.* Each vehicle other than a trailer converter dolly shall have a parking brake system that under the conditions of S6.1 meets the requirements of S5.6.1 or S5.6.2, at the manufacturer's option, and the requirements of S5.6.3 and S5.6.4.

5. S5.7.2.3 is revised to read:

S5.7.2.3 *Emergency braking stopping distance.* When stopped six times for each combination of weight and speed specified in S5.3.1.1 on a road surface with a skid number of 75, with a single failure of a part designed to contain compressed air or brake fluid (except failure of a common valve, manifold, brake fluid housing, or brake chamber housing), the vehicle shall stop at least once in not more than the distance specified in Column 3 of Table II, measured from the point at which movement of the brake control begins, without any part of the vehicle leaving the roadway, except that a truck-tractor tested at its unloaded vehicle weight plus 500 pounds shall stop at least once in not more than the distance specified in Column 4 of Table II.

6. S5.8 is amended as follows:

S5.8 *Emergency braking capability—trailers.* Each trailer other than a trailer converter dolly shall have a parking brake system that conforms to S5.6 and that applies with the force specified in S5.6.1 or S5.6.2 when the air pressure in the supply line is at atmospheric pressure. A trailer converter dolly shall have, at the manufacturer's option, (a) a parking brake system that conforms to S5.6 and that applies with the force specified in S5.6.1 or S5.6.2 when the air pressure in the supply line is at atmospheric pressure, or (b) an emergency system that automatically controls the service brakes when the service reservoir is at any pressure above 20 lb/in² and

the supply line is at atmospheric pressure.

7. S6.1.1 is revised to read:

S6.1.1 Except as otherwise specified the vehicle is loaded to its gross vehicle weight rating, distributed proportionately to its gross axle weight ratings.

8. Section S6.1.8 is revised to read:

S6.1.8 The brakes on a vehicle manufactured before September 1, 1976, are burnished before testing, at the manufacturer's option, in accordance with S6.1.8.1 or S6.1.8.2. The brakes on a vehicle manufactured on or after September 1, 1976, are burnished before testing in accordance with S6.1.8.1.

S6.1.8.1 With the transmission in the highest gear appropriate for the speed given in Table IV make 500 brake applications at a deceleration rate of 10 ft/s/s, or at the vehicle's maximum deceleration rate, if less than 10 ft/s/s, in the sequence specified in Table IV. After each brake application, accelerate to the next speed specified and maintain that speed until making the next brake application at a point 1 mile from the initial point of the previous brake application. If during any of the brake applications specified in Table IV, the hottest brake reaches 500°F., make the remainder of the 500 applications from that speed except that a higher or lower speed shall be used as necessary to maintain a maximum temperature of 500°F±50°F. After burnishing, adjust the brakes as recommended by the vehicle manufacturer.

S6.1.8.2 With the transmission in the highest gear range appropriate for 40 mph, make 400 brake applications from 40 mph to 20 mph at 10 ft/s/s. After each brake application accelerate to 40 mph and maintain that speed until making the next application at a point 1.5 miles from the point of the previous brake application. After burnishing, adjust the brakes as recommended by the vehicle manufacturer.

9. A new section S6.1.10 is added to read as follows:

S6.1.10 In a test other than a static parking brake test, a truck-tractor manufactured before September 1, 1976, is tested at its gross vehicle weight rating by loading it without a trailer or, at the manufacturer's option, by coupling it to a flatbed semitrailer (hereafter, control trailer) as specified in S6.1.10.1 to S6.1.10.7. In a test other than a static parking brake test, a truck-tractor manufactured on or after September 1, 1976, is tested at its gross vehicle weight rating by coupling it to a control trailer as specified in S6.1.10.1 to S6.1.10.7.

S6.1.10.1 The control trailer conforms to this standard.

S6.1.10.2 The center of gravity of the loaded control trailer is on the trailer's longitudinal centerline at a height of 66 ± 3 in. above the ground.

S6.1.10.3 For a truck-tractor with a rear axle gross axle weight rating of 26,000 lb or less, the control trailer has a single axle with a gross axle weight rating of 18,000 lb and a length, measured from the transverse centerline of the axle to the centerline of the kingpin, of 258±6 in.

S6.1.10.4 For a truck-tractor with a total rear axle gross axle weight rating of more than 26,000 lb the control trailer has a tandem axle with a combined gross axle weight rating of 32,000 lb and a length, measured from the transverse centerline between the axles to the centerline of the kingpin, of 390±6 in.

S6.1.10.5 The control trailer is loaded so that its axle is loaded to its gross axle weight rating and the tractor is loaded to its gross vehicle weight rating, with the tractor's fifth wheel adjusted so that the load on each axle measured at the tire-ground interface is most nearly proportional to the axles' respective gross axle weight ratings.

S6.1.10.6 The control trailer's service brakes are capable of stopping the combination from the maximum speed at which the tractor is tested, under the conditions of S6.1, without assistance from the tractor brakes, in the distance found by multiplying the service brake stopping distance specified in table II by the ratio:

$$\frac{\text{weight on all axles of combination}}{\text{weight on trailer axles}}$$

with the tractor's fifth wheel adjusted as specified in S6.1.10.5, the trailer service reservoirs pressurized to 100 lb/in², and the trailer loaded so that its axle is at gross axle weight rating and its kingpin is at empty vehicle weight. The stopping distance is measured from the point at which movement of the valve controlling the trailer brakes begins. The service brake chambers on the trailer reach 60 lb/in² in not less than 0.20 second and not more than 0.30 second, measured from the instant at which movement of the valve controlling the trailer brakes begins.

S6.1.10.7 The control trailer's emergency brakes are capable of stopping the combination under the conditions of S6.1 from the maximum speed at which the tractor is tested, without assistance from the tractor's brakes, in the distance found by multiplying the emergency brake stopping distance in column 3 of table II by the ratio:

$$\frac{\text{weight on all axles of combination}}{\text{weight on trailer axles}}$$

with the combination loaded in accordance with S6.1.10.5. Stopping distance is measured from the point at which movement of the valve controlling the trailer brakes begins. The pressure in the trailer's spring parking brake chambers falls from 95 lb/in² to 5 lb/in² in not less than 0.50 second and not more than 0.60 second, measured from the instant at which movement of the valve controlling the trailer's spring parking brakes begins.

10. S6.1.11 is added to read as follows:

S6.1.11 *Special drive conditions.* A vehicle equipped with an interlocking axle system or a front wheel drive system that is engaged and disengaged by the driver is tested with the system disengaged.

11. S6.1.12 is added to read as follows:

S6.1.12 *Liftable axles.* A vehicle with a liftable axle is tested at gross vehicle weight rating with the liftable axle down and at unloaded vehicle weight with the liftable axle up.

12. Table I is revised to read as follows:

TABLE I—STOPPING SEQUENCE

1. Burnish.
2. Control trailer service brake stops at 60 mi/h (as specified in S6.1.10.6).
3. Control trailer emergency brake stops at 60 mi/h (as specified in S6.1.10.7).
4. Stops with vehicle at gross vehicle weight rating:
   (a) 20 mi/h service brake stops on skid number of 75.
   (b) 60 mi/h service brake stops on skid number of 75.
   (c) 20 mi/h service brake stops on skid number of 30.
   (d) 20 mi/h emergency brake stops on skid number of 75.
   (e) 60 mi/h emergency brake stops on skid number of 75.
5. Parking brake test with vehicle loaded to gross vehicle weight rating.
6. Stops with vehicle at unloaded weight plus 500 lb:
   (a) 20 mi/h service brake stops on skid number of 75.
   (b) 60 mi/h service brake stops on skid number of 75.
   (c) 20 mi/h service brake stops on skid number of 30.
   (d) 20 mi/h emergency brake stops on skid number of 75.
   (e) 60 mi/h emergency brake stops on skid number of 75.
7. Parking brake test with vehicle at unloaded weight plus 500 lb.

13. Table II is revised to read as follows:

TABLE II.—*Stopping distance in feet*

Vehicle speed in miles per hour	Service brake stopping distance		Emergency brake stopping distance	
	Col. 1, skid No. 75	Col. 2, skid No. 30	Col. 3, skid No. 75	Col. 4, skid No. 75
20	33	54	83	85
25	49		123	131
30	68		170	186
35	90		225	250
40	115		288	325
45	143		358	409
50	174		435	504
55	208		520	608
60	245		613	720

14. Table IV is added to read as follows:

TABLE IV

Series	Snubs	Snub conditions (highest speed specified in miles per hour)
1	175	40–20
2	25	45–20
3	25	50–20
4	25	55–20
5	250	60–20

Effective date: September 1, 1974.

(Secs. 103, 119, Pub. L. 89–563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegation of authority at 49 CFR 1.51.)

Issued on December 20, 1973.

JAMES B. GREGORY,
Administrator.

[FR Doc.74–104 Filed 12–27–73;11:00 am]

[Docket No. 73-22; Notice 1]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Passenger Car Tire and Rim Tables; Correction

In FR Doc.73-20583, appearing at page 30234 in the issue of Thursday, November 1, 1973, make the following corrections:

1. Footnote No. 1 in Table I-F on page 30238, in Table I-H on page 30239, in Table I-N on page 30241, and in Table I-O on page 30241 should read, "the letters "H", "S", or "V" may be included in any specified tire size designation adjacent to or in place of the "R"."

2. In Table I-C on page 30236, the minimum size factors for the following tire size designations should be changed to read:

Tire size designation:	*Minimum size factor*
165-14	30.79
175-14	31.65
185-14	32.66
195-14	33.67
215-15	36.69

(Secs. 103, 119, 201, and 202, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407, 1421, and 1422); delegations of authority at 49 CFR 1.51 and 49 CFR 501.8.)

Issued on December 21, 1973.

ELWOOD T. DRIVER,
Acting Associate Administrator, Motor Vehicle Programs.

[FR Doc.74-107 Filed 1-2-74;8:45 am]

CHAPTER X—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

[S.O. 1165]

PART 1033—CAR SERVICE

Kansas City Southern Railway Co.

DECEMBER 21, 1973.

At a session of the Interstate Commerce Commission, Railroad Service Board, held in Washington, D. C., on the 20th day of December, 1973.

It appearing, That The Kansas City Southern Railway Company (KCS) is unable to operate over a portion of its lines in Lake Charles, Louisiana, because of its inability to operate over its bridge across the Calcasieu River; that operation of KCS trains over parallel tracks of the Southern Pacific Transportation Company (SP) will enable the KCS to continue service to all shippers located along its lines in Lake Charles; that the SP has consented to use of its tracks by the KCS; that operation by the KCS over the aforementioned tracks of the SP is necessary in the interest of the public and the commerce of the people; that notice and public procedure herein are impracticable and contrary to the public interest; and that good cause exists for making this order effective upon less than thirty days' notice.

It is ordered, That:

§ 1033.1165 Service Order No. 1165.

(a) *(The Kansas City Southern Railway Company authorized to operate over certain tracks of Southern Pacific Transportation Company).* The Kansas City Southern Railway Company (KCS) be, and it is hereby, authorized to operate over tracks of the Southern Pacific Transportation Company (SP) between SP mileposts 218.0 and 222.8 at Lake Charles, Calcasieu Parish, Louisiana, a distance of approximately 4.8 miles.

(b) *Application.* The provisions of this order shall apply to intrastate, interstate, and foreign traffic.

(c) *Rates applicable.* Inasmuch as this operation by the KCS over tracks of the SP is deemed to be due to carrier's disability, the rates applicable to traffic moved by the KCS over these tracks of the SP shall be the rates which were applicable on the shipments at the time of shipment as originally routed.

(d) *Effective date.* This order shall become effective at 12:01 a.m., December 21, 1973.

(e) *Expiration date.* The provisions of this order shall expire at 11:59 p.m., January 31, 1974, unless otherwise modified, changed, or suspended by order of this Commission.

(Secs. 1, 12, 15, and 17(2), 24 Stat. 379, 383, 384, as amended; (49 U.S.C. 1, 12, 15, and 17(2)). Interprets or applies Secs. 1(10-17), 15(4), and 17(2), 40 Stat. 101, as amended, 54 Stat. 911; (49 U.S.C. 1(10-17), 15(4), and 17(2)).)

It is further ordered, That copies of this order shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and car hire agreement under the terms of that agreement, and upon the American Short Line Railroad Association; and that notice of this order shall be given to the general public by depositing a copy in the Office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Railroad Service Board.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-80 Filed 1-2-74;8:45 am]

Title 6—Economic Stabilization

CHAPTER I—COST OF LIVING COUNCIL

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

Subpart Q—Food Service, Wholesaling and Retailing

The purpose of these amendments is to add a de minimis provision limiting the scope of the rule that applies the Phase IV profit margin limitation automatically when a firm is engaged in food service, food wholesaling or food retaining activities.

Prior to these amendments, it was provided under Subpart Q of the Phase IV price regulations that the price control rules of Subpart K, including the profit margin limitation, applied to any firm engaged in food wholesaling or retailing upon the effective date of Subpart Q (September 9, 1973) without regard to whether the firm increases a price above the adjusted freeze price. A similar special rule provided for the immediate applicability of the price rules of Subpart E, including the profit margin limitation, to all firms engaged in food service activities. As the Council explained in promulgating these special rules, the automatic application under Phase IV of the profit margin limitation was based on the fact that Phase III was essentially a continuation of Phase II for the food industry and virtually all food firms became subject to the profit margin limitation in Phase II or III.

It was not the intent of the Council that the application of these special rules would trigger the profit margin limitation for a firm which is primarily engaged in non-food activities and whose food sales are minimal. Therefore, these amendments make it clear that only a firm which is engaged in food service or food wholesaling/retailing and which derives either $50 million or more or 20 percent or more of its annual sales or revenues from food service, food manufacturing, food wholesaling and food retailing activities is subject to the rule that the profit margin limitation and other pricing rules apply to the firm on the effective date of Subpart Q regardless of whether the firm charges a price in excess of the base level.

Since the pre-existing rules of Subpart Q applicable to firms engaged in food manufacturing activities contain a similar de minimis provision, no change in the rules for food manufacturing is necessary.

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

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

In consideration of the foregoing, Part 150 of Title 6 of the Code of Federal Regulations is amended as follows, effective 11:59 p.m., e.s.t., September 9, 1973.

Issued in Washington, D.C., on December 27, 1973.

JAMES W. MCLANE,
Deputy Director, Cost of Living Council.

1. Section 150.604(b)(3) is revised to read as follows:

§ 150.604 Food wholesaling and retailing.

* * * * *

(b) Subpart K Modifications * * *

(3) If a firm engaged in food wholesaling or food retailing, or both, derives either $50 million or more or 20 percent or more of its annual sales or revenues from food wholesaling, food retailing, food manufacturing and food service activities, the general price control rules set forth in § 150.304 of this title, including the profit margin limitation, apply to that firm upon the effective date of this subpart without regard to whether it increases the price of any item above the adjusted freeze price of that item. No price may be increased by that firm until the merchandise pricing plan required by §§ 150.306(a) or 150.310 has been submitted or completed, as the case may be.

2. Section 150.605(b) is amended to read as follows:

§ 150.605 Food service activities.

* * * * *

(b) Subpart E Modifications. If a firm engaged in food service activities derives either $50 million or more or 20 percent or more of its annual sales or revenues from food service, food manufacturing, food wholesaling and food retailing activities, the price rules of Subpart E of this part, including the profit margin limitation, apply to that firm upon the effective date of this subpart without regard to whether it increases the price of any item above the base level for that item.

[FR Doc.73-27327 Filed 12-28-73;8:46 am]

PART 150—COST OF LIVING COUNCIL PHASE IV PRICE REGULATIONS

Petroleum Prices—Non-Product Costs

Subpart L is amended to permit sellers of gasoline, No. 2 heating oil and No. 2-D diesel fuel to recover certain non-product costs which have increased since May 15, 1973. These non-product costs may be passed on in every month beginning with January, 1974 through a one-time increase per gallon in the selling prices of these special products of up to one cent for retail sales and one half cent for all other sales. These amendments are also adopted by reference in the Mandatory Petroleum Allocation Price Regulations of the Federal Energy Office at 10 CFR 201.4.

This amendment recognizes that the costs of doing business have increased for these sellers since May 15, 1973. However, prior to these amendments, resellers and retailers have been restricted to their May 15, 1973 margins. Thus an adjustment to the sellers May 15, 1973 margins to allow a pass through for increased non-product costs is provided by this amendment. Further adjustments to take account of changing cost structures due to the decreasing volumes are forthcoming.

By an amendment to § 150.359, sellers of gasoline, No. 2 heating oil and No. 2-D diesel fuel are permitted to increase their selling prices for retail sales of these special products by one cent per gallon in every month beginning with January 1974, to offset their increased business costs. Sellers may increase the selling prices for all non-retail sales of special products by one half cent per gallon. These increased costs, however, may still only be passed through once in each month and at the same time that prices are increased due to rising product costs.

Because the price rule of § 150.359 addresses two separate levels of distribution—resale and retail—the "reseller-retailer" who operates at both levels may not implement the one-half cent per gallon non-product cost increase in transfers between his reselling and retailing operations, but may apply the one cent increase to retail prices and one-half cent to the non-retail prices in arms length transactions. Retailers who purchase their special products from non-affiliated suppliers will receive the increase to the supplier's selling price as increased product costs, and may then add their one cent per gallon to that increased product cost. Therefore, the total price increase to the retail customer may in these situations be one and one half cents per gallon.

The refiner's price rule is also amended at § 150.355(c)(2) in the description of the "allowable costs" which a refiner may use to cost justify a price increase above base prices. As presently described, those costs exclude cost attributable to marketing operations of the refiner. The amendment, however, allows a refiner to include in allowable costs non-product costs attributable to marketing operations of special products to the extent that these costs allow an increase in the prices of special products above base prices by an amount not in excess of one cent per gallon for retail sales and one half cent per gallon for all other sales. A price increase justified by such non-product costs still may only be implemented after it has been prenotified in accordance with the provisions of § 150.355 These non-product costs also may not be used to justify price increases in any covered products other than special products.

This amendment becomes effective immediately and will apply to price computations for each month beginning with January, 1974.

Because the purpose of these amendments is to provide immediate guidance and information with respect to the Phase IV regulations, it is found that publication in accordance with normal rulemaking procedure is impracticable and that good cause exists for making these amendments effective in less than 30 days.

(Economic Stabilization Act of 1970, as amended, Pub. L. 92-210, 85 Stat. 743; Pub. L. 93-28, 87 Stat. 27; E.O. 11730, 38 FR 19345, Cost of Living Council Order No. 47, 38 FR ———).

In consideration of the foregoing Part 150 of Title 6 of the Code of Federal Regulations is amended as follows, effective immediately.

Issued in Washington, D.C., on December 31, 1973.

JOHN SAWHILL,
Deputy Administrator,
Federal Energy Office.

PARAGRAPH 1. Section 150.355 is amended in subparagraph (2) of paragraph (c) by deleting the last sentence and inserting in lieu thereof the following sentence:

§ 150.355 Price rule: Refiners.

* * * * *

(c) *Price increases.* * * *

(2) * * *

"Allowable costs" under this section mean non-product costs attributable to refining operations under the customary accounting procedures generally accepted and historically and consistently applied by the firm concerned and exclude any costs attributable to marketing operations other than non-product costs attributable to the marketing of special products which may be included as allowable costs under this section to the extent that these costs allow an increase in the prices of special products above base prices by an amount not in excess of one cent per gallon with respect to retail sales and one half cent per gallon with respect to all other sales.

* * * * *

PAR. 2. Section 150.359 is revised in subparagraph (2) of paragraph (c) to read as follows:

§ 150.359 Price rule: Resellers and Retailers.

* * * * *

(c) *Price rule.* * * *

(2) Notwithstanding paragraph (c)(1) of this section with respect to special products:

(i) Beginning with January, 1974, with respect to retail sales, a seller may charge one cent per gallon in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section, and, with respect to all other sales, a seller may charge one-half cent per gallon in excess of the amount otherwise permitted to be charged for that item pursuant to the provisions of this section to reflect non-product cost increases which the seller incurred after May 15, 1973.

(ii) A seller may not increase its May 15, 1973 selling prices to each class of purchaser more than once in any calendar month to reflect increased costs or the amount permitted pursuant to paragraph (c)(2)(i) of this section, but may implement the increase on any day during that month.

* * * * *

[FR Doc.74-351 Filed 1-2-74;11:05 am]

Proposed Rules

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 928]

HANDLING OF PAPAYAS GROWN IN HAWAII

Proposed Rule Making With Respect to Expenses, Rate of Assessment, and Carryover of Unexpended Funds

This notice invites written comment relative to the proposed expenses of $308,288 and rate of assessment of $0.0065 per pound of papayas to support the activities of the Papaya Administrative Committee for the 1974 fiscal period under marketing agreement and Order No. 928.

Consideration is being given to the following proposals submitted by the Papaya Administrative Committee, established under the marketing agreement, and Order No. 928, (7 CFR Part 928), regulating the handling of papayas grown in Hawaii, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), as the agency to administer the terms and provisions thereof:

(a) That expenses which are reasonable and likely to be incurred by the Papaya Administrative Committee, during the period January 1, 1974, through December 31, 1974, will amount to $308,288.

(b) That there be fixed, at six and one-half mills ($0.0065) per pound of papayas, the rate of assessment payable by each handler in accordance with § 928.41 of the aforesaid marketing agreement and order during the fiscal year beginning January 1, 1974.

(c) That unexpended assessment funds in excess of expenses incurred during the fiscal period ended December 31, 1973, shall be carried over as a reserve in accordance with the applicable provisions of § 928.42 of the marketing agreement and order.

Terms used in the marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said marketing agreement and order.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than January 20, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27 (b)).

Dated: December 21, 1973.

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

[FR Doc.74–149 Filed 1–2–74;8:45 am]

[7 CFR Part 947]

IRISH POTATOES GROWN IN MODOC AND SISKIYOU COUNTIES IN CALIFORNIA AND IN ALL COUNTIES IN OREGON EXCEPT MALHEUR COUNTY

Notice of Proposed Rule Making

Consideration is being given to amending the administrative rules (7 CFR 947.100–.133) under which the Oregon-California Potato Committee operates, in order to simplify them and to make the committee a more effective organization. The proposal would consolidate §§ 947.120–.122 in a revised § 947.120 and retain § 947.123 in a slightly abbreviated form, to provide a practical method for evaluation of requests for hardship exemptions. Sections 947.130 and 947.131 would be combined in § 947.130 to establish a method of obtaining Special Purpose Certificates. Material previously issued in the yearly handling regulations would be moved to § 947.132. Section 947.133 would be revised to specify conditions under which a Special Purpose Certificate may be revoked or denied. A new § 947.134 would provide for a committee list of processors eligible to receive potatoes exempt from the fresh market requirements. Section 947.140 would be deleted because the certifying agency no longer exists.

The proposal was recommended by the Oregon-California Potato Committee, established pursuant to Marketing Agreement No. 114 and Order No. 947, both as amended (7 CFR Part 947), regulating the handling of Irish potatoes grown in Modoc and Siskiyou Counties in California and in all counties in Oregon except Malheur County. This program is issued under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

All persons who desire to submit written data, views, or arguments in connection with this proposal should file the same in quadruplicate with the Hearing Clerk, Room 112–A, U.S. Department of Agriculture, Washington, D.C. 20250, no later than January 10, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

1. Sections 947.121 and 947.122 would be deleted and §§ 947.120 and 947.123 would be revised as follows:

EXEMPTIONS

§ 947.120 Hardship exemption.

Handlers seeking an exemption pursuant to the provisions of §§ 947.65–.67 shall make application to the committee on forms furnished by it. All information and conditions relative to the application will be considered promptly. The decision of the committee shall be final subject to the appeal procedures prescribed in § 947.67.

§ 947.123 Reports and records.

Any person handling potatoes under § 947.120 shall record and report shipments in such frequency as the committee may prescribe.

* * * * *

2. Sections 947.130–.133 would be revised as follows:

SAFEGUARDS

§ 947.130 Special Purpose Certificates—application and issuance.

Each person handling potatoes for special purposes under safeguard requirements imposed pursuant to this part shall apply to the committee for a Special Purpose Certificate. The committee shall make available; on request, the forms for such application as well as such report forms as it may require under § 947.132.

§ 947.132 Reports.

(a) *Immature potatoes.* The applicant shall identify the producer and the dates on which such potatoes will be handled in his application for a Special Purpose Certificate.

(b) *Certified seed.* A special purpose shipment report shall be required for each load of certified seed when shipped outside the district (§ 947.18) where grown. The shipper of such certified seed potatoes shall return the completed form to the committee within the time period prescribed on such forms.

(c) *Livestock feed.* (1) The committee may require the applicant to furnish information specifying the location where the potatoes are to be consumed, the anticipated quantity of potatoes to be so handled, the total acreage from which the feed will be derived and the approximate starting and ending dates for such shipments.

(2) Any person handling potatoes for this purpose shall record and report the volume handled at such intervals as the committee may prescribe.

(d) *Grading and storing.* (1) An applicant shall furnish the committee in-

formation specifying the location where the potatoes were grown in the production area, the acreage to be harvested and the approximate starting and ending dates for the shipments.

(2) Upon conclusion of such shipments, he shall report to the committee the total gross volume of potatoes handled.

(3) The provisions of paragraph (c) of this section shall be applicable to the disposition of any portion of such shipments diverted to livestock feed.

§ 947.133 Denial and appeals.

After complying with the applicable provisions of the Administrative Procedure Act (5 U.S.C. § 558), the committee may suspend a handler's Special Purpose Certificate for a period of 30 days for failure to report as required by § 947.132.

A handler who has had two or more certificates suspended or his certificate suspended twice within the preceding two year period may be refused a Special Purpose Certificate. The committee also may revoke for a period of up to one year the Special Purpose Certificate of any handler who has had his certificate suspended twice within a marketing season.

(b) Upon refusal, suspension or revocation of a Special Purpose Certificate, the handler may make a written appeal for reconsideration of the decision to the committee. The Chairman shall direct that the committee immediately reconsider the action.

3. A new section would be added as follows:

§ 947.134 Establishment of list of manufacturers of potato products.

(a) The committee shall establish and maintain in its office a list of firms who are manufacturers of potato products handled pursuant to § 947.54(a) (5)–(7) inclusive. Such list may consist of firms actively engaged in the business of canning, freezing, or "other processing" as defined in the act; or prepeeling as described in § 52.2422 United States Standards for Grades of Peeled Potatoes (§§ 52.2421–52.2433 of this title).

(b) Persons who wish to be placed on the committe's list of manufacturers of potato products may apply to the committee and shall supply the following information:

(i) Name and address of applicant;

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

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

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

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

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

(d) The committee may remove from the list of manufacturers of potato products the name of any person who diverts processing potatoes to fresh market channels.

§ 947.140 [Deleted]

4. Section 947.140 would be deleted.

Dated: December 26, 1973.

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

[FR Doc.74–150 Filed 1–2–74;8:45 am]

[7 CFR Parts 1062, 1001, 1002, 1004, 1006, 1007, 1011, 1012, 1013, 1015, 1030, 1032, 1033, 1036, 1040, 1044, 1046, 1049, 1050, 1060, 1061, 1063, 1064, 1065, 1068, 1069, 1070, 1071, 1073, 1075, 1076, 1078, 1079, 1090, 1094, 1096, 1097, 1098, 1099, 1101, 1102, 1104, 1106, 1108, 1120, 1121, 1124, 1125, 1126, 1127, 1128, 1129, 1130, 1131, 1132, 1133, 1134, 1136, 1137, 1138, 1139]

[Docket No. AO–10–A47, etc.]

MILK IN THE ST. LOUIS-OZARKS AND CERTAIN OTHER MARKETING AREAS

Decision and Order to Terminate Proceeding on Proposed Amendments to Marketing Agreement and to Order

7 CFR part	Marketing area	Docket No.
1062	St. Louis-Ozarks	AO–10–A47
1001	Boston Regional	AO–14–A52
1002	New York-New Jersey	AO–71–A66
1004	Middle Atlantic	AO–160–A49
1006	Upper Florida	AO–356–A11
1007	Georgia	AO–366–A10
1011	Appalachian	AO–251–A15
1012	Tampa Bay	AO–347–A15
1013	Southeastern Florida	AO–286–A23
1015	Connecticut	AO–305–A30
1030	Chicago Regional	AO–361–A10
1032	Southern Illinois	AO–313–A24
1033	Ohio Valley	AO–166–A43
1036	Eastern Ohio-Western Pennsylvania.	AO–179–A38
1040	Southern Michigan	AO–225–A27
1044	Michigan Upper Peninsula	AO–290–A30
1046	Louisville-Lexington-Evansville.	AO–123–A40
1049	Indiana	AO–319–A21
1050	Central Illinois	AO–355–A15
1060	Minnesota-North Dakota	AO–360–A8
1061	Southeastern Minnesota-Northern Iowa (Dairyland).	AO–367–A7
1063	Quad Cities-Dubuque	AO–105–A38
1064	Greater Kansas City	AO–23–A45
1065	Nebraska-Western Iowa	AO–86–A30
1068	Minneapolis-St. Paul, Minn.	AO–178–A30
1069	Duluth-Superior	AO–153–A21
1070	Cedar Rapids-Iowa City	AO–229–A28
1071	Neosho Valley	AO–227–A29
1073	Wichita	AO–173–A30
1075	Black Hills, S. Dak.	AO–248–A15
1076	Eastern South Dakota	AO–260–A19
1078	North Central Iowa	AO–272–A22
1079	Des Moines, Iowa	AO–295–A27
1090	Chattanooga, Tenn.	AO–266–A17
1094	New Orleans, La.	AO–103–A35
1096	Northern Louisiana	AO–257–A23
1097	Memphis, Tenn.	AO–219–A28
1098	Nashville, Tenn.	AO–184–A33
1099	Paducah, Ky.	AO–183–A29
1101	Knoxville, Tenn.	AO–195–A22
1102	Fort Smith, Ark.	AO–237–A23
1104	Red River Valley	AO–298–A22
1106	Oklahoma Metropolitan	AO–210–A35
1108	Central Arkansas	AO–243–A26
1120	Lubbock-Plainview, Tex.	AO–328–A16
1121	South Texas	AO–364–A7
1124	Oregon-Washington	AO–368–A6
1125	Puget Sound, Wash.	AO–226–A20
1126	North Texas	AO–231–A40
1127	San Antonio, Tex.	AO–232–A26
1128	Central West Texas	AO–238–A29
1129	Austin-Waco, Tex.	AO–256–A22
1130	Corpus Christi, Tex.	AO–259–A26
1131	Central Arizona	AO–271–A17
1132	Texas Panhandle	AO–262–A25
1133	Inland Empire	AO–275–A26
1134	Western Colorado	AO–301–A14
1136	Great Basin	AO–309–A19
1137	Eastern Colorado	AO–326–A18
1138	Rio Grande Valley	AO–335–A21
1139	Lake Mead, Nevada	AO–374–A1

A public hearing was held upon proposed amendments to the marketing agreements, and the orders regulating the handling of milk in the aforelisted marketing areas. The hearing was held, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et. seq.), and the applicable rules of practice (7 CFR Part 900), at Clayton, Missouri, on August 28–30 and September 18–19, 1973, pursuant to notice thereof issued on August 23, 1973 (38 FR 22803).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Regulatory Programs on October 17, 1973, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision containing notice of the opportunity to file written exceptions thereto.

The material issues, findings and conclusions, rulings, and general findings of the recommended decision are hereby approved and adopted and set forth in full herein.

The material issues on the record of the hearing relate to:

1. Need for increasing the Class I price level under each order.

2. Advance announcement of minimum Class I prices for the next several months.

3. Discontinuance of Class I base plans or other base or quota plans during the period of any emergency price adjustment.

4. Whether an emergency exists to warrant the omission of a recommended decision.

FINDINGS AND CONCLUSIONS

The following findings and conclusions on the material issues are based on evidence presented at the hearing and the record thereof:

1. *Class I price level.*—Other than the emergency action already taken for September, no action should be taken to increase the Class I price level under each order.

As stated in the hearing notice, the purpose of the hearing was to receive evidence on the economic and emergency marketing conditions relative to

the appropriate Class I price level under each order for the forthcoming fall and winter months.

At the outset of the hearing, consideration was given to the need for immediate action to increase the Class I price for September. It was the general position of producers that the September Class I price should be related to the basic formula price for the preceding month, rather than for the second preceding month as the orders now provide. Presently, Class I prices under all orders are determined by adding a specified differential to a basic formula price, which is an average of prices paid during the second preceding month for manufacturing grade milk in Minnesota and Wisconsin. (Under two orders, Red River Valley and Southern Illinois, Class I prices are tied directly to Class I prices under other orders that use the basic formula price.)

Following the August 28–30 hearing session, the Department issued on September 4 (38 FR 24216) an order suspending certain pricing provisions affecting minimum price levels under the 61 orders. This action resulted in Class I prices for September 9–30 being based on the basic formula price for the preceding month, rather than for the second preceding month. Such Class I prices, therefore, were based on the August basic formula price of $6.38 per hundredweight. Without the suspension, Class I prices for all of September would have been determined by adding the appropriate Class I differential to the July basic formula price of $5.78. Thus, the suspension resulted in producers in all Federal order markets receiving on September 9 a Class I price increase of 60 cents per hundredweight they otherwise would not have received until October 1.

At the resumption of the hearing on September 18, producers proposed that the Class I prices for October likewise be related to the basic formula price for the preceding month. They indicated that on the basis of rising market prices for butter, nonfat dry milk and cheese, the Minnesota-Wisconsin price for September probably would range between $6.90 and $7.05, an estimated increase of 52 to 67 cents over the August Minnesota-Wisconsin price. It was their contention that the higher prices already being paid in the manufacturing milk sector should be reflected immediately in the Federal order Class I prices for October rather than in the November prices as the orders otherwise would provide. Contending, however, that a still higher price was needed to provide adequate returns for their milk, producers proposed that the basic formula price used in computing October Class I prices be fixed at a level above the estimated September Minnesota-Wisconsin price. Proposals for the fixed basic formula price ranged from $7.25 to $7.65.

Producers also urged that immediate action be taken to undergird Class I prices for several months beyond October. Producer groups differed somewhat, however, on how this should be done.

A producer organization representing cooperative associations throughout the country proposed a "floor" under the basic formula price equal to the highest Minnesota-Wisconsin price expected to prevail this fall or winter. Under its proposal, the basic formula price used in computing Class I prices for November 1973 through June 1974 would be not less than $7.25. However, should the actual Minnesota-Wisconsin price exceed this level, such price would then become the applicable basic formula price floor for the remainder of the November-June period. Under the proposal, similar upward adjustments in the floor price would be made should there be additional increases in the Minnesota-Wisconsin price.

While supporting the use of a $7.25 floor under the basic formula price, several cooperative associations in the Northeast proposed, in addition, that the Class I price differentials under the Boston Regional, Connecticut, New York-New Jersey, Middle Atlantic and Eastern Ohio-Western Pennsylvania orders be increased $2.00. Proponents urged that such price changes remain in effect until reconsidered at a later hearing. Other cooperatives in the Northeast, on the other hand, proposed that the Class I price differentials be increased only by the amount by which a $7.25 floor under the basic formula price would fall short of increasing Class I prices $2.00 over the Class I price level for July 1973, i.e., 41 cents. The latter groups proposed that all Federal orders be changed in this manner to maintain the present intermarket aligment of Class I prices.

Another organization proposed that the basic formula price to be applicable in the November through June period be not less than $7.65. It indicated, however, that should this not be adopted the Class I price differential under each order should be increased 75 cents.

It was the general position of all producer organizations that dairy farmers need assurance at least over the fall and winter months that order prices will be related more closely to the cost of producing milk. Proponents cited the rising production costs of recent months and indicated that without such price assurance a further exodus of resources from dairying could be expected. They contended that without immediate price action under all orders the already declining supplies of milk could be further jeopardized.

Except for limited support by certain handlers for some type of emergency price action, the basic position of handlers was that no emergency price action is warranted. Handlers contended that present economic forces in the dairy industry are now increasing Class I prices adequately and are reflecting the current supply-demand situation for milk, including the impact of the recent increases in production costs. They held that minimum Class I prices should be left free to move either up or down as these economic forces are reflected in present formulas in milk orders.

The concern of producers about the future adequacy of milk supplies for fluid use is not without foundation. In recent months, milk producers have been experiencing significant cost increases for feed and other milk production inputs. At the time the hearing was called, the average of prices paid by farmers for all production items was 29 percent higher than a year earlier. Examples of recent cost increases over last year for individual items are 10 percent for wages, 6 percent for taxes, 9 percent for interest, 9 percent for fertilizer, 24 percent for seed, 8 percent for farm machinery, and 16 percent for building and fencing materials.

Feed purchasers, in particular, have caused a heavy drain on the resources of many dairymen. The average cost of feed at mid-August was 84 percent over a year ago.

Milk prices did not keep pace with rising feed costs, as indicated by the milk-feed price ratio. This is a numerical measure of the pounds of concentrate ration equal in value to a pound of milk. For July, this ratio was 1.29; in August it was 1.14. From 1968 to 1972, when milk supplies were in reasonable balance with demand, milk-feed price ratios averaged between 1.70 and 1.74 annually.

Concurrently with rising milk production costs, prices for slaughter cattle rose to unusually high levels. Such price levels have been a strong inducement for heavy culling of milk cows by dairymen.

To minimize the impact of the higher costs, dairymen have adjusted their operations in various ways, including reduced feeding of grain and concentrates, heavy culling, dispersal of herds, and shifting of dairy production resources to more remunerative agricultural enterprises, with the net result being a decrease in the total milk supply for fluid consumption at a time of increasing consumer demand. In 59 of the 61 Federal order markets for which there are comparable data producer receipts for January through August 1973 decreased 2.4 percent from the comparable 1972 period. Producer milk used in Class I, on the other hand, increased 1.2 percent from last year in the January-August period.

Nationally, milk production has been declining steadily for a number of months. For January through August 1973, production was 2.4 percent less than for the same period a year ago. Milk cow numbers for August dropped 2.7 percent from August 1972, and milk per cow was down 1.2 percent. On the demand side, national sales of milk and dairy products have been rising steadily. For January through July 1973, total commercial use of all milk was up 2.3 percent from a year earlier.

Although producers have been operating in past months under such adverse financial conditions, recent developments suggest that a more normal cost-price relationship for producers can be expected in the future on the basis of present price formulas. As noted earlier, the Minnesota-Wisconsin price in August was 60 cents per hundredweight above the July price. This increase was reflected in all Federal order Class I prices on September 9. The September Minnesota-Wisconsin price also increased substantially, by 53 cents, with such increase to be reflected in the minimum Class I

prices for November. The Minnesota-Wisconsin price of $6.91 for September was 35 percent above such price a year ago.

On the basis of recent additional increases in the market prices of butter, nonfat dry milk and cheese, producers can anticipate further Class I price increases in the near future under the present price formulas.[1] At the hearing, producer representatives estimated a peak Minnesota-Wisconsin price this fall of $7.25, which estimate does not appear to be unreasonable in light of present conditions.

The cost of feed, on the other hand, has dropped somewhat in recent weeks. In September, the average feed cost was 65 percent higher than a year ago; a month earlier, feed costs had been up 84 percent. The milk-feed price ratio for September was 1.40, up from the August ratio of 1.14, indicating a much more favorable feed situation for producers currently. If the projected record-high harvest of feed grains materializes, further downward pressure on feed prices can be expected.

Under these circumstances, it appears that economic forces have recently brought, and can be expected to bring in the future, production costs and milk prices to a relationship that will continue to assure adequate milk supplies for the fluid markets. The proposals for adjusting the present Class I price formulas are therefore denied.

2. *Advance announcement of Class I prices.*—No change should be made in the procedure for announcing Class I prices.

Under the present orders, the Class I price for the current month is announced on or before the 5th day of the preceding month and is based on the basic formula price (Minnesota-Wisconsin price) for the second preceding month. With this announcement procedure, the Class I price is known by handlers nearly four weeks in advance of the month in which applicable.

In conjunction with the over-all consideration of appropriate Class I price levels, consideration was given at the hearing to amending each order to provide that prices currently being generated by the Minnesota-Wisconsin price series be immediately applicable in determining Class I prices. Adoption of this pricing arrangement would require that the Class I price for the current month be based on the Minnesota-Wisconsin price for the preceding month, rather than for the second preceding month as at present. In this case, the Class I price could not be announced until about the 5th day of the month in which the price would apply. This pricing arrangement was used until last year under most orders.

On the basis of a national hearing, all orders then in effect were amended on February 1, 1972, to provide for the advance announcement of Class I prices. As indicated in the decision for that proceeding (37 FR 1388), this action, which was widely favored by both handlers and producers, was taken to afford handlers a reasonable opportunity to adjust their resale prices following a change in their cost of Class I milk. Under the prior arrangement of not knowing the current Class I price until the 5th day of the month in which applicable, handlers could not adjust their resale prices on the basis of firm knowledge as to the change in their raw material cost. Thus, in many instances handlers absorbed Class I price increases for extended periods before making needed adjustments in their resale prices.

At the current price hearing, handlers and producers solidly affirmed their support of advance announcement of Class I prices. Although producers urged that the most recent Minnesota-Wisconsin price be reflected in the Class I prices for September and October 1973, they indicated that the present price announcement procedure should apply in other months.

Marketing circumstances do not require that prices currently being generated by the Minnesota-Wisconsin price series be immediately applicable in determining Class I prices. Thus, the basic formula price for the second preceding month should continue to be used in computing Class I prices for the current month, thereby enabling the announcement of Class I prices prior to the month to which they apply.

3. *Discontinuance of Class I base plans and other base or quota plans.*—No change should be made in Class I base plans or other base plans pursuant to this decision.

A base plan, under a Federal milk order, provides for allocation of returns among producers based on their milk deliveries during a representative period. The total classified use value of milk of all handlers is apportioned among producers by assigning the higher returns for Class I milk primarily to the base milk deliveries of producers. If producers' bases exceed total Class I disposition of handlers, the returns to producers for base milk are a blend of the Class I and other class returns.

Class I base plans, as authorized by the Act, provide for adjustment of producers' bases in relation to total Class I disposition of all handlers. Other base plans are authorized to encourage seasonal adjustment in the production of milk, and under such plans producers may be paid for base milk in all months or in only certain months of the year.

The hearing considered a proposal to delete Class I base plans under the Puget Sound and Georgia orders during any period of emergency price adjustment. It also considered the need for discontinuation, at least temporarily, of any other base or quota plan, including plans operated outside of orders, that may tend to limit milk production by individual farmers. (A plan operated outside an order may be under the auspices of a producer cooperative association or a state agency.)

At the hearing, testimony was presented both in favor of, and in opposition to, continuance of Class I base plans, or other base or quota plans.

In testimony favoring elimination of base plans, it was stated that a Class I price increase would benefit principally the large base holders, and would have negligible benefits for producers with bases small relative to their milk production. These witnesses favored eliminating the base plans so that a Class I price increase would give equal encouragement to all producers who wish to increase their production.

Additional testimony for elimination of the Class I base plan in the Puget Sound market emphasized the substantial cost faced by a new producer in order to obtain the base price for his production. He would have to buy base (assuming base is obtainable from established producers), or for an extended period accept payment at the lower excess price on most of his milk. Also, an established producer expanding his production faces similar costs on the increased production. It was testified that a producer receiving only the excess price for increased production would not be able to meet today's high production cost out of such returns.

In the Florida markets cooperatives indicated that base plans operated by them outside the orders could be made temporarily inoperative if this were necessary in conjunction with the price action contemplated in the proposals.

In opposing suspension of order base plans, witnesses testified that Class I base plans in the Puget Sound and Georgia markets do not lessen the incentive for producers to maintain production. It was stated also that base plans provide particular incentive for producers to maintain or increase production in the fall season when production is normally lowest, and that Class I base plans, or quota plans, can be used to provide goals for increased production by producers.

Also, as justification for keeping the base plans, it was pointed out that many producers have incurred substantial expense to adjust their production to their base, or have purchased base. These producers would suffer loss of this investment, as well as lower returns on their milk, if base plans were made inoperative. It was further stated that substantial confusion could result at the time of resumption of a Class I base plan if it were temporarily suspended.

Parties also objected on procedural grounds to suspension or deletion of base plans on the basis of this hearing, which involves an emergency issue. It was pointed out that the Class I base plans in the orders have been adopted on the basis of a public hearing in the market to which the plan applies, issuance of recommended and final decisions thereon, and approval by individual producers in a referendum held in the particular

[1]Official notice is taken of the Dairy and Poultry Market News reports for October 2, 4, and 5, 1973, issued at Madison, Wisconsin, by the U.S. Department of Agriculture and Wisconsin Department of Agriculture for the purpose of noting dairy product prices and the Minnesota-Wisconsin price for September.

market. Any consideration of rendering base plans inoperative, it was contended, should be only under similar procedure.

The consideration of discontinuance of Class I base plans and other base plans in this hearing was in conjunction with proposals for emergency action to increase Class I prices under all orders. In this decision it is concluded that such emergency action for Class I prices is not needed. In the circumstances the record does not provide an imperative reason for action on the base plans at this time. The base plans will be kept under review, however, to determine whether they are working in conflict with class pricing provisions in maintaining adequate market supplies.

4. *Need for omitting recommended decision.*—This proceeding should include the issuance of a recommended decision and the opportunity to file exceptions thereto.

Consideration was given at the hearing to the need for omitting certain customary procedural steps to expedite the effectuation of any pricing amendments that might result from the hearing. For reasons set forth earlier, it is concluded that the orders should not be amended. Thus, there is no emergency that necessitates the omission of a recommended decision and the opportunity for interested parties to file exceptions to the proposed findings and conclusions.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties. These briefs, proposed findings and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above. To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or reach such conclusions are denied for the reasons previously stated in this decision.

RULINGS ON EXCEPTIONS

In arriving at the findings and conclusions, and the regulatory provisions of this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence. To the extent that the findings and conclusions, and the regulatory provisions of this decision are at variance with any of the exceptions, such exceptions are hereby overruled for the reasons previously stated in this decision.

TERMINATION ORDER

In view of the foregoing, it is hereby determined that the proceeding with respect to proposed amendments to the tentative marketing agreements and to the orders should be and is hereby terminated.

Signed at Washington, D.C., on: December 26, 1973.

JAMES H. LAKE,
Deputy Assistant Secretary.

[FR Doc.74-87 Filed 1-2-74;8:45 am]

Commodity Credit Corporation

[7 CFR Part 1421]

1974 CROP FLAXSEED LOAN AND PURCHASE PROGRAM

Notice of Proposed Rule Making

Notice is hereby given that the Secretary of Agriculture, under the authority of sections 301, 303, and 401 of the Agricultural Act of 1949, as amended (63 Stat. 1051, as amended; (7 U.S.C. 1447, 1449, and 1421)), and sections 4 and 5 of the Commodity Credit Corporation Charter Act, as amended (62 Stat. 1070, as amended; (15 U.S.C. 714b and 714c)), is considering a Loan and Purchase Program for the 1974 crop of flaxseed. Such consideration includes determinations relative to (a) the national average loan and purchase rate for the 1974 crop of flaxseed; (b) the manner of making loans and purchases available to producers; (c) county loan rates; and (d) other flaxseed program matters.

The determinations specified above are to be based on the following:

(a) *The national average loan and purchase rate for the 1974 crop of flaxseed.* The Agricultural Act of 1949 authorizes the Secretary to make loans and purchases available to producers of flaxseed at a level not in excess of 90 percent of the parity price for the commodity. The Act requires that, in determining the level of such rate, consideration be given to the supply of the commodity in relation to the demand therefor, the price levels at which other commodities are being supported, the availability of funds, the perishability of the commodity, the importance of the commodity to agriculture and the national economy, the ability to dispose of stocks acquired through such an operation, the need for offsetting temporary losses of export markets, and the ability and willingness of producers to keep supplies in line with demand. In determining the loan and purchase rate, particular consideration is required to be given to the levels at which the prices of competing agricultural commodities are being supported.

(b) *The manner of making loans and purchases available to producers.* The Act authorizes the Secretary to make a program available to producers through loans, purchases or other operations. Consideration is being given to making the program available through farm and warehouse storage loans to, and purchases from, producers. County loan rates and detailed operating provisions will also be reviewed. Program provisions for the 1973 crop of flaxseed may be found in 7 CFR 1421. County loan rates and additional provisions for the 1973 crop of flaxseed may be found in 38 F.R. 14960, June 7, 1973.

Prior to making any of the foregoing determinations, consideration will be given to any data, views, and recommendations which are submitted in writing to the Director, Cotton, Rice, and Oilseeds Division, Agricultural Stabilization and Conservation Service, United States Department of Agriculture, Washington, D.C. 20250. In order to be sure of consideration, all submissions must be received by the Director not later than February 4, 1974. All written submissions made pursuant to this notice will be made available for public inspection at the office of the Director during regular business hours (8:15 a.m. to 4:45 p.m.) [7 CFR 1.27(b)].

Signed at Washington, D.C., on December 20, 1973.

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

[FR Doc.74-89 Filed 1-2-74;8:45 am]

Rural Electrification Administration

[7 CFR Part 1701]

RURAL ELECTRIFICATION

Guaranteed Loan Program

On November 1, 1973, the Rural Electrification Administration published in the FEDERAL REGISTER a proposed new REA Bulletin 20–22, Guarantee of Loans for Bulk Power Supply Facilities. The purpose of this bulletin is to set forth REA policies and requirements concerning the guaranteeing, under section 306 of the Rural Electrification Act, of loans made by legally organized lending agencies for bulk power supply facilities. On issuance of the New Bulletin, Appendix A to Part 1701 will be modified accordingly.

Comments were requested within 30 days, and a number of comments were received pursuant to this request. These comments have been studied, and revisions have been made in the proposed Bulletin. The principal comments, with the response made thereto, are summarized as follows:

Paragraph II. G. Objection was raised to the fact that this paragraph eliminated, among other things, financing of pollution control equipment through REA guaranteed loans if the income from obligations issued by the holder of such loans is excluded from gross income for income tax purposes. Response—Paragraph II. G. is in accordance with the financial policy of the Federal Government with respect to the Federal guarantee of tax exempt financing.

Paragraph III.B. Objection was raised that the proposed notification that REA was considering guaranteeing a loan was too late, and that borrowers should be permitted to consider various financing plans at an earlier stage. Response—There is no intention to preclude borrowers from considering financing plans at the earliest possible stage of project planning. In addition, the paragraph has been revised to provide publication of notice by REA as soon as REA received an application which involves REA guaranteeing a loan.

Paragraph IV.B. Objection was raised to the requirement for the lender to certify feasibility of the loan to REA. Response—This requirement has been deleted, and instead the lender has been assured the right to examine the borrower's engineering, economic and environmental studies.

Paragraph IV.C. Objections were raised that servicing requirements were too extensive and would eliminate many potential lenders from participation. Response—Extensive revisions were made, including the deletion of original items No. 3 and 6.

In addition to these major changes, in Paragraph II.E., the word "the" was changed to "any" in the phrase "guarantee of any loan" in order to make it clear that the possibility of having more than one guaranteed loan for a single project was not being excluded.

Interested persons may submit written data, views or comments on the revised Bulletin to the Assistant Administrator-Electric, Rural Electrification Administration, Room 4056, South Building, U.S. Department of Agriculture, Washington, D.C. 20250 not later than 30 days from the publication of this notice in the FEDERAL REGISTER. All written submissions made pursuant to this notice will be made available for public inspection by the Office of the Assistant Administrator-Electric.

The text of the revised proposed REA bulletin 20–22 is as follows:

REA BULLETIN 20–22

SUBJECT: Guarantee of Loans for Bulk Power Supply Facilities

I. *Purpose.* The purpose of this bulletin is to set forth Rural Electrification Administration policies and requirements concerning the guaranteeing, under Section 306 of the Rural Electrification Act, as amended, "the RE Act," of loans made by legally organized lending agencies for bulk power supply facilities.

II. *Policy.* A. It is the policy of REA to guarantee loans, in accordance with the provisions of this Bulletin, in order to facilitate the obtaining of financing for bulk power supply facilities from non-REA sources as authorized by Public Law 93–32 approved on May 11, 1973.

B. The Administrator will consider guaranteeing loans for bulk power supply facilities if such loans could have been made by REA in conformity with all REA Bulletins applicable to such loans under the RE Act.

C. Any loan guaranteed will be guaranteed in the full amount thereof. A loan guarantee may be made concurrently with an REA loan made at the standard interest rate of 5 percent for the same project.

D. Loan guarantees will be considered on a case-by-case basis for loans made by the National Rural Utilities Cooperative Finance Corporation or any other legally organized lending agency which the Administrator determines to be qualified to make, hold and service the particular loan.

E. In view of the Government's full faith and credit 100 percent guarantee of any loan, only REA will obtain mortgage security on account of the guaranteed loan.

F. Generally the term of each of the notes evidencing the loan to be guaranteed will not exceed 35 years. Interest will be payable as it accrues and principal will be amortized commencing on a date related to the estimated start of commercial operations.

G. No loan shall be guaranteed if the income from such loan or the income from obligations issued by the holder of such loan is excluded from gross income for the purposes of Chapter I of the Internal Revenue Code of 1954.

III. *Development of Guaranteed Loan Project.* A. REA preloan procedures pertaining to REA loans for bulk power supply facilities will be followed in developing a project to be financed by a loan made by a legally organized lending agency and guaranteed by the Administrator. The borrower will be responsible for developing the application and related documents, including the engineering and economic feasibility studies and the environmental analysis.

B. A list of all power supply cooperatives owned by REA borrowers will be furnished by REA to any interested lender on request. When REA receives an application for bulk power facilities, which involves REA guaranteeing a loan, it will publish a Notice in the FEDERAL REGISTER. The Notice will include a description of the proposed project, the estimated total cost, the estimated amount of the guaranteed loan and the name and address of the borrower from which additional information may be obtained and to which financing proposals may be submitted.

C. The borrower will be responsible for evaluating all proposals and furnishing REA with a report on the evaluations and its choice of proposals.

IV. *Contract of Guarantee.* A. If REA is satisfied with the engineering and economic feasibility of the project and approves the borrower's choice of proposal, subject to the submission of a satisfactory lending agreement and other loan documents and to the satisfaction of other pertinent terms and conditions, REA will prepare a contract of guarantee to be executed by the borrower, the lender, and REA within a specified time.

B. The lender shall have the right to examine the borrower's engineering, economic and environmental studies submitted to REA in support of its request for financial assistance.

C. The contract of guarantee will require the lender to service the loan. Required servicing will include:

1. Determining that all prerequisites to each advance of loan funds by the lender under the terms of the Lending Agreement, Contract of Guarantee, and related security instruments have been fulfilled. Such determinations may be met by obtaining REA approval of each advance.

2. Billing and collecting loan payments from the borrower.

3. Notifying the Administrator promptly of any payment in default 30 days and submitting a report, as soon as possible thereafter, setting forth its views as to the reasons for the default, how long it expects the borrower will be in default, and what corrective actions the borrower states it is taking to achieve a current debt service position.

4. Notifying the Administrator of any known violations or defaults by the borrower under the Lending Agreement, Contract of Guarantee, or related security instruments, or conditions of which the lender is aware which might lead to nonpayment, violation or other default.

V. *Payments Under the Contract of Guarantee.* A. Upon receipt of the reports required in paragraph IV. C. 3. above, REA will pay the lender the amount of the installment in default with interest to the date of payment.

B. When REA has made a payment under a contract of guarantee, it will establish in its accounts the amount of the payment as due and payable from the borrower, with interest at the rate of interest specified in the lending agreement.

C. REA will work with the borrower and the lender in an effort to eliminate the borrower's default as soon as possible. REA may also proceed to act under other remedies available under its security instruments.

VI. *Pledging of Contract of Guarantee.* Subject to applicable law, REA will consider, on a case-by-case basis, permitting pledging of the contract of guarantee in order to facilitate the obtaining of funds by the lending agency to make the guaranteed loan.

Dated: December 21, 1973.

DAVID H. ASKEGAARD,
Acting Administrator.

[FR Doc.74–88 Filed 1–2–74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Office of Education

[45 CFR Part 103]

NEW VOCATIONAL EDUCATION RESEARCH GRANTS

Extension of Closing Date for Receipt of Applications

Notice is hereby given that the U.S. Commissioner of Education has extended the January 4, 1974, closing date for receipt of applications for new Vocational Education Research grants to institutions of higher education, State educational agencies, and other appropriate nonprofit institutions or agencies under section 131(a) of Part C of the Vocational Education Act as amended (20 U.S.C. 1281(a)), previously published in the FEDERAL REGISTER at 38 FR 33566–33567 on December 5, 1973.

A notice of proposed rule making published in the FEDERAL REGISTER on December 5, 1973, at 38 FR 33566–33567, sets forth the rules for the administration of the Vocational Education Research grants program. The rules which are proposed for adoption, together with the General Provisions Regulations (45 CFR Part 100a) published in the FEDERAL REGISTER on November 6, 1973 (38 FR 30654, 30662), would be applicable to these grants.

Applications must be received by the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets,

SW., Washington, D.C. 20202 (mailing address: U.S. Office of Education, Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202), Attention: 13.498, on or before January 11, 1974.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service, or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail room in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail room or other documentary evidence or receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education.)

(20 U.S.C. 1281(a))

(Catalog of Federal Domestic Assistance No. 13.498 Vocational Education Research.)

Dated: December 28, 1973.

JOHN OTTINA,
U.S. Commissioner of Education.

[FR Doc.74-318 Filed 1-2-74;8:45 am]

Social Security Administration

[20 CFR Part 416]

[Reg. No. 16]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Marital, and Parent-Child Relationship

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendments to the regulations set forth in tentative form are proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendments add new Subpart J setting forth the rules for determining marital relationship and parent-child relationship applicable with respect to the payment of supplemental security income under title XVI of the Social Security Act, as amended by section 301 of the Social Security Amendments of 1972 (Pub. L. 92-603) approved October 30, 1972, and under Pub. L. 93-66, approved July 9, 1973.

The proposed regulations explain when a person may be considered the spouse of another person under title XVI of the Act, the effect upon benefit rights where a change in the marital relationship of the parties occurs, and the effect upon benefit rights of a person's meeting the definition of "child" specified in title XVI.

The rules set forth in the proposed regulations will be applied by the Social Security Administration in order to administer the Supplemental Security Income program during the period from January 1, 1974, when the new program becomes effective, until final regulations are adopted.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before February 4, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare, North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendments are to be issued under the authority contained in sections 1102, and 1601-1634, 49 Stat. 647, as amended, 86 Stat. 1465-1478; 42 U.S.C. 1302, 1381-1385.

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: December 18, 1973.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: December 26, 1973.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended by adding Subpart J to read as follows:

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED (1974.....)

Subpart J—Relationship

Sec.
416.1001 Relationship—general.
416.1003 Definitions.
416.1005 Marital relationship—general.
416.1007 Marital relationship based on living together in the same household.
416.1008 Marital relationship based on title II determination.
416.1009 Marital relationship based on State law.
416.1012 Priorities in marital relationship.
416.1020 When evidence as to marriage and termination of marriage is required.
416.1030 Evidence of ceremonial marriage.
416.1035 Evidence of nonceremonial marriage.
416.1040 Effect of termination of marriage.
416.1041 Evidence of termination of marriage.
416.1050 "Child" defined.
416.1052 Parent-child relationship—general.
416.1053 Establishing parent-child relationship.
416.1055 Effect of child's eligibility—general.
416.1057 Marital status of child.
416.1059 Evidence required to establish the marital status of a child.
416.1070 Living in the same household.
416.1073 Child as the head of a household.
416.1075 Evidence required to establish the identity of the head of the household.
416.1078 Proof of age of child.

§ 416.1001 Relationship—General.

(a) *Marital relationship.* In determining whether an aged, blind, or disabled individual may receive payments under title XVI of the Social Security Act, the income and resources tests which such individual must meet (see Subparts K and L of this Part 416) may depend in part on whether such individual has a spouse, whether such individual and such spouse are living in the same household (or have been separated for less than 6 months) and whether such spouse is also an aged, blind, or disabled individual. If a husband and wife are both aged, blind, or disabled individuals living in the same household, or if such husband and wife have been separated for less than 6 months, and such husband and wife are eligible for payments under title XVI of the Act, such payments shall be made to them as a couple. The payment made for an eligible couple will be less than the sum of the separate amounts which they could receive if each was an eligible individual. The eligibility of an individual or a couple for a payment for a month will be based on their marital status on the first day of the month. Any subsequent change in marital status within a month will not affect eligibility for, or the amount of, the payment for such month. The special income and resources tests (see Subparts K and L of this part 416) which may be applicable to a blind or disabled individual who is under age 18, or who is a student age 18 but under age 22 regularly attending school, apply only if such blind or disabled individual is not married.

(b) *Parent-child relationship.* Where a blind or disabled individual applies for payments under title XVI of the Act, and such blind or disabled individual is under age 18, or under age 22 and a student, the method of computing such blind or disabled individual's income and resources may be affected if:

(1) Such blind or disabled individual is under age 21 and is living with a parent (or such parent's spouse, if any) has income or resources; or

(2) Such blind or disabled individual is living apart from his or her parent but receiving payments from such parent for such individual's support.

(c) *Determining relationship.* The rules for determining whether an aged, blind, or disabled individual applying for (or receiving) payments under title XVI of the Act is married are set forth in §§ 416.1003-416.1041. For determining whether the person with whom a blind or disabled individual is living, or from whom such individual is receiving payments for support, is such individual's parent (or the spouse of such parent), see §§ 416.1052 and 416.1053.

§ 416.1003 Definitions.

(a) *Domicile.* The term "domicile" means the place of an individual's true,

fixed, and permanent home and to which, whenever he is absent, he intends to return.

(b) *Household.* For purposes of this subpart, the term "household" means one or more individuals living as a family unit in a single place of abode.

(c) *Holding themselves out as husband and wife.* A man and woman are "holding themselves out as husband and wife" if they represent themselves as husband and wife (or as married to each other) to relatives, friends, neighbors, or tradespeople with whom they do business.

(d) *Valid marriage.* A valid marriage is a contract, according to the form prescribed by law, by which a man and a woman, capable of entering into such a contract, mutually agree to live the rest of their lives together.

§ 416.1005 Marital relationship—general.

(a) Two individuals may be considered to be husband and wife for the purpose of determining that one is the spouse of the other under title XVI of the Act if at the time the application for payments is made or at any later date:

(1) The individuals are living together in the same household, and holding themselves out to the community in which they reside as husband and wife; or

(2) A determination has been made pursuant to Subpart L of Part 404 of this chapter, in connection with a claim for benefits under title II of the Act, that the parties are husband and wife (see § 416.1008 for the effective date of such a determination); or

(3) The parties would be determined to be husband and wife under appropriate State law (see § 416.1009 for explanation of appropriate State law).

(b) When, under paragraph (a) of this section, more than one person is considered to be the spouse of an applicant for payments under title XVI of the Act, for any one month only one such individual shall be so considered. The determination of which individual is to be considered the spouse in any given month shall be made in accordance with the rules set forth in § 416.1012.

§ 416.1007 Marital relationship based on living together in the same household.

If a man and a woman are living together in the same household, and holding themselves out to the community in which they reside as husband and wife, they shall be considered husband and wife for the purposes of title XVI of the Act. Where a man and woman who are living together in the same household allege that they are not husband and wife and that they are not holding themselves out as such to the community in which they reside, then they must establish such in accordance with § 416.1035(b).

§ 416.1008 Marital relationship based on title II determination.

An individual shall be found to be the spouse of an applicant for payments under title XVI of the Act if such applicant has filed a claim for and been awarded husband's or wife's benefits under title II of the Act as the husband or wife of such applicant. The individual so found to be the spouse of the applicant for payments under title XVI of the Act shall be considered the spouse effective with the date the determination under title II of the Act is made, or if later, the date the application for benefits under title XVI of the Act is filed.

§ 416.1009 Marital relationship based on State law.

Two individuals who are living together at the time an application for payments under title XVI of the Act is filed shall be considered to be husband and wife if the courts of the State in which they are domiciled at the time of application would find them to be validly married. If two individuals are not living together at the time the application for payments under title XVI of the Act is filed, they shall be considered to be husband and wife if the courts of the State in which they were domiciled at the time they lived together would find them to be validly married.

§ 416.1012 Priorities in marital relationship.

Whenever it is necessary to determine for any month who is the spouse of an applicant for, or recipient of, payments under title XVI of the Act, and more than one person may, under the provisions of § 416.1005, be so considered, such determination shall be made under the following rules:

(a) If one of the persons who may be considered to be the spouse of the applicant for payments under title XVI of the Act is living with him in the same household at the time of application, such person shall be considered to be the spouse for such month;

(b) If more than one person who may be considered to be the spouse of an applicant for payments under title XVI of the Act has been separated from him for less than 6 months, the person from whom the applicant most recently separated shall be considered to be the spouse for such month; provided that, if the applicant for payments under title XVI of the Act indicates that he intends to resume living with one of such persons before the end of 6 months following their separation, the person with whom the applicant intends to resume living shall be considered to be the spouse.

§ 416.1020 When evidence of marriage and termination of marriage is required.

(a) *Marriage.* At the time of application, the applicant shall furnish information of his marital status, and, if married, whether he is residing in the same household with his spouse at such time. In addition, the applicant shall advise whether he is living in the same household with any unrelated person of the opposite sex and whether the applicant and such other person are holding themselves out in the community in which they reside as husband and wife.

(b) *Termination of marriage.* An individual receiving payments under title XVI of the Act as an eligible individual or an eligible spouse shall, upon request, furnish evidence of the termination of his marriage in accordance with § 416.1041.

§ 416.1030 Evidence of ceremonial marriage.

(a) *Type of evidence.* Where evidence of ceremonial marriage is pertinent to a determination under title XVI of the Act, the applicant, when so requested by the Administration, shall submit:

(1) A copy of the public record of the marriage duly certified by the custodian of such record; or

(2) A copy of the church record of the marriage or a statement of the contents of such record which has been duly certified; or

(3) The original certificate of marriage; or

(4) If none of the evidence described in paragraphs (a) (1), (2), and (3) of this section is available, the applicant shall state the reason therefor and submit other evidence of probative value.

(b) *When applicant's statement as to marriage may be accepted.* If an applicant for payments under title XVI of the Act indicates that he was ceremonially married to the person with whom he is living, the Administration may, in the absence of evidence to the contrary, accept such statement in lieu of other evidence enumerated in paragraph (a) of this section. If an applicant for payments under title XVI of the Act states that he was ceremonially married to a person with whom he is not presently living, the Administration may, in the absence of evidence to the contrary, accept such statement in lieu of the evidence enumerated in paragraph (a) of this section.

§ 416.1035 Evidence of nonceremonial marriage.

(a) *Applicant alleges person with whom he is living is a spouse.* If an applicant for payments under title XVI of the Act states that he is living with a person of the opposite sex, and that they are holding themselves out as husband and wife in the community in which they reside, such statement shall, in the absence of evidence to the contrary, be deemed sufficient to establish under § 416.1007 that the party with whom the applicant is living is his spouse.

(b) *Applicant alleges person with whom he is living is not his spouse.*—(1) *Information required.* If an applicant for payments under title XVI of the Act is living in the same household with an unrelated person of the opposite sex but the applicant denies that such person is his spouse, the applicant shall submit his statement and the statement of the person with whom he is living, explaining the nature of their relationship and setting forth the following information:

(i) By what names are the parties known;

(ii) How do the parties introduce each other to others;

(iii) How is mail addressed to the parties;

(iv) Do any deeds, installment contracts, tax returns, or other papers show them as husband and wife; and

(v) Is the home or apartment in which they reside rented or owned by one or both of them, and what names are shown on the deed or lease.

(2) *Effect of information supplied.* Unless the information supplied in response to the foregoing items satisfactorily establishes that the parties are not holding themselves out to the community in which they reside as husband and wife, they shall be considered husband and wife.

§ 416.1040 Effect of termination of marriage.

(a) *General.* Where an eligible individual and eligible spouse are receiving payments under title XVI of the Act, the eligible spouse will no longer qualify as a spouse effective with the month following the month in which the marriage is terminated, or deemed terminated, as explained in paragraph (b) or (c) of this section. Beginning with the month following such month of termination, the eligible spouse, if otherwise qualified, may receive payments as an eligible individual.

(b) *Termination of marriage by death, divorce, or annulment.* Where either spouse to a marriage dies, the surviving spouse shall be deemed to be unmarried beginning with the month following the month of death. Where a court of competent jurisdiction issues a decree of divorce or annulment, both parties shall be deemed not married to each other beginning with the month following the month in which the decree becomes final.

(c) *Separation of parties*—(1) *Where neither party begins living with another individual.* Where an eligible individual and eligible spouse receiving payments under title XVI of the Act cease living together in the same household and neither party begins living with another individual and representing himself and such other individual to the community in which they reside as husband and wife, such eligible individual and eligible spouse shall not be considered husband and wife for purposes of this Part effective with the month in which they have been separated for 6 months. The 6-month period of separation shall be counted from the date of separation. If there is no comparable date in the sixth month following the month of separation, the 6-month period will be deemed to have ended on the last day of the sixth month following the month in which the parties separated.

(2) *Where one of the parties begins living with another individual.* Where an eligible individual and eligible spouse receiving payments under title XVI of the Act cease living together in the same household, and either party commences living in the same household with another person and represents to the community in which they reside that they are husband and wife, the eligible individual and eligible spouse shall not be considered husband and wife effective with the month in which the eligible individual or the eligible spouse commenced living in the same household with such other person.

§ 416.1041 Evidence of termination of marriage.

(a) *Termination of marriage by divorce, annulment, or death.* Where evidence of termination of a marriage is pertinent to a determination under title XVI of the Act, the applicant, when so requested by the Administration, shall submit:

(1) A certified copy of the decree of divorce dissolving the marriage; or

(2) A certified copy of the decree of annulment; or

(3) Evidence of the death of the other party to the marriage; or

(4) If none of the evidence described in paragraphs (a) (1), (2), and (3) of this section is available, the applicant shall state the reason therefor, and furnish other evidence of probative value.

(b) *Separation of the parties.* An applicant for, or a recipient of, payments under title XVI of the Act who is no longer living together in the same household with his spouse who is age 65, or blind, or disabled, shall notify the Administration. As part of this notice he shall indicate to the best of his or her knowledge the date of the separation, the reason therefor, the place where the spouse is living, how long the separation is expected to last, and whether the applicant or spouse is living with any other individual as husband or wife.

§ 416.1050 "Child" defined.

The term "child" means an individual who is neither married nor the head of a household and who is (a) under the age of 18 or, (b) under the age of 22 and a student regularly attending school, college, or university or a course of vocational or technical training designed to prepare the individual for gainful employment.

§ 416.1052 Parent-child relationship—general.

For purposes of the special income and resources inclusions and exclusions applicable to a child under title XVI of the Act, a parent is an individual related to the eligible individual as a natural parent, or an adoptive parent. The marital status of the biological parent is immaterial in establishing the natural parent-child relationship. A final legal adoption is required for the individual to qualify as an adoptive parent. A stepparent is an individual "married" (see § 416.1005) to the child's natural or adoptive parent. A spouse of a child's parent is the husband or wife (as defined in § 416.1005) of such parent.

§ 416.1053 Establishing parent-child relationship.

In the absence of evidence to the contrary the statements by the applicant will suffice to establish parent-child relationship. Only in the event of a conflict in statements will additional evidence be required. A birth certificate or other evidence of probative value which establishes the relationship is acceptable in this instance.

§ 416.1055 Effect of child's eligibility—general.

In determining income and resources, certain inclusions and exclusions apply where the eligible individual meets the definition of a child. The special income and resources provisions applicable where a child is an eligible individual are:

(a) Exclusion of his earned income within prescribed limits (see § 416.1163) where the eligible individual is a child who is also a student regularly attending school;

(b) Exclusion of one-third of any payment received from an absent parent for the eligible individual's support (see § 416.1161); and

(c) Inclusion (see formula in § 416.1185 (b)) of the income and resources of a parent (or the parent's spouse) while the child is under age 21 and living in the same household (see § 416.1070) with such parent (or the parent's spouse).

§ 416.1057 Marital status of child.

An individual who is under age 18, or age 18–21 and a student, is considered married for purposes of title XVI of the Act if at the time the application for payments is made, or at any later time:

(a) Such individual is living in the same household with a member of the opposite sex and the parties are holding themselves out to the community in which they reside as husband and wife; or

(b) A determination has been made for purposes of title II of the Act that such individual was married and such relationship has not been terminated; or

(c) Such individual is married under appropriate State law.

§ 416.1059 Evidence required to establish the marital status of a child.

In the absence of evidence to the contrary, the statement of a blind or disabled individual under age 22 as to his marital status is acceptable. However, evidence of marital status is required where such individual states:

(a) That he is under 21, married, and living in the same household with a parent. Proof of marriage as specified in § 416.1030(a) shall be submited by such applicant.

(b) That he is unmarried and evidence shows that he was married. Proof of the termination of such prior marriage (§ 416.1041) shall be submitted.

In addition, clarification as to marital status is required where such individual is living in the same household with an unrelated person of the opposite sex.

§ 416.1070 Living in the same household.

(a) *Defined.* A child and his or her parent (or the parent's spouse) are living in the same household if the parent and child are sharing the same residence and the parent (or the parent's spouse) is exercising parental control and authority over the child.

(b) *Periodic or temporary separation.* A child and parent will be considered to

be sharing the same residence during a periodic or temporary separation if the circumstances indicate that the child and parent have shared and again expect to share the same residence when conditions permit. However, a child is not considered to be living in the same household with a parent where the parent does not have the right to exercise parental control and authority over the child; for example, when the child is committed to a correctional institution.

§ 416.1073 Child as the head of a household.

A child is the head of a household where he is living alone or with others as an economic entity and he is the individual responsible for day-to-day decisions on the operation of that household provided the child has left his parental home on a permanent basis. Where a group of individuals share equally in the decision-making, for example, a group of students share off-campus housing, the collective group does not qualify as a household for the purposes of title XVI of the Act since the decision-making is not under one head or management. In this instance, each individual is responsible for the day-to-day decisions of his living arrangements and as such is a separate entity and the circumstances of his separation from his parental home will determine his status.

§ 416.1075 Evidence required to establish the identity of the head of the household.

Where the child is not living in the parental home, his statement setting out the reason for the separation, his present living arrangements, and who has the authority for the day-to-day decisions will be required. The child's statement, absent information to the contrary, is acceptable without additional verification. Only where the statement raises some question as to the identity of the head of the household or other aspects of title XVI of the Act will additional information be required. For example, information that the child is living in the same household with an unrelated person of the opposite requires ascertainment of possible marital relationship.

§ 416.1078 Proof of age of child.

Proof of a child's age is required, and either a birth or baptismal certificate is required to be submitted. (See Subpart H of this part.) Where, however, the birth or baptismal certificate is not readily available, the applicant shall state the reason therefor, and other evidence of probative value will be obtained to establish the child's age.

[FR Doc.74-174 Filed 1-2-74;8:45 am]

[20 CFR Part 416]

[Reg. No. 16]

SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Reporting Requirements

Notice is hereby given, pursuant to the Administrative Procedure Act (5 U.S.C. 553) that the amendment to the regulations set forth in tentative form below is proposed by the Commissioner of Social Security, with the approval of the Secretary of Health, Education, and Welfare. The proposed amendment adds new Subpart G (Reporting Requirements) to the new (20 CFR Part 416). Part 416 comprises the policies and procedures for payment of supplemental security income to aged, blind, or disabled individuals under title XVI of the Social Security Act as amended by section 301 of the Social Security Amendments of 1972 (Pub. L. 92-603), approved October 30, 1972, and Pub. L. 93-66, approved July 9, 1973. These amendments to title XVI of the Social Security Act are effective January 1, 1974. The proposed regulations included herein set forth rules and responsibilities for reporting to the Administration events and circumstances affecting an individual's eligibility for benefits under this Part 416 or the amount of such benefits.

The rules set forth in the proposed regulations will be applied by the Social Security Administration in order to administer the Supplemental Security Income program during the period from January 1, 1974, when the new program becomes effective, until final regulations are adopted.

Prior to the final adoption of the proposed amendments to the regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in triplicate to the Commissioner of Social Security, Department of Health, Education, and Welfare Building, Fourth and Independence Avenue SW., Washington, D.C. 20201, on or before February 4, 1974.

Copies of all comments received in response to this notice will be available for public inspection during regular business hours at the Washington Inquiries Section, Office of Public Affairs, Social Security Administration, Department of Health, Education, and Welfare North Building, Room 4146, 330 Independence Avenue SW., Washington, D.C. 20201.

The proposed amendment is to be issued under the authority contained in sections 1102, 1611-1615, as amended, and 1631-1632, 49 Stat. 647, as amended, 86 Stat. 1466-1478; 87 Stat. 154; (42 U.S.C. 1302, 1382-1382c, 1383-1383a).

(Catalog of Federal Domestic Assistance Program No. 13.807, Supplemental Security Income Program.)

Dated: December 20, 1973.

J. B. CARDWELL,
Commissioner of Social Security.

Approved: December 26, 1973.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

Part 416 of Chapter III of Title 20 of the Code of Federal Regulations is amended by adding thereto Subpart G to read as follows:

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED (1974- .....)

Subpart G—Reporting Requirements

Sec.

416.701 Report requirements; general.
416.703 Reports required; facts and events required to be reported.
416.705 Reports required; responsibility for reporting.
416.707 Reports required; due date of reports.
416.709 Reports required; content and form.
416.711 Penalty for failure to report timely; general.
416.713 Penalty for failure to report timely; penalty amount.
416.714 Penalty for failure to report timely; penalty periods.
416.715 Good cause for failure to report timely.

§ 416.701 Report requirements; general.

This subpart relates to the reporting requirements necessary to effectively administer the Supplemental Security Income for Aged, Blind, and Disabled program. Discussed in this subpart are the events that must be reported to the Administration, who is responsible for reporting such events, the time frame for which reports are to be made, what form the reports may take, and the rules regarding penalty deductions for failure to report timely.

§ 416.703 Reports required; facts and events required to be reported.

The following events or facts must be reported to the Administration with respect to the individuals indicated in the following paragraphs.

(a) *Change in address.* Any change in the mailing address to which letters and checks are sent and/or the address at which the recipient is physically located must be reported.

(b) *Change in living arrangements.* Where at least one individual is eligible for benefits in a household, any change in composition of that household must be reported.

(c) *Change in income.* An increase or decrease in the income of an eligible individual and/or his eligible spouse, the ineligible spouse living with the eligible individual, the parent or spouse of such parent living with an eligible individual who is a child (as defined in § 416.120 (c)(10)), or an essential person must be reported, except that an automatic increase in title II benefits for the eligible individual or eligible spouse need not be reported. (See Subpart K of this Part and § 416.1323.)

(d) *Change in resources.* The receipt or disposition of the resources of an eligible individual and/or his eligible spouse, the ineligible spouse living with the eligible individual, the parent or spouse of such parent living with an eligible individual who is a child (as defined in § 416.120(c)(10)), or an essential person must be reported. (See Subpart L of this Part and § 416.1324.)

(e) *Eligibility for other benefits.* The eligibility for benefits other than title XVI benefits or facts relating thereto in regard to an eligible individual or eli-

gible spouse must be reported. (See § 416.1330.)

(f) *Death.* The death of an eligible individual and/or eligible spouse, ineligible spouse living with the eligible individual, the parent or spouse of such parent living with an eligible individual who is a child (as defined in § 416.120 (c)(10)), an essential person, or the representative payee of an eligible individual and/or eligible spouse must be reported.

(g) *Change in marital status.* The recipient's marriage, divorce, or annulment must be reported. If the recipient is a child as defined in § 416.120(c)(8), the marriage, divorce, or annulment of such child's parent or spouse of such a parent must be reported.

(h) *Cessation of blindness or disability.* Any improvement in the condition of any individual eligible to title XVI benefits by reason of disability or blindness must be reported. (See § 416.931.)

(i) *Refusal to accept vocational rehabilitation services.* The refusal of any recipient, who has been referred for vocational rehabilitation services by the Administration, to accept such services must be reported.

(j) *Departure from the United States.* The departure of any recipient from the United States (as defined in § 416.120(c)(10)) must be reported.

(k) *Admission to or discharge from a public institution.* A recipient's admission to or discharge from a public institution must be reported.

(l) *Admission to or discharge from a hospital, skilled nursing facility, or intermediate care facility.* A recipient's admission to or discharge from a hospital, skilled nursing facility, or intermediate care facility must be reported.

(m) *Change in school attendance.* Any recipient's change in school attendance must be reported if such recipient is under the age of 22.

(n) *Loss of status as a resident of the United States.* The loss of a recipient's status as a resident of the United States (as defined in § 416.120(c)(10)) must be reported.

(o) *Discontinuance of treatement for drug addiction or alcoholism.* The discontinuance of treatment for drug addiction or alcoholism by a recipient who has been referred to a facility for such treatment by the Administration must be reported.

§ 416.705 Reports required; responsibility for reporting.

An eligible individual, an eligible spouse, or the representative payee of such individual and/or spouse are responsible for reporting the events described in § 416.703. In addition, any applicant (as defined in § 416.301(b)) is responsible for reporting such events where there has not been rendered a final determination upon such applicant's application. An eligible individual or eligible spouse who is determined to be incompetent by the Administration will not be held responsible for reporting the events described in § 416.703.

§ 416.707 Reports required; due date of reports.

The occurrence of any event identified in § 416.703 should be reported as soon as the event occurs. Failure to report such event within the 30-day period after the quarter in which such event occurs may cause the application of a penalty deduction. (See § 416.711.)

§ 416.709 Reports required; content and form.

A report of an event identified in § 416.703 must be made to the Administration. The report should identify the person making the report, the person (or persons) about whom the report is made, and the event which has occurred. The report may be made in any manner desired (including but not limited to the use of a form prescribed by the Administration or the reporting of an event via telephone).

§ 416.711 Penalty for failure to report timely; general.

A penalty deduction is imposed against a recipient and withheld from his benefits (in addition to any other required reduction, suspension, or termination) when:

(a) Such recipient fails to make a timely report of any event identified in § 416.703; and

(b) A reduction, suspension, or termination for a reason other than death (except the death of an essential person) is required; and

(c) A benefit for the "penalty period" was received and accepted; and

(d) Good cause for relief from the penalty is not applicable. (See § 416.715.)

§ 416.713 Penalty for failure to report timely; penalty amount.

Where a recipient fails within the time period specified in § 416.707 to comply with the reporting requirements, and a penalty is required (see § 416.711), any benefits which may subsequently become payable to such individual under title XVI will be reduced in the amount of:

(a) $25 in the case of the first such failure or delay;

(b) $50 in the case of the second such failure or delay; and

(c) $100 in the case of the third or subsequent such failure or delay.

§ 416.714 Penalty for failure to report timely; penalty periods.

(a) *First failure to report.* The first penalty period starts with the day the application for title XVI benefits is filed and ends with the date on which the Administration first becomes aware that an event described in § 416.703 occurred but was not discovered by the Administration in the time specified in § 416.707. Any report that is overdue in that period is included in the first penalty period. If the requirements regarding when a penalty deduction is to be imposed (see § 416.711) are not met (e.g., "good cause" is found), the first penalty period will continue until such time as an event (as described in § 416.703) comes to the attention of the Administration more than 30 days after the quarter in which such event occurred. Any report that is found to be overdue within the first penalty period is counted in the first penalty period regardless of when the event described in § 416.703 is discovered by the Administration.

Example. The recipient filed application for benefits under title XVI in February. In May he left the United States for a visit with relatives. He returned to the United States in September and reported his absence on November 5. A penalty may be applicable because he did not report the event (i.e., ineligibility for payments beginning with June due to absence from the United States) before October 1. The first penalty period covers all reports which were overdue for the period of February 1 though November 5. If good cause is found for the recipient's failure to report all events timely, a penalty would not apply and a new "first penalty period" would still begin with February 1 but extend to the point at which an overdue report was made or a failure to report timely was discovered. If subsequently, on December 6, it was found that the recipient had failed to report income received in the February 1–November 5 period and good cause did not exist with respect thereto, the first penalty period would end on December 6.

(b) *Second failure to report.* The second penalty period begins at the close of the first penalty period and ends with the date on which the Administration first becomes aware that an event described in § 416.703 has occurred (subsequent to the close of the first penalty period) but which was not reported in the time specified in § 416.707. Any report found to be overdue within the second penalty period is counted in the second penalty period, regardless of when the occurrence of the event described in § 416.703 is discovered by the Administration.

Example. The first penalty period closed June 30, 1974. On December 31, 1974, the recipient reported that his brother left him a $2000 inheritance on July 3, 1974. Since the reporting of this event occurred more than 30 days after the end of the quarter in which the event occurred, the second penalty deduction becomes applicable. (Good cause was no found for the recipient's late report of this event.) The second penalty period ends on December 31, 1974, the date the Administration first became aware of the inheritance. Two years later, the Administration first learns of the recipient's failure to report his departure from the United States, such departure occurring on August 3, 1974. Since the event occurred during the second penalty period, no further penalty deductions will be imposed.

(c) *Third or subsequent failure to report.* The beginning and ending dates of the third penalty period and of subsequent penalty periods are determined in the manner set forth in paragraph (b) of this section.

§ 416.715 Good cause for failure to report timely.

Good cause for failure to report timely may be found if the recipient had a reasonable basis for not reporting timely and his delay in reporting or his failure to report was not due to willfulness. For purposes of this section, the definition of good cause is broader than "without

fault" (see § 416.1643) as used in determining whether waiver of adjustment or recovery of an overpayment is applicable; consequently, good cause always exists where "without fault" is found.

[FR Doc.74-175 Filed 1-2-74;8:45 am]

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[14 CFR Part 71]

[Airspace Docket No. 73-NE-28]

BOSTON, MASSACHUSETTS

Proposed Alteration of Transition Area

The Federal Aviation Administration is considering amending § 71.181 of Part 71 of the Federal Aviation Regulations so as to alter the Boston, Massachusetts, 700-foot Transition Area (38 F.R. 452).

The Federal Aviation Administration is proposing to extend the boundary of the Boston, Massachusetts, 700-foot transition area so as to make it adjoin the Concord, New Hampshire, 700-foot transition area. This will result in a common boundary between these two transition areas, allowing for greater ease in describing these transition areas and providing greater airspace protection for aircraft operating in that area.

Interested persons may submit such written data or views as they may desire. Communications should be submitted in triplicate to the Director, New England Region, Attention: Chief, Air Traffic Division, Department of Transportation, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803. All communications received by February 4, 1974 will be considered before action is taken on the proposed amendment. No hearing is contemplated at this time, but arrangements may be made for informal conferences with Federal Aviation Administration officials by contacting the Chief, Operations, Procedures and Airspace Branch, New England Region.

Any data or views presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official docket will be available for examination by interested persons at the Office of the Regional Counsel, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts.

The Federal Aviation Administration, having completed a review of the airspace requirements for the terminal area of Boston, Massachusetts, proposes the airspace action hereinafter set forth:

1. Amend § 71.181 of Part 71 of the Federal Aviation Regulations so as to delete the description of the Boston, Massachusetts, 700-foot transition area and insert the following in lieu thereof:

That airspace extending upward from 700 feet above the surface bounded by a line beginning at: Latitude 42°53'00" N., Longitude 71°05'00" W., to Latitude 42°52'00" N., Longitude 71°02'45" W., to Latitude 42°-54'00" N., Longitude 71°00'15" W., to Latitude 42°49'45" N., Longitude 70°54'00" W., to Latitude 42°48'15" N., Longitude 70°-55'30" W., to Latitude 42°43'00" N., Longitude 70°46'00" W., to Latitude 42°30'00" N., Longitude 70°48'00" W., to Latitude 42°-14'00" N., Longitude 70°38'00" W., to Latitude 41°59'00" N., Longitude 70°48'00" W., to Latitude 41°59'00" N., Longitude 70°-53'00" W., to Latitude 42°03'00" N., Longitude 71°10'00" W., to Latitude 42°13'00" N., Longitude 71°21'00" W., to Latitude 42°-21'00" N., Longitude 71°25'00" W., to Latitude 42°22'00" N., Longitude 71°47'00" W., to Latitude 42°27'00" N., Longitude 71°-55'00" W., to Latitude 42°53'00" N., Longitude 71°55'00" W., to Latitude 42°45'00" N., Longitude 71°38'25" W., to Latitude 42°-43'00" N., Longitude 71°36'00" W., to Latitude 42°40'00" N., Longitude 71°35'00" W., to Latitude 42°38'00" N., Longitude 71°-20'00" W., to Latitude 42°43'00" N., Longitude 71°15'00" W. to the point of beginning; and within 3.5 miles each side of the 154° bearing from the Stoughton, Mass., NDB, 42°07'10" N., 71°07'41" W., extending from the NDB to 10.5 miles southeast of the NDB.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 [72 Stat. 749; 49 U.S.C. 1348] and section 6(c) of the Department of Transportation Act [49 U.S.C. 1655(c)].

Issued in Burlington, Massachusetts, on December 5, 1973.

FERRIS J. HOWLAND,
Director, New England Region.

[FR Doc.74-44 Filed 1-2-74;8:45 am]

[14 CFR Parts 71 and 73]

[Airspace Docket No. 73-SO-74]

DESIGNATION OF TEMPORARY RESTRICTED AREAS

Supplemental Notice of Proposed Rule Making

On December 10, 1973, a notice of proposed rule making (NPRM) was published in the FEDERAL REGISTER (38 FR 33995) stating that the Federal Aviation Administration (FAA) was considering amendments to Parts 71 and 73 of the Federal Aviation Regulations that would designate temporary restricted areas in the Camp LeJeune/New Bern/Fayetteville/Wilmington area, and in the coastal region adjacent to Jacksonville and Beaufort-Morehead City, N.C. The restricted areas would be used to contain a joint military exercise "Solid Shield 74" to be conducted from May 26 through June 8, 1974. Those areas containing airspace at or above 14,500 feet MSL would also be included in the continental control area for the duration of their time of designation.

This supplemental notice of proposed rule making would alter the original notice by reducing the time of designation proposed for Restricted Area R-5309D and by raising the upper altitude limit proposed for Restricted Areas R-5309G, H, I, and J. It would also propose that an additional Restricted Area, R-5309K, be designated for use during "Solid Shield 74."

Interested persons may participate in the proposed rule making by submitting such written data, views or arguments as they may desire. Communications should identify the airspace docket number and be submitted in triplicate to the Director, Southern Region, Attention: Chief, Air Traffic Division, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320. All communications received by February 4, 1974 will be considered before action is taken on the proposed amendment. The proposal contained in this notice may be changed in the light of comments received.

An official docket will be available for examination by interested persons at the Federal Aviation Administration, Office of the General Counsel, Attention: Rules Docket, 800 Independence Avenue, S.W., Washington, D.C. 20591. An informal docket also will be available for examination at the office of the Regional Air Traffic Division Chief.

This supplemental NPRM would alter the original notice by:

a. Reducing the time of designation proposed for R-5309D from "Continuous, May 26-June 8, 1974, inclusive." to "Continuous, May 26-June 6, 1974, inclusive."

b. Raising the upper altitude limit proposed for R-5309G, R-5309H, R-5309I, and R-5309J from "to and including 17,000 feet MSL" to "to and including 18,000 feet MSL."

c. Including the following temporary restricted area with those it proposes to designate:

R-5309K SOLID SHIELD 74, N.C.
BOUNDARIES

Beginning at Lat. 34°57'30" N., Long. 77°02'00" W., to Lat. 34°51'40" N., Long. 76°56'40" W., to Lat. 34°43'15" N., Long. 76°47'30" W., to Lat. 34°42'00" N., Long. 76°54'45" W., to Lat. 34°51'00" N., Long. 77°05'30" W., to Lat. 34°49'30" N., Long. 77°10'00" W., thence to point of beginning.

Designated altitudes. Surface to 3,000 feet MSL.

Time of designation. Continuous, May 26-June 6, 1974, inclusive.

Controlling agency. Federal Aviation Administration, Washington ARTC Center, Leesburg, Va.

Using agency. United States Atlantic Command, Norfolk, Va.

Reducing the time of designation and raising the upper altitude limit as noted above will more accurately define the affected restricted areas. The proposed Restricted Area, R-5309K, like those described in the original Notice, would be required during "Solid Shield 74" for safety to separate nonparticipating aircraft from the extensive air activity of the participating military forces. The using agency would allow scheduled air carrier flights and other nonparticipating aircraft into or through the area when exercise operations permit. The using agency would provide all necessary communication lines required by the Federal Aviation Administration and it would also provide a wide area telecommunications service number so that nonparticipating pilots can obtain clearances on an individual basis without charge to themselves. This number would be published in Part 3 of the Airman's Information Manual (AIM) effective during the exercise period. The Federal Aviation Administration would establish temporary

routing to reroute air carrier and other nonparticipating aircraft around the restricted area when clearance through the area cannot be approved.

This amendment is proposed under the authority of sec. 307(a) of the Federal Aviation Act of 1958 (49 U.S.C. 1348(a)) and sec. 6(c) of the Department of Transportation Act (49 U.S.C. 1655(c)).

Issued in Washington, D.C., on December 21, 1973.

CLAUDE FEATHERSTONE,
Chief, Airspace and Air Traffic Rules Division.

[FR Doc.74-45 Filed 1-2-74;8:45 am]

National Highway Traffic Safety Administration

[49 CFR Part 571]

[Docket No. 73-33; Notice 1]

LAMPS, REFLECTIVE DEVICES AND ASSOCIATED EQUIPMENT

Motor Vehicle Safety Standards

This notice proposes an amendment of Motor Vehicle Safety Standard No. 108 that would allow variable load turn signal flashers on trucks that are capable of accommodating slide-in campers.

Paragraph S4.5.6. of 49 CFR 571.108, Motor Vehicle Safety Standard No. 108, excludes vehicles whose overall width is 80 inches or more, and vehicles equipped to tow trailers, from the requirement that "failure of one or more turn signal lamps to operate shall be indicated in accordance with SAE Standard J588d, 'Turn Signal Lamps', June 1966". The NHTSA excluded these vehicles on the basis that the greater durability of their original equipment heavy duty variable load turn signal flashers, warrants their use despite the lack of a lamp failure indicator (35 FR 16841).

Ford Motor Company has petitioned that vehicles equipped to carry slide-in campers be added to the list of excluded vehicles. In support of its request, Ford states:

"Vehicles equipped to carry slide-in campers are driven both with and without campers mounted. Also, they may occasionally carry different campers. The turn signal lamp circuit load therefore varies, as in the case of vehicles equipped to tow a trailer.

"When a customer installs a slide-in camper and adds the camper turn signal lamps to the turn signal circuit of a vehicle equipped with a fixed load flasher, the flash rate will increase. The resulting flash rate generally significantly exceeds the maximum specified in the Standard. If the flasher is replaced by a variable load flasher, a uniform flash rate is obtained whether or not the camper is installed * * *"

The NHTSA has tentatively decided that the durability of variable load flashers and ensuring flash rate control within the limits of the standard is desirable and should be permitted on trucks capable of accommodating slide-in campers, despite the lack of lamp failure indication, and that Ford's petition should therefore be granted.

* * * * *

In consideration of the foregoing, it is proposed that paragraph S4.5.6 of 49 CFR 571.108, Motor Vehicle Safety Standard No. 108 be revised to read:

§ 571.108 Standard No. 108; lamps, reflective devices, and associated equipment.

S4.5.6 Each vehicle equipped with a turn signal operating unit shall also have an illuminated pilot indicator. Failure of one or more turn signal lamps to operate shall be indicated in accordance with SAE Standard J588d, "Turn Signal Lamps", June 1966, except on a truck, bus, or multipurpose passenger vehicle 80 or more inches in overall width, or a truck that is capable of accommodating a slide-in camper, or any other vehicle equipped to tow trailers, provided that an excepted vehicle is equipped with a variable load flasher.

Interested persons are invited to submit comments on the proposal. Comments should refer to the docket number and be submitted to: Docket Section, National Highway Traffic Safety Administration, Room 5221, 400 Seventh Street, SW., Washington, D.C. 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. To the extent possible, comments filed after the closing date will also be considered. However, the rulemaking action may proceed at any time after that date, and comments received after the closing date and too late for consideration in regard to the action will be treated as suggestions for future rulemaking. The NHTSA will continue to file relevant material, as it becomes available in the docket after the closing date, and it is recommended that interested persons continue to examine the docket for new material.

Comment closing date: March 4, 1974.

Proposed effective date: February 4, 1974.

(Secs. 103, 119, Pub. L. 89-563, 80 Stat. 718 (15 U.S.C. 1392, 1407); delegations of authority at 49 CFR 1.51 and 501.8).

Issued on December 21, 1973.

ELWOOD T. DRIVER,
Acting Associate Administrator, Motor Vehicle Programs.

[FR Doc. 74-106 Filed 1-2-74;8:45 am]

CIVIL AERONAUTICS BOARD

[14 CFR Part 241]

[Docket No. 26249; EDR-259]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Reporting Airport Activity Statistics for Scheduled and Nonscheduled Services; Proposed Rulemaking

DECEMBER 21, 1973.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment to 14 CFR Part 241 of the Economic Regulations which would require the reporting of off-line as well as on-line airport activity statistics.

The principal features of the proposed amendment are described in the attached Explanatory Statement and the proposed amendments are set forth in the proposed rule. The amendments are proposed under the authority of sections 204(a), 401(e)(6), and 407 of the Federal Aviation Act of 1958, as amended, (72 Stat. 743, 766; (49 U.S.C. 1324, 1377)).

Interested persons may participate in the proposed rule making through submission of twelve (12) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant material received on or before January 28, 1974, will be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 712 Universal Building, 1825 Connecticut Avenue NW., Washington, D.C., upon receipt thereof.

By the Civil Aeronautics Board.

[SEAL] EDWIN Z. HOLLAND,
Secretary.

EXPLANATORY STATEMENT

Section 25 Schedule T-3 Airport Activity Statistics of 14 CFR Part 241 of the Board's Economic Regulations provides that separate data shall be reported for each on-line airport at points certificated by the Civil Aeronautics Board for scheduled services.

In recent months the Board's staff and other interested Government agencies have expressed a need for off-line as well as on-line airport activity statistics on Schedule T-3 to meet various costing needs and to permit a proper evaluation of airport activities. For example, the Board has need for the total number of departures by aircraft type for both scheduled and nonscheduled services for purposes of MAC rate reviews and aircraft cost and performance studies. With regard to other agencies, the Federal Aviation Administration has on several occasions made known its desire for off-line statistics in order to determine the total activity of certificated carriers at individual airports.

Based upon the foregoing, we are of the tentative view that the reporting requirements should be amended by adding a requirement to include the reporting of airport activity statistics involving off-line airports on Schedule T-3. This proposal would modify Schedule T-3 (a), (b), and (c) by requiring that off-line airport activity statistics also be reported. Under the proposal, whether a point is on-line or off-line would be determined based on the air carrier's certificated authority for each operating entity. Thus, if nonscheduled operations related to an international entity were performed from a point for which the air carrier holds certificated authority only for domestic operations, the point would be

classified as off-line in the international entity even though it is on-line in the domestic entity.

PROPOSED RULE

Accordingly, it is proposed to amend 14 CFR Part 241 of the Economic Regulations as follows:

1. Amend Section 25, Schedule T-3—Airport Activity Statistics, by revising paragraph (d) as follows:

Section 25—Traffic and Capacity Elements

* * * * *

Schedule T-3—Airport Activity Statistics

* * * * *

(d) Data shall be given for each on-line and off-line point. The air carrier's scheduled certificated authority with respect to each reporting entity shall determine whether a point is on-line or off-line for that entity. Where a point is served by more than one airport, the data pertaining to each airport shall be separately identified. The data relating to on-line points shall be separately grouped and listed in column 1 in alphabetical sequence and the indicated data reported in columns 2 through 15, inclusively. The on-line data shall be subtotalled. Immediately following the subtotals for on-line data, the data relating to off-line points shall also be separately grouped and listed in alphabetical sequence in column 1 with the indicated data reported in columns 2 though 15, inclusively. The off-line data shall also be subtotaled. The on-line and off-line data subtotals will then be added and the sums appropriately noted. The schedule shall include the following items:

Item	Scheduled service	Nonscheduled service
AIRPORT CODE		
Revenue aircraft departures scheduled.	K520	
Scheduled revenue departures completed.	K521	
Revenue aircraft departures performed—total by aircraft type.	K510	V510
Revenue passengers enplaned.	K110	V110
Revenue cargo tons enplaned:		
U.S. mail:		
Priority	K213	V213
Nonpriority	K214	V214
Foreign mail	K215	V215
Express	K216	V216
Freight	K217	V217

2. Amend CAB Form 41 [1] by revising Schedule T-3 (a), (b), and (c) Airport Activity Statistics in the form attached hereto as an appendix and incorporated herein by reference.

[FR Doc.74-15 Filed 1-2-74;8:45 am]

[1] Form filed as part of the original document.

[14 CFR Part 250]

[Order 73-12-93 EDR-260; Docket 26253]

EMERGENCY RESERVATIONS PRACTICES INVESTIGATION

Order Instituting Investigation; Tentative Findings and Conclusions; and Notice of Proposed Rulemaking

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 21st day of December, 1973.

In the matter of amendments to 14 CFR Part 250—Priority Rules, denied boarding compensation tariffs and reports of unaccommodated passengers.

I. *Summary.* This consolidated, expedited proceeding deals with the related areas of reservations procedures governed by tariff rules and practices, and denied boarding compensation for passengers and other matters governed by rulemaking procedures. The Board has tentatively concluded that present reservation practices and denied boarding rules must be substantially revised in light of the significant reduction in service resulting from the fuel allocation program. Absent such changes it is likely that serious abuses will cause a breakdown of the reservations system. Specifically, we are concerned that the escalating number of "no-show" passengers and late cancellations will foreclose legitimate reservations and result in empty seats on many fully reserved flights.

On the basis of tentative findings and conclusions and a Notice of Proposed Rulemaking, the Board proposes that: (1) Passengers obtain and pay for tickets in advance of departure, and pay penalties for not canceling confirmed reservations; and (2) carriers be required to pay denied boarding compensation at three times the present levels.

We have also concluded that these matters should be considered and a determination reached as expeditiously as is consistent with the requirements of due process.

All certificated scheduled passenger air carriers (except all-cargo carriers) are made parties to the rules tariffs investigation, and are also directed to comment upon the matters contained in the Notice of Proposed Rulemaking. Other persons may seek intervention in the investigation by filing petitions for intervention pursuant to Rule 15 of the Board's Rules of Practice (14 CFR 302.15) on or before January 11, 1974. To ensure receipt of all documents, and to aid in the timely preparation of the service list, persons intending to intervene are required to submit a notice of intent to intervene to the Secretary of the Board on or before January 4, 1974.[1]

[1] The filing of a notice of intent to intervene does not relieve a person of the requirements of Rule 15.

Any member of the public may submit comments with respect to the matters contained in the Notice of Proposed Rulemaking, to be submitted on or before January 24, 1974. In addition, separate comments may be filed at the same time as to the matters subsumed in the rules tariffs investigation, but unless the person is a party to the investigation, the comment shall be deemed to be a statement of position.

An evidentiary hearing with respect to all matters considered in the rules tariffs investigation and in the Notice of Proposed Rulemaking is scheduled for January 31, 1974.

II. *Background.* The national fuel allocation program as applied to domestic air carrier operations will result in a significant overall reduction in service from the level that would have been operated in the absence of the program. Downward adjustments in flight schedules have been taking place since November, 1973, and will be completed in early January, 1974.[2] A cutback of such magnitude significantly reduces the convenience of aid travel, and can cause specific dislocations and give rise to abuses that will adversely affect particular elements of the traveling public. In carrying out its statutory responsibilities in the public interest, the Civil Aeronautics Board will attempt to minimize the various types of dislocations and abuses that may occur. In so doing, it will adhere to the spirit of the allocation program—to distribute the adverse impact of the fuel shortfall as equitably as possible.

At present air carrier reservations procedures, together with tariff rules and practices, and Board regulations governing reservations procedures, provide no effective and enforceable general safeguards against passengers making multiple reservations in order to have the option to travel on various flights and carriers at different times and days. In addition, there is a danger that block reservations made by travel agents and commercial accounts will not be fully utilized. That multiple reservations are being made is shown by the increase in both late cancellations and "no-shows", that is, the failure of reservations holders to use booked space. This results in the closing out of flights by air carrier reservations systems on the basis of reservations that, in fact, will not be exercised, and means that persons desiring to reserve space on a given flight will be told that the flight is closed and that a later flight must be booked, or that flights recorded as fully booked will depart with empty seats, unless standby traffic is sufficient to fill such seats.

[2] A 10 percent fuel reduction was effected on November 1, 1973, for all carriers, and a further reduction will be effected in January.

Under circumstances of substantially reduced capacity, the specter of aircraft operating with unoccupied seats because some passengers have failed to use their reservations, or have failed to cancel them in time to permit other travelers to occupy the space, is intolerable. The simple fact is that, in addition to the potential breakdown of the reservations system, the public as a whole may be denied a substanti portion of the capacity physically available for its use by the actions of some travelers and others.

The experience of various carriers during the Thanksgiving holiday peak, by which time a 10 percent reduction in capacity had been effected, indicates that the problem can seriously inconvenience travelers and disrupt the reservations systems as presently conducted. Allegheny Airlines, for example, suffered approximately 10,000 system "no-shows" on the Wednesday prior to the holiday, and approximately 6,500 per day in the period immediately subsequent thereto, as compared with a previous system average of between 2,000 and 3,000 daily no-shows.[5] Southern Airlines similarly reported an identifiable increase in no-shows during the holiday period, with a system rate of 15–16 percent as compared to 12–13 percent in previous years. Western Airlines' average rate of 12 percent increased to between 20 and 25 percent, and Continental Airlines reports that its recent system experience of 15 percent no-shows doubled during the Thanksgiving period.

While some of the recent experience recited above was influenced by the TWA strike, it is apparent that the strike's effects created a shortage of capacity on certain routes similar to that which will characterize the system as a whole from the beginning of January through the duration of the fuel allocation program. Accordingly, the Board has determined that reservations systems procedures, including tariff rules, practices and matters governed by Board regulation, should be revised as soon as practicable in order to eliminate or reduce the abuses that are likely to occur in light of the shortage of capacity that is clearly foreseeable. Absent such revisions it is likely that the efficiency of the reserved seat system may be seriously impaired, resulting in major inconvenience to the traveling public and loss of revenue to the air carriers. Because the great majority of air travel in the United States is on a reserved seat basis, it would be contrary to the public interest and contrary to the spirit of the fuel allocation program if the Board did not take all reasonable steps on an expedited basis to correct clearly foreseeable dislocations and abuses.

After careful consideration, we have determined that a uniform national program designed to eliminate or minimize multiple reservations and no-shows[4] should be implemented as soon as possible in order adequately to cope with the situation described above. Accordingly, the Board has determined to institute an investigation, on the basis of the extraordinary expedited procedures described hereafter, to ascertain whether new tariff rules, practices and Board regulations governing air carrier reservations procedures and practices should be effected.

III. *TENTATIVE FINDINGS AND CONCLUSIONS.* In order to facilitate the implementation of such a program, we have reached certain tentative conclusions regarding the specific steps which we believe will be necessary to meet the emergency. Parties will be expected to focus on these tentative findings and conclusions and to present evidence and information as set forth below. Parties will be free to suggest additional and/or different methods of dealing with the situation, but will bear the burden of proof as to the need for and appropriateness of such other relief.

Past experience indicates that one of the most effective methods of dealing with the no-show problem is to establish post-departure refund penalties and ticketing time limit requirements. Such a plan was instituted September 1, 1956 in three-phases, and a no-show control penalty assessment became effective September, 1957. The plan also included ticketing time limits, effective September, 1956, and a reservation reconfirmation feature effective July, 1957. The incidence of no-shows to passengers enplaned decreased from a peak of nearly 14 percent for an ATC sample survey made in April, 1956 to a low of approximately 5 percent for the survey period of July, 1958. After termination of the plan, the percentage increased to 9 percent in February, 1959, over 11 percent in January, 1960, and over 13 percent in January, 1962.[5] As set forth above, it is likely that no-show rates will significantly exceed the highest experienced rates of the 1950's and 1960's.

A second no-show control plan grew out of discussions held pursuant to Order E–17515,[6] as amended by Orders E–17657 and E–17784.[7] That plan also involved a refund penalty rule, called a "reservation service charge", and ticketing time limits. It expired automatically by its own terms on January 31, 1963, for failure to obtain the unanimous agreement among the carriers necessary for the plan's continuation.[8]

In light of the present capacity situation described above, and the related recent significant increases in no-show experience, and in light of past experience with respect to no-show controls, it is tentatively found and concluded that any tariff for domestic scheduled service which does not contain an appropriate post-departure refund penalty rule will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful during the fuel allocation program.

Further, we have reached certain tentative conclusions regarding the parameters of an appropriate post-departure refund penalty rule.[9] The following provisions, which we tentatively find are the minimum required, are drawn largely from the 1962 experience referred to above:

1. Any ticketed passenger who submits a ticket for refund or for use after the scheduled flight departure of the first remaining flight coupon shall be assessed a penalty of $25 or 50 percent of the applicable one-way local fare of the first remaining flight coupon, whichever is greater; provided that, in no case will the penalty exceed $100 or the total value of the first remaining flight coupon.[10]

2. The foregoing penalty will not apply to passengers who: (a) Miss a connection due to a delayed or canceled flight or other carrier-related cause beyond the control of the passengers; (b) present their ticket at the airport of departure within 30 minutes after scheduled de-

[5] Allegheny's daily boardings during the holiday period were between 30,000 and 50,000, indicating no-show factor of approximately 20 percent.

[4] The Board has previously indicated the desirability of a uniform industry-wide approach to this problem, and has authorized the carriers to discuss the situation. See Orders 71–6–120, 71–7–99, and 71–8–34, dated June 24, July 19, and August 10, 1971, respectively. These discussions were not productive. In that context, we note that American has filed an application, Docket 26232, requesting permission to hold discussions for a period of six months on the no-show, late cancellation, and multiple booking problems. In light of the urgency of the problem, we believe that these matters are too pressing to be left to carrier discussions. Accordingly, we will dismiss the American application as moot in light of the action we are taking herein.

[5] Cf. Order E–20859, dated May 25, 1964, p. 2.

[6] Dated September 28, 1961 (Docket 13327).

[7] Dated October 31, 1961 and November 30, 1961, respectively.

[8] The complete chronology of the agreement implementing ATC resolutions, pertinent amendments to both, and appropriate orders are as follows: Order E–17914, January 8, 1962—Agreement CAB 16012; Order E–18064, March 1, 1962—Agreement CAB 16012 and Amendment A–1; Order E–18399, June 4, 1962—Agreement CAB 16429 and Amendments A–1 and A–2; Order E–18776, September 7, 1962—Agreement CAB 16429 and Amendments A–3 and A–5; Order E–18928, October 18, 1962—Agreement CAB 16012 and Amendments A–1 and A–2; Order E–19031, November 23, 1962—Agreement CAB 16429 and Amendment A–6; and Order E–19097, December 14, 1962—Agreement CAB 16429 and Amendment A–7.

[9] There are currently no domestic tariff rules designed to penalize passengers who fail to cancel reservations or return tickets prior to the scheduled flight departure time.

[10] The 50 percent rule, subject to maximum and minimum dollar amounts is drawn from the 1962 agreement, with the dollar amounts increased to reflect current conditions. Following the 1962 agreement (see Order E–17914, *supra*, p. 2), carriers shall make such appropriate adjustments in the sales agency agreement or ATC agency resolution as appropriate to insure that travel agents making refunds shall be responsible for collecting the above penalty. Such penalties collected by the travel agents will be commissionable.

parture time of the flight;[11] or (c) are entitled to denied boarding compensation with respect to such flight pursuant to Part 250 of the Board's Economic Regulations or who would otherwise be so entitled but for the provisions of section 250.6(a).

The previous no-show control programs discussed above also contained ticketing time limits. A ticketing time limit establishes that, for confirmed reservations to be honored, the actual ticket must be paid for and issued in the name of the passenger a set time period in advance of the scheduled flight departure. Currently there is no domestic ticketing time limit except in the Northeast points-Florida markets during the Christmas/New Year holiday season.[12] The requirement that tickets be paid for in advance will tend to discourage people from making multiple reservations. It will also greatly facilitate the collection of the refund penalties from no-show passengers, as described above. Further, ticket time limits will, in conjunction with post-departure refund penalties, help curtail reservations turnover (*i.e.*, reservations that are confirmed, then canceled or changed prior to flight departure) which may contribute to the "lost seat" problem due to the tendency of cancellations to accelerate and run ahead of new reservations as scheduled departure time approaches. Finally, ticketing time limits should virtually eliminate "paper no-shows" (*i.e.*, no-shows which result from human/mechanical error), as the error would be caught and corrected when the passenger is ticketed.

In addition to ticketing time limits, we believe that a number of other modifications to the reservations and ticketing rules will be helpful in alleviating the current situation. Accordingly, we tentatively find and conclude that any tariff for domestic scheduled service which does not contain appropriate reservations and ticketing rules as set forth below will be unjust, unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful during the pendency of the fuel allocation program:

1. Tickets will not be accepted for travel over other than the carrier and the flight specified on the flight coupon.[13]

2. Reservations requested from any carrier office or authorized agency will be accepted by the carrier subject to the following ticketing time limits: [14]

Reservations accepted before departure	*Ticketing time limit before departure*
8 weeks or more	At least 4 weeks.
4 weeks but less than 8 weeks	At least 2 weeks.
2 weeks but less than 4 weeks	At least 1 week.
1 week but less than 2 weeks	At least 72 hours.
2 days but less than 7 days	At least 24 hours.
1 day but less than 2 days	At least 12 hours.
Less than 24 hours	At least 1 hour.

3. All tickets issued pursuant to those procedures shall be considered as "confirmed reserved space" for purposes of the payment of denied boarding compensation.

4. All blocked space seats which have not been sold (tickets issued in the name of the passenger) shall be released for sale not less than 96 hours prior to the scheduled departure time of the flight in question.[15]

5. The currently effective Standard Interline Passenger Procedures (SIPP) pertaining to cancellation of reservations [16] should be adopted as a tariff rule.[17]

IV. *Notice of Proposed Rulemaking.* There is one further item which is closely related to the tariff matters discussed above, but is inappropriate for a tariff rule. Accordingly, notice is hereby given that the Civil Aeronautics Board has under consideration an amendment to the Board's Economic Regulations requiring that "For each ticket issued by the carrier or its agent, the carrier shall record within its reservations system the ticket number, and the name, and telephone number of the passenger to whom or for whom the ticket is issued." [18] This will provide carriers with the necessary information to discover and deal with multiple bookings.

The imposition of ticketing time limits and refund penalties on no-show passengers raises the related question of appropriate denied boarding compensation for passengers who are properly ticketed and on time, but not carried because the flight is overbooked. Just as a passenger has the responsibility to cancel a reservation or return a ticket which he is unable to use, so too is the carrier responsible for honoring the ticket which the passenger has purchased. While the program set forth above will go a long way towards eliminating the no-show/multiple reservations problem, no program will be completely effective unless the passenger has the strongest assurance that his ticket or reservation will be honored. A substantial increase in denied boarding compensation may well provide such assurance, and will certainly provide the carriers with an incentive to minimize denied boardings due to overbooking or other causes.

Therefore, notice is hereby given that the Civil Aeronautics Board has under consideration an amendment to Part 250 of the Economic Regulations (14 CFR 250) tripling the current levels of denied boarding compensation. Thus, the latter portion of section 250.5 would be amended to read: "* * * at the rate of 300 percent of the value of the first remaining flight coupon with a $75 minimum and a $600 maximum." Further, the wording of the "written statement" contained in § 250.9 would be amended to reflect the foregoing change.

Interested persons may participate in the proposed rule making through submission of ten (10) copies of written data, views or arguments pertaining thereto, addressed to the Docket Section, Civil Aeronautics Board, Washington, D.C. 20428. All relevant matter in communications received on or before January 24, 1974, will be considered by the Board before taking final action on the proposed rules. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 710, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., upon request therefor.

V. *PROCEDURES.* In light of the above recited findings, it is imperative that remedial action be taken with all deliberate speed consistent with the requirements of due process. Accordingly, we have determined to institute an evidentiary hearing to explore and resolve the problems and tentative solutions discussed above, pursuant to sections 204(a), 403, 404, 416(a), and 1002 of the Act, in accordance with highly accelerated procedures. Because of the need for the utmost expedition, we find that the due and timely execution of the Board's functions imperatively and unavoidably requires that both an initial decision by the Administrative Law Judge and a tentative decision by the Board be dispensed with, and that the Administrative Law Judge presiding at the hearing certify the entire record to the Board for a final decision, pursuant to section 8 of the Administrative Procedure Act (5

[11] This subsection is based on an amendment to the 1962 rule (see Order E–18776, *supra*).

[12] The Northeast-Florida rule establishes a sliding scale time period varying between one hour before departure for reservations made less than one week in advance to four weeks before departure for reservations made eight weeks or more in advance. See Tariff C.A.B. No. 142, Airline Tariff Publishers, Inc., Local and Joint Passenger Rules Tariff No. PR–6, 15th Revised Page 20–B.

[13] The provision in the 1962 program (See Order E–17914, *supra*, p. 2), is designed to eliminate from the no-show category those passengers who use tickets issued by one carrier on an earlier flight of another carrier. Parties should address the question of whether this provision should be amended to provide "unless said coupon has been appropriately endorsed by said carrier, or unless the customer presents written evidence of cancellation."

[14] Based on the current Northeast Points-Florida tariff cited above. The lower half of the spectrum has been tightened substantially. The current tariff provides for a one hour limit on reservations made less than one week in advance. This would permit a large volume of multiple reservations and late cancellations.

[15] This provision will prevent passengers from being denied reservations due to unused blocked space seats.

[16] Air Traffic Conference of America, Trade Practice Manual, Appendix A, Resolution No. 105.35, effective January 1, 1971, or such other provisions as may be applicable.

[17] The SIPP provides in part that a carrier is to cancel the complete remaining itinerary when either: (a) A local reservation passenger is known to be a "no-show"; or (b) a passenger who is to originate his itinerary out of another city fails to meet the ticket time limit set. Not being a tariff this intercarrier agreement is not enforceable except as a matter of contract. Because it is designed to eliminate down line connecting no-shows, we believe it appropriate that the carriers be obliged to observe the SIPP as a duly filed, and enforceable, tariff rule pursuant to section 404(a) of the Act.

[18] This provision would not preclude the issuance of "round trip tickets with an open return date."

U.S.C. 557) and Rules 22(d) and 29(b) of the Board's Rules of Practice.[19]

The issues to be decided in this proceeding are the following:

1. Whether, in light of the fuel allocation program, the present rules, regulations, or practices of all domestic certificated scheduled air carriers (except all-cargo carriers) pertaining to ticketing, reservations (including reconfirmation), and denied boarding compensation, in interstate air transportation, are or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful; and if so, what should be the lawful rules, regulations or practices to be determined and prescribed by the Board.

2. Whether Part 250 or any other part of the Board's Economic Regulations should be amended in light of the fuel allocation program, and the tentative findings and conclusions and notice of proposed rulemaking discussed above; and

3. What other amendments to the Board's Economic Regulations will be necessary to implement the Board's decision in this proceeding.

While the statement of these issues is susceptible to a broad reading, our intent is that the investigation focus upon the tentative conclusions and findings as set forth above. To sharpen the focus, we have provided a list of topics upon which we desire the parties to submit statements of position and evidence, attached hereto as Appendix A.

It is contemplated that the hearing herein shall begin on January 31, 1974, which date precludes using ordinary prehearing procedures.[20] In the interest of moving expeditiously we have eliminated the usual prehearing conference. While we appreciate the useful function often served by such a conference in defining the issues and shaping the evidentiary record, its elimination will save crucial time which can then be applied to the preparation of substantive comments and evidence. Moreover, we believe that the focus of this case is sufficiently narrow, the Board's tentative findings and conclusions sufficiently detailed, and our request for comments and evidence (Appendix A) sufficiently comprehensive, to permit the omission of the conference without substantially affecting the adequacy of the record for decision. In any event, we do not preclude any party from offering such additional evidentiary presentation as it desires, or advancing whatever arguments it wishes to present.[21]

Some items on the procedural schedule (Appendix B) require elaboration, as follows:

First, all certificated schedule carriers (except all-cargo carriers) will be parties to this proceeding. As such, all carriers shall provide comments, evidence (see Appendix A), and statements of positions, and we urge all carriers to actively assist in developing the record during the hearing phase. Intervention by other persons is not excluded, and interested persons may submit petitions for intervention by the scheduled date. Second, all comments, exhibits, and statement of positions shall be served upon all parties, prospective intervenors, and persons who filed petitions for leave to intervene. The Secretary of the Board is therefore directed to prepare a service list for distribution to the parties on January 8, 1974.[22] Finally, except to the extent modified herein or inconsistent herewith, the proceeding shall be governed by the Board's Rules of Practice.[23]

Accordingly, pursuant to the Federal Aviation Act of 1958, and particularly sections 204, 403, 404, 416, and 1002 thereof,

It is ordered, That:

1. An investigation be instituted to determine whether, in light of the fuel allocation program: (a) The present rules, regulations, or practices of all domestic certificated scheduled air carriers (except all-cargo carriers) pertaining to ticketing, reservations (including reconfirmation), and denied boarding compensation, in interstate air transportation, are or will be unjust or unreasonable, or unjustly discriminatory, or unduly preferential, or unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rules, regulations, and practices; and (b) the Board should adopt rules to amend Part 250 of the Board's Economic Regulations (14 CFR Part 250) or any other Part of the Board's Economic Regulations;

2. The investigation ordered herein be assigned for hearing before an Administrative Law Judge of the Board at the time specified in Appendix B hereto and a place hereafter to be designated;

3. The entire record of the case shall be certified to the Board upon the close of the record for a final decision;

4. The proceeding be conducted according to the format and schedule set forth in Appendix B hereto;

5. All domestic certificated scheduled air carriers (except all-cargo carriers) shall be parties to the investigation;

6. All parties are directed to provide evidence in support of or in rebuttal to the Board's tentative findings as set forth in the text of this order; [24]

7. The application of American Airlines, Inc., for authorization to engage in discussions among air carriers regarding "no-show" and related problems (Docket 26235), be and it hereby is dismissed without prejudice; and

8. This order shall be served upon all parties to this proceeding, the Department of Transportation, the Department of Justice, and the American Society of Travel Agents (ASTA).

This order shall be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

APPENDIX A

Request for Evidence

1. Submit system data showing, for the year ended November 1, 1973, the total number of no-shows, late cancellations (shown separately), revenue enplaned passengers, and available seats, by month.

2. Submit weekly reports of the carrier's no-show experience at its top ten stations, showing: (1) The station, (2) no-shows,[25] (3) revenue passengers enplaned, and (4) percent no-shows to revenue passengers enplaned. Such reports are to be compiled beginning with the first full week in November 1973, up to the week encompassing the date of this order (to the extent the data is available) and are to be submitted on a continuing basis, seven days after the close of the report week, up to the time of the final decision herein.

3. Submit weekly reports as in item 2 above, of the number of flights fully booked as of one hour prior to departure which departed at less than 98 percent load factor. Indicate average load factor. Further, submit system data showing available seats and revenue passengers each week by day of the week.

4. Submit weekly reports, as in item 2 above, quantifying "lost" seats, e.g., seats which could have been sold but were not because of late cancellation or no-show.

5. Analyze the Board's tentative findings as set forth in its order, both point-by-point and as an integrated, interdependent program. The analysis should discuss the feasibility, desirability, effectiveness, and economic consequences to the carriers and to the traveling public, as well as the need for each item and for the program as a whole.

6. Estimate and detail the costs of administration of the program, point-by-point and as a whole, for fiscal 1975.

7. Estimate and detail the level of denied boarding compensation payments for fiscal 1975 under the Board's proposal.

8. Estimate and detail the level of refund penalty payments for fiscal 1975 under the Board's proposal.

9. Submit, if desired, alternative proposals for dealing with the multiple booking, late cancellation, and no-show problems. Such alternative programs should be fully justified in terms of effectiveness, feasibility, desirability, and economic consequences to the carriers and the traveling public. Provide estimates as in items 6, 7, and 8.

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[19] *Cf.*, Domestic Passenger-Fare Investigation, Phase 6A—Seating Configurations, Order 70-11-91 (November 19, 1970).

[20] A list of procedural dates is attached as Appendix B.

[21] In keeping with usual practice, we expect all comments and testimonial evidence to be reduced to writing and submitted as direct or rebuttal evidence (as the case may be), to be sponsored, and to be subject to such cross-examination as may be required for a full and true disclosure of the facts.

[22] In this connection, we will require all parties and prospective intervenors to submit the names (and addresses) of the persons upon whom they wish service to be made on January 4, 1974.

[23] The Administrative Law Judge shall, on or before January 8, 1974, issue a notice detailing the "ground rules" pursuant to which the hearing shall be conducted.

[24] See "Tentative Findings and Conclusions" and "Notice of Proposed Rulemaking," above.

[25] No-shows should be broken down as to (a) local, (b) arriving on-line, and (c) arriving interline.

10. Submit a description and analysis of the carrier's reservation system and procedures. The analysis should also focus on possible points of human/mechanical error which could contribute to carrier-caused no-shows, i.e., apparent no-shows not the fault of the passenger. Estimate the percentage such no-shows represent of total no-shows as represented in item 1, above.

11. Provide a narrative description of a typical, representative blocked space agreement between the carrier and travel agents, commercial accounts, and others. Indicate the maximum and minimum and the mean release times for seats not "sold" for all such agreements to which the carrier is a party.

12. Provide a brief narrative description of the carrier's "reconfirmation" procedures, if any. Submit an analysis of the need for and burdens of such provisions (a) in light of the ticketing time limit provisions proposed by the Board; (b) the ticketing time limit provisions proposed by the carrier, if any; and (c) in the absence of any ticketing time limit provisions.

APPENDIX B

Procedural Schedule

Requests for service	January 4, 1974.
Service list	January 8, 1974.
Petitions for leave to intervene.	January 11, 1974.
Direct exhibits, comments, and statements of position from parties.	January 15, 1974.
Rebuttal exhibits and rebuttal statements of position from parties and rule making comments from non-parties.	January 24, 1974.
Hearing	January 31, 1974.
Briefs	Two weeks after the close of hearing.
Oral argument	Two weeks after the close of hearing.

[FR Doc.74-63 Filed 1-2-74;8:45 am]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 73]

[Docket No. 19907, FCC 73-1356]

VIDEO TELEVISION BROADCAST SIGNALS

Notice of Proposed Rule Making

In the matter of amendment of §§ 73.682(a)(21), 73.676(f)(1) and 73.699 of Part 73 of the Commission's rules and regulations regarding special signals within the vertical blanking interval of the video television broadcast signal.

1. This Notice is issued in response to a petition filed on May 14, 1973, by the Consumer Electronics Group and the Broadcast Equipment Section of the Communications and Industrial Electronics Division of the Electronic Industries Association (EIA), which seeks amendment of the Commission's rules to the end that a single line, in both fields, in the vertical blanking interval of the television broadcast signal may be designated for exclusive use in the transmission of a Vertical Interval Reference (VIR) Signal.

2. This test signal was developed by the Broadcast Television Systems Committee of the EIA Engineering Department (BTS) after intensive study, as a tool which might be employed to minimize the significant variations, observed in the home receiver, of the color characteristics of television program material, as among programs on the same station, and programs received from different stations. The study revealed that much of the undesirable variation is the result of changes in the original color characteristics of the program material, caused by certain kinds of distortion occurring in the circuit elements between the point of program origination and its point of use. While the means are at hand, at various locations in the signal path, to correct for the effects of this distortion, a method has heretofore been lacking by which persons responsible for corrective action might determine the specific nature and magnitude of correction required to restore the color characteristics of a particular program to those originally established. The VIR signal is designed to be used as a reference for this purpose. It is intended that it be generated and inserted in a line in the vertical blanking interval at the point where the color characteristics of the original program are established, and that it accompany the program signal as it traverses all circuits from this point to the transmitter output. Circuit anomalies which cause a deterioration in program color will cause measurable deviations from the standardized relationships (amplitude and phase) among the various components of the VIR signal, as observed on a waveform monitor.[1] The BTS Committee has determined, through extensive testing, that circuit adjustments necessary to reestablish the observed VIR signal in its original configuration will result in a substantial restoration of the original color characteristics of the program it accompanies.

3. The VIR signal is appropriate for use in manual color correction, or to activate automatic color correction apparatus. However, if corrective adjustments are to be fully effective, they must take into account deviations introduced by the transmitter itself, and hence be based on VIR indications at transmitter output. The radiation of the signal, therefore, is necessary. It is also desirable in that the VIR signal may be used, in the future, for automatic color correction in television receivers designed to utilize the signal for this purpose.

4. If the potentialities of the VIR signal are to be fully realized, its employment with virtually all program material must be encouraged and facilitated. It is EIA's conviction that an important step in this direction is Commission action to amend its rules to accord specific status to the VIR signal and to designate and reserve a specific place for its transmission in the vertical blanking interval of the video signal.

5. Section 73.682(a)(21) of the Commission's rules presently permits the radiation of test, cue and control signals in the last twelve microseconds of both fields, of line 17, and on all of lines 18, 19, and 20 of the vertical blanking interval. EIA proposes that this rule be amended to stipulate that line 19, in both fields, be used only for transmission of the vertical interval reference signal, which it would define by an appropriate chart included in a proposed amendment of § 73.699. It would further amend § 73.682 (a)(21) to make available all of line 17 for the uses which this rule permits. This particular change would be made primarily to accommodate the vertical interval test (VIT) signals which § 73.676 (f)(1) of our rules prescribes for transmission on line 18 by television stations operating by remote control. EIA would amend this rule to require that the line 18 signals be transmitted on line 17, and the test signals presently designated for line 19, be transmitted on line 18, thus clearing line 19 for the VIR signal.

6. Pertinent to the feasibility of this proposal, EIA points out that

(1) Extensive experience with its use in other countries has demonstrated that all of line 17 may be used for vertical interval transmission without adverse effects on picture transmission.

(2) It has investigated the design of signal generators presently used by remotely controlled stations to transmit test signals on lines 18 and 19, and avers this apparatus can be modified easily for operation on lines 17 and 18.

(3) Line 17, in any event, should be made available for the transmission of international test signals as proposed by CCIR, and as contemplated by the Commission in the proceeding in Docket No. 18505. This use is compatible with its employment for test signals required for remotely controlled transmitters.

7. In support of its petition, EIA has submitted a brief historical description of the development of the VIR signal, and a copy of EIA Television Systems Bulletin Number 1, which sets forth recommended practices for the employment of the VIR signal, for the benefit of television program producers and station operators.

8. On October 19, 1973, the JCIC Ad Hoc Committee on Television Broadcast Ancillary Signals, which was constituted by the Joint Committee for Intersociety Coordination to study the employment of special purpose signals in television broadcast transmissions, and to develop recommendations to the Commission for their efficient and coordinated use, sub-

[1] The VIR signal has been configured so as to permit easy detection and evaluation of deviations in those particular signal relationships whose maintenance within close tolerances is essential to proper color transmission and rendition, including the phase and amplitude of the color subcarrier, and the chrominance to luminance ratio.

mitted Interim Report Number 1 to the Commission. This report contains specific recommendations for Commission action with respect to several current rule making matters within the area of the Committee's competence. Regarding the instant proceeding, the Committee recommends that the rules be amended in general accordance with EIA's proposal, but suggests that, in addition to the changes in § 73.682(a)(21) specified by EIA, that this section be amended to:

(1) Remove the present requirement of the rule that a half line guard interval be maintained between test signals and picture information.

(2) Permit chrominance subcarrier components of test signals to exceed reference white level, the limit set in the present rule.

9. With respect to the above, it is held that the specified guard interval is unnecessary, and that test signals designed to fully explore the dynamic range occupied by color transmissions require peak chrominance amplitudes approaching zero carrier.[3]

10. The Commission has followed closely the development of the Vertical Interval Reference (VIR) Signal, and shares EIA's belief that its general use by those involved in the production and transmission of color programs will result in greater uniformity in color characteristics, as among programs, in the viewer's receiver. We further agree that an important step in promoting and standardizing VIR use is the establishment of a specific vertical interval assignment for its transmission in the Commission's rules. We believe that the public interest requires that we press action toward this end as expeditiously as possible.

11. EIA proposes that line 19 be assigned exclusively for VIR transmission, and suggests a number of concomitant rule amendments to make this possible. While we are reluctant to require changes in those rules, only recently adopted (Second Report and Order, Docket 18425, Aug. 18, 1971, FCC 71-879), which govern the transmission and use of vertical interval test signals by television stations operating by remote control, EIA alleges that stations presently transmitting such signals might comply with the rules, amended as proposed, without undue hardship. We further recognize that unilateral Commission action designating a specific vertical interval assignment for VIR signal transmission is, alone, insufficient to insure that the signal will be used, as is essential, throughout the program chain; there must be industry agreement as to the acceptability of the designated assignment. EIA indicates that line 19 has been chosen on this basis, and the rule amendments we are proposing contemplate the reservation of this line, in both fields, for VIR signal transmission.

12. However, we cannot ignore the fact that the VIR signal was developed and tested for transmission on line 20, and its assignment to this line would have an immediate advantage—that no change would be required in the location of the VIT signals, presently on lines 18 and 19, which are transmitted by stations operating by remote control. Consequently, while the considerations mentioned above may recommend the location of the VIR signal on line 19, we believe it appropriate to accept comments on its possible alternative assignment to line 20.

13. Accordingly, we propose to amend § 73.682(a)(21) of the Commission's rules and regulations generally as the petitioner has proposed, but with the modifications suggested by the JCIC Ad Hoc Committee on ancillary signals; to amend § 73.676(f)(1) of the rules governing the operation of television stations by remote control, to make appropriate changes in the titles of Figures 13, 14, and 15 of § 73.699 (the VIR signal charts) and to add a new Figure 16, depicting the VIR signal, to this section.

14. The text of the proposed rule amendments proposed herein is set forth in Appendix A, below. The vertical interval reference signal is described in Appendix B. Authority for the adoption of the amendments proposed herein is found in sections 4 (i) and (j) and 303 of the Communications Act of 1934, as amended.

15. Pursuant to applicable procedures set forth in § 1.415 of the Commission's rules, interested parties may file comments on or before March 1, 1974 and reply comments on or before April 1, 1974. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision, the Commission may also take into account other relevant information before it in addition to the specific comments requested by this notice.

16. In accordance with the provisions of § 1.419 of the rules, an original and 14 copies of all comments, reply comments, pleadings, briefs, and other documents shall be furnished the Commission.

Adopted: December 19, 1973.

Released: December 28, 1973.

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

1. Amend § 73.682(a)(21) to read as follows:

§ 73.682 Transmission standards and changes.

* * * * *

(a)(21) The interval beginning with line 17 and continuing through line 20 of the vertical blanking interval of each field may be used for the transmission of test signals and cue and control signals, subject to the conditions and restrictions set forth below. Test signals may include signals used to supply reference modulation levels so that variations in light intensity of the scene viewed by the camera will be faithfully transmitted, and signals designed to check the performance of the overall transmission system or its individual components. Cue and control signals shall be related to the operation of the television broadcast station. Figures 6 and 7 of § 73.699 identify the numbered lines referred to in this subparagraph.

(i) Modulation of the television transmitter by such signals shall be confined to the area between the reference white level and the blanking level, except where test signals include chrominance subcarrier frequencies, in which case positive excursions of chrominance components may exceed reference white, and negative excursions may extend into the synchronizing area. In no case may the modulation excursions produced by test signals extend beyond peak-of-sync, or to zero carrier level.

(ii) The use of test, cue and control signals shall not result in significant degradation of the program transmissions of the television broadcast station, nor produce emissions outside of the frequency band occupied for normal program transmissions.

(iii) Test signals or cue and control signals may not be transmitted during that portion of each line devoted to horizontal blanking.

(iv) Regardless of other provisions of this subparagraph, line 19, in each field may be used only for the transmission of the reference signal described in Figure 16 of § 73.699.

§ 73.676 [Amended]

2. Amend § 73.676 to provide that in each instance where "line 18" appears in the text of subdivisions (i) and (ii) of § 73.676(f)(1), delete and substitute "line 17." In each instance where "line 19" appears in the text of subdivisions (iii) and (iv) of § 73.676(f)(1), delete and substitute "line 18."

3. Amend § 73.699, as follows:

§ 73.699 Engineering charts.

* * * * *

Figure 13:

Amend title to read: Multiburst test signal (Field 1, line 17)

Amend Note 2 to read: 2. To = Nominal start of active portion of line 17, field I.

Figure 14:

Amend title to read: Color bar test signal (Field 2, line 17)

Amend Note 5 to read: 5. To = Nominal start of active portion of line 17, field II.

Figure 15:

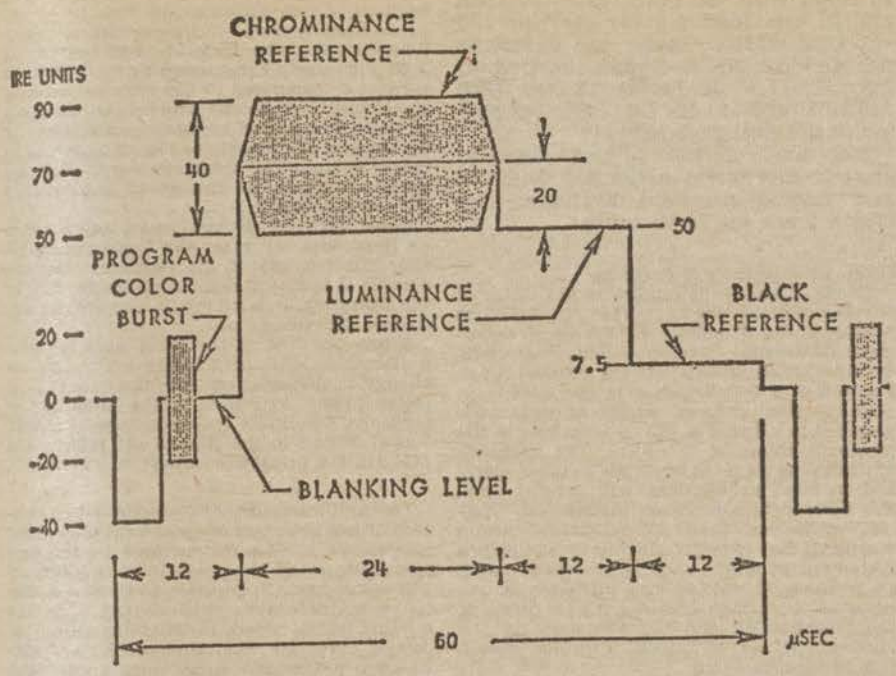
Amend title to read: Composite test signal (Field 1, line 18)

Amend Note 3 to read: To = Nominal start of active portion of line 18.

Add new Figure 16: Vertical Interval Reference (VIR) Signal. (See Appendix B).

[3] We note that in the composite international test signal proposed for line 17, the subcarrier on the top tread of the staircase component extends to 110 IRE—representing a depth of modulation 6.25 percent in excess of reference white.

APPENDIX B



NOTE: The Chrominance Reference and the Program Color Burst have the same phase.

THE NOMINAL VERTICAL INTERVAL REFERENCE (VIR) SIGNAL

[FR Doc.74-38 Filed 1-2-74;8:45 am]

FEDERAL HOME LOAN BANK BOARD

[12 CFR Part 545]

[No. 73-2030]

FEDERAL SAVINGS AND LOAN SYSTEM

Interest Rates on Loans Without Requirement of Security

DECEMBER 21, 1973.

The Federal Home Loan Bank Board considers it desirable to propose an amendment to § 545.8 of the Rules and Regulations for the Federal Savings and Loan System (12 CFR 545.8), "Loans without requirement of security". The purpose of the proposal is to permit Federal savings and loan associations to make loans authorized by § 545.8 (loans for property alteration, repair, or improvement or for the equipping of any residential real property) and charge thereon any time price differential or any interest permitted to be charged on the same type of loan made by a thrift institution organized under the laws of the State, District, Commonwealth, territory or possession in which the home office of the lending Federal association is located.

Accordingly, the Board hereby proposes to amend said § 545.8 by adding a new paragraph (c) thereto to read as set forth below.

Interested persons are invited to submit written data, views and arguments to the Office of the Secretary, Federal Home Loan Bank Board, 101 Indiana Avenue, NW., Washington, D.C. 20552, by February 1, 1974 as to whether this proposal should be adopted, rejected, or modified. Written material submitted will be available for public inspection at the above address unless confidential treatment is requested or the material would not be made available to the public or otherwise disclosed under § 505.6 of the General Regulations of the Federal Home Loan Bank Board (12 CFR 505.6).

§ 545.8 Loans without requirement of security.

* * * * *

(c) Any loan contract made pursuant to the provisions of this section may provide for the charging of any time price differential or any interest (whether on an add-on, discount or other gross charge basis) permitted to be charged on the same type of loan by a building and loan, savings and loan, or homestead association or by a cooperative bank organized under the laws of the State, District, Commonwealth, territory or possession in which the home office of the lending Federal association is located.

(Sec. 5, 48 Stat. 132, as amended; (12 U.S.C. 1464), Reorg. Plan No. 3 of 1947, 12 FR 4981, 3 CFR, 1943-48 Comp., p. 1071)

By the Federal Home Loan Bank Board.

[SEAL] EUGENE M. HERRIN, *Assistant Secretary.*

[FR Doc.74-197 Filed 1-2-74;8:45 am]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 231, 241]

[Release Nos. 33-5443, 34-10549]

PREPARATION AND FILING OF REGISTRATION STATEMENTS AND REPORTS

Notice of Revision of Proposals

On December 18, 1972 in Securities Act Release No. 5342, Securities Exchange Act Release No. 9913 (38 FR 1748) the Commission issued for public comment a proposed amendment to Guide 22, "Summary of Earnings," of the Guides for Preparation and Filing of Registration Statements[1] under the Securities Act of 1933 (Securities Act) and a further proposal to adopt Guide 1, "Summary of Operations," of Guides for Preparation and Filing of Reports and Registration Statements under the Securities Exchange Act of 1934 (Exchange Act). These proposals would have required disclosure to clarify and explain the financial information called for by the Summary of Earnings and Statement of Income items of certain forms under the Securities Act,[2] and similar summaries required by certain forms under the Exchange Act.[3] Disclosure also would have been required "whenever there are nonoperating sources of revenue, expense or income * * * which in the aggregate have a material impact on net income * * *" Many commentators stated that it would be difficult to comply with such a requirement since there is no clear understanding of the difference between operating and nonoperating sources of revenue, expense or income. Other com-

[1] *See* Securities Act Release No. 4936 (33 FR 18617).

[2] Forms S-1 (17 CFR 239.11), S-7 (17 CFR 239.26), S-8 (17 CFR 239.16b), S-9 (17 CFR 239.22), S-11 (17 CFR 239.18), S-14 (17 CFR 239.23).

[3] Summary of Operations required by Item 2 of Forms 10 (17 CFR 249.210) and 10-K (17 CFR 249.310).

mentators suggested that the proposal should include a definitive disclosure standard rather than a standard based on "all matters which have a material impact on reported results."

The Commission believes these comments have merit and has decided to revise its December 18, 1972 proposals (a) to require an explanation of material changes in the amount and source of operating as well as nonoperating revenues and expenses; (b) to include a more definitive disclosure standard based on financial data percentage changes in the revenue and expense items of the summary; and (c) to make other changes including expanding the list of examples of the types of events requiring disclosure in response to the Guides. Interested persons are being given the opportunity to submit additional comments not later than January 25, 1974.

The relevant forms under the Securities Act presently provide in part that, in addition to the columnar presentation of summary financial data, registrants must supply information of material significance to investors in appraising the results shown. The Commission currently proposes to amend Guide 22 to clarify the type of supplementary information and data to be included in order to enable investors to appraise the quality of the earnings reported in the summary. The relevant forms under the Exchange Act also provide in part that registrants must supply information of material significance to investors in appraising the reported results of operations. In order to apply disclosures similar to those required by Guide 22, as amended, to filings under the Exchange Act, the Commission further proposes to adopt a new Guide 1 for Preparation and Filing of Reports and Registration Statements under the Exchange Act.

The Commission has long recognized the need for narrative explanation of financial statements. Over the years the rules under the various securities acts have been amended a number of times to require additional narrative disclosure of complex financial transactions. Securities Act Guide 22 and Exchange Act Guide 1, if amended and adopted as proposed herein, would require an introductory narrative explanation of the Summary of Earnings and Summary of Operations whenever clarification is needed to enable investors to appraise the quality of earnings. Investors should understand the extent to which accounting changes, as well as changes in business activity, have affected the comparability of year to year data and should be in a position to assess the source and probability of recurrence of net income (or loss). Thus, whenever there are material changes in the amount and source of revenues and expenses, including tax expenses, or changes in accounting principles or methods or their application that have a material effect on net income, or if whenever management believes that historical earnings are not indicative of present or future earnings, an appropriate analysis and explanation would be required.

It should be noted that the disclosures proposed would be in addition to "Information as to Lines of Business" called for by Item 9(b) of Form S–1 (17 CFR 239.11) and Item 5(b)(1) of Form S–7 (17 CFR 239.26) under the Securities Act and similar disclosure required by Item 1(c)(1) of Forms 10 (17 CFR 249.210) and 10–K (17 CFR 249.310) under the Exchange Act.

The text of the revised proposed amendments to Securities Act Guide 22 and revised proposed Exchange Act Guide 1 are set forth below:

* * * * *

Guide 22. *Summary of Earnings*

(NOTE: This Guide applies to the items of the registration forms under the Act that provide for a Summary of Earnings, Statement of Income, Summary Financial Data, or Condensed Financial Information, i.e., Forms S–1, S–7, S–8, S–9, S–11 and S–14.)

The content of the summary of earnings is specified in general in the instructions to the pertinent items of the form. The necessity of disclosing items in addition to those specified in such instructions will depend upon the circumstances. These instructions cannot, of course, cover all situations which may arise nor is it practicable to set forth a statement of policy dealing specifically with all possible situations. The existence of any unusual conditions affecting the propriety of the presentation and the necessity for the inclusion of an additional previous period should be considered.

To enable investors to understand and evaluate material periodic changes in the various items of the summary of earnings, such summary should include an introductory textual statement explaining (1) material changes in the amounts of the items of revenues and expenses, and (2) changes in accounting principles or practices or in the method of their application that have a material effect on the comparability of net income. The purpose of this introductory paragraph is to provide investors with management's analysis of the financial data included in the summary through a discussion of the causes of material changes in the items of the summary and of disclosure of the dollar amount of such changes and the effect of such changes on the reported results for the applicable periods. This discussion is necessary to enable investors to assess the source and probability of recurrence of earnings (losses). If any facts are known to management at the time the summary is prepared which would indicate that the historical earnings are not indicative of present and future earnings, these facts should be discussed. While it is not feasible to specify all subjects which should be discussed in the introductory paragraph, the following are examples which registrants should consider in making disclosure:

1. Material changes in product mix or in the relative profitability of lines of business;

2. Material changes in advertising, research, development, product introduction or other discretionary costs;

3. The acquisition or disposition of a material asset other than in the ordinary course of business;

4. Material extraordinary and unusual charges or gains, including charges associated with discontinuation of operations;

5. Material changes in the assumptions underlying deferred costs and the plan for amortization of such costs;

6. Material changes in assumed investment return and in actuarial assumptions used to calculate contributions and pension funds; and

7. The closing of a material facility or other material interruption, or completion of a material contract, or any event that will materially reduce revenue in subsequent periods.

For purposes of this Guide, a change would normally be material if any income or expense item set forth in the summary, or any items listed under Rule 12–16 of Regulation S–X, increased or decreased by more than 10 percent as compared to the prior period or if a change in accounting principles or methods or their application results in an increase or decrease in net income or loss of 5 percent or more. In applying these standards, each increase, decrease, or change should be considered separately.

There may be circumstances under which an item does not meet the foregoing standards but because of the particular circumstances it is material to an understanding of the summary. In such event, appropriate disclosure should be made.

When the text of the prospectus contains a discussion of factors indicating an adverse change in operating results subsequent to the latest period included in the summary of earnings, the introductory statement should call attention to the change and refer to the place in the prospectus where it is discussed.

* * * * *

Guide 1. *Summary of Operations.* The content of the summary of operations is specified in general in the instructions to the pertinent items of the form. The necessity of disclosing items in addition to those specified in such instructions will depend upon the circumstances. These instructions cannot, of course, cover all situations which may arise nor is it practicable to set forth a statement of policy dealing specifically with all possible situations. The existence of any unusual conditions affecting the propriety of the presentation and the necessity for the inclusion of an additional previous period should be considered.

To enable investors to understand and evaluate material periodic changes in the various items of the summary of operations, such summary should include an introductory textual statement explaining (1) material changes in the amounts of the items of revenues and expenses, and (2) changes in accounting principles or practices of in the method of their application that have a material effect on the comparability of net income. The purpose of this introductory paragraph is to provide investors with management's analysis of the financial data included in the summary through a discussion of the causes of material changes in the items of the summary and of disclosure of the dollar amount of such changes and the effect of such changes on the reported results for the applicable periods. This discussion is necessary to enable investors to assess the source and probability of recurrence of earnings (losses). If any facts are known to management at the time the summary is prepared which would indicate that the historical earnings are not indicative of present and future earnings, these facts should be discussed. While it is not feasible to specify all subjects which should be discused in the introductory paragraph, the following are examples which registrants should consider in making disclosure:

1. Material changes in product mix or in the relative profitability of lines of business;

2. Material changes in advertising, research, development, product introduction or other discretionary costs;

3. The acquisition or disposition of a material asset other than in the ordinary course of business;

4. Material extraordinary and unusual charges or gains, including charges associated with discontinuation of operations;

5. Material changes in the assumptions underlying deferred costs and the plan for amortization of such costs;

6. Material changes in assumed investment return and in actuarial assumptions used to calculate contributions to pension funds; and

7. The closing of a material facility or other material interruption, or completion of a material contract, or any event that will materially reduce revenue in subsequent periods.

For purposes of this Guide, a change would normally be material if any income or expense item set forth in the summary, or any items listed under Rule 12-16 of Regulaton S-X, increased or decreased by more than 10 percent as compared to the prior period or if a change in accounting principles or methods or their application results in an increase or decrease in net income or loss of 5 percent or more. In applying these standards each increase, decrease or change should be considered separately.

There may be circumstances under which an item does not meet the foregoing standards but because of the particular circumstances it is material to an understanding of the summary. In such event, appropriate disclosure should be made.

* * * * *

All interested persons are invited to submit their views and comments on the foregoing proposal to amend Securities Act Guide 22 and adopt Exchange Act Guide 1, in writing to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549, on or before January 25, 1974. Such communications should refer to File No. S7-463. All such communications will be available for public inspection.

By the Commission.

[SEAL] GEORGE A. FITZSIMMONS,
Secretary.

DECEMBER 12, 1973.

[FR Doc.73-129 Filed 1-2-74;8:45 am]

SMALL BUSINESS ADMINISTRATION

[13 CFR Part 121]

SMALL BUSINESS SIZE STANDARDS

Additional Proposal Concerning Definition of Small Business for Services Requiring Use of Helicopters or Fixed-Wing Aircraft

On August 24, 1973, there was published in the FEDERAL REGISTER (38 FR 22802) a notice that the Small Business Administration proposed to establish a new definition of small business (average annual receipts of $1.5 million) for the purpose of bidding on Government procurements for services requiring the use of helicopter or fixed-wing aircraft. The current procurement size standard for services requiring the use of helicopter and fixed-wing aircraft is 500 employees or less. It also was proposed to make the $1 million average annual receipt size standard for "services" not elsewhere defined in the size regulation apply to services in a generic sense rather than being limited to services set forth in Division I, Services, of the Standard Industrial Classification Manual.

Interested parties were given 30 days to comment on the proposal. Based on the comments received, we have concluded that the $1.5 million average annual receipts size standard is not adequate for helicopter and fixed-wing aircraft services because many Government contracts require sophisticated and expensive aircraft. The comments received indicated that a concern with only one or two of such aircraft probably would need to generate receipts of more than $1.5 million to obtain a reasonable return on investment. The same comments were received in regard to fixed-wing aircraft such as air tankers. In view of the above, we propose to adopt a $3 million annual receipts size standard for the purpose of Government procurements for services requiring the use of helicopters or fixed-wing aircraft. We also have determined to adopt the proposal to clarify the applicability of the size standards for services not elsewhere defined in the Size Standards Regulation.

Accordingly, we propose to amend Part 121 of Chapter I of Title 13 of the Code of Federal Regulations by:

1. Revising the first paragraph of § 121.3-8(e) to read as follows:

§ 121.3-8 Definition of Small Business for Government Procurement

* * * * *

(e) *Services*—Any concern bidding on a contract for services (including but not limited to services set forth in Division I, *Services*, of the Standard Industrial Classification Manual) not elsewhere defined in this section, is classified as small if its average annual receipts for its preceding 3 fiscal years do not exceed $1 million.

2. Revising the first clause of § 121.3-10(d) to read as follows:

§ 121.3-10 Definition of Small Business for SBA Loans.

* * * * *

(d) *Services*—Any concern primarily engaged in a service industry (including but not limited to service industries set forth in Division I, *Services*, of the Standard Industrial Classification Manual) is classified: * * *

3. Adding new § 121.3-8(e)(15) to read as follows:

§ 121.3-8 Definition of Small Business for Government Procurement.

* * * * *

(e) Services * * *

(15) *Helicopter and Fixed-Wing Aircraft Services*—Any concern bidding on a contract for services requiring the use of one or more helicopters or fixed-wing aircraft is classified as small if its average annual receipts for its preceding 3 fiscal years do not exceed $3 million.

Since we have already determined (1) to substitute a size standard based on annual receipts in lieu of the currently effective 500-employee standard for the purpose of Government procurements of helicopter and fixed-wing aircraft services, and (2) to revise the "catchall" $1 million annual receipts standard as proposed, we do not invite further comment on either the propriety of the 500-employee standard or the merits of the proposed revision of the "catchall" standard. However, interested persons may, within 15 days after publication of this proposal in the Federal Register, file comments on our proposal to adopt a $3 million annual receipts standard rather than the $1.5 million standard proposed on August 24, 1973.

All correspondence shall be addressed to:

William L. Pellington
Director
Office of Industry Studies and Size Standards
Small Business Administration
1441 L Street, NW.
Washington, D.C. 20416

(All SBA programs listed in the Catalog of Federal Domestic Assistance Programs under Nos. 59.001-59.018.)

Dated: December 20, 1973.

THOMAS S. KLEPPE,
Administrator.

[FR Doc.74-131 Filed 1-2-74;8:45 am]

Notices

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

DEPARTMENT OF DEFENSE

Department of the Air Force

PROPOSED MINUTEMAN II OPERATIONAL BASE LAUNCH

Notice of Intent To Prepare Environmental Impact Statement

DECEMBER 28, 1973.

Notice is hereby given that in accordance with the National Environmental Policy Act the United States Air Force intends to prepare an evironmental impact statement on the proposed Minuteman II Operational Base Launch.

The Air Force proposes to conduct safe demonstration launches of four Minuteman II missiles, without their warheads, from operational silos in Montana during the winter of 1974–75. Shortly after launch the missiles would enter space with a trajectory that would carry them high (up to 350 miles) over portions of Montana, Idaho, Washington, Oregon and California en route to an ocean target in the Phoenix Islands, southwest of the Hawaiian Islands, approximately 5,000 miles down range. Site surveys, preparatory to real estate easement and leasing negotiations, are scheduled to begin in early 1974. Concurrently, state and local officials concerned and individuals residing in the vicinity of the launch area and space trajectory will receive detailed briefings on the planned launches and extensive safety precautions. No nuclear components would be carried on these flights. A safety destruct package would be carried in place of the normal warhead. The missiles would be launched from silos located in open country about 50 miles west of Great Falls, Montana. The major factor in launch site and target selections has been the desire to ensure maximum public safety. The spent first stage and four protective covers for the second stage would be jettisoned over land. The empty 28-foot first stage would fall on uninhabited land just west of the Montana-Idaho borders. There is a high probability that these planned impact points would be on federal land. The second and third stage boosters and the test reentry vehicle would impact in the Pacific Ocean.

All interested persons desiring to submit suggestions for consideration in connection with the preparation of the draft environmental impact statement should send them to: Colonel Herbert E. Bell, Chief, Environmental Protection Group, HQ USAF(PREV), Washington, D.C. 20330.

STANLEY L. ROBERTS,
Colonel, USAF, Chief, Legislative Division Office of The Judge Advocate General.

[FR Doc.74–281 Filed 1–2–74;8:45 am]

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

CONTROLLED SUBSTANCES IN SCHEDULES I AND II

1974 Interim Aggregate Production Quota on Amphetamine

On July 3, 1973, a notice was published in the FEDERAL REGISTER proposing an aggregate quota for amphetamine for 1974 of 1,896,210 grams. (38 FR 17741) As noted in the FEDERAL REGISTER announcement of September 21, 1973, Pennwalt Corporation filed an objection that the proposed aggregate production quota for amphetamine was inadequate. (38 FR 26472) No other objections or comments were received. In light of the filing by Pennwalt Corporation, the Drug Enforcement Administration did not issue a final order on the production quota for amphetamine for 1974. The Drug Enforcement Administration is still studying the request of Pennwalt to determine whether grounds exist for revising the aggregate production quota or for ordering a full adversary-type hearing on the matter.

In order to permit the production to proceed in an orderly manner during 1974, the Drug Enforcement Administration is issuing interim quotas to all applicants for manufacturing and procurement quotas for amphetamine equal to the quantity which would be allocated to them if the proposed production of 1,896,210 grams were made final by the Administrator. Because no comments or objections were received that the proposed figure was excessive, the Administrator has determined that this constitutes a minimum figure which would be issued regardless of the outcome of the decision on the Pennwalt Corporation objection.

All persons who submitted an application for either an individual manufacturing quota or a procurement quota for 1974 will be notified by mail as to their respective 1974 quota established by the Drug Enforcement Administration.

This order is effective January 3, 1974.

Dated: December 21, 1973.

JOHN R. BARTELS, Jr.,
Administrator, Drug Enforcement Administration.

[FR Doc.74–50 Filed 1–2–74;8:45 am]

DEPARTMENT OF THE INTERIOR

BOISE DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Bureau of Land Management Boise District Advisory Board will meet on January 28–29, 1974 in Room 703 of the Rodeway Inn, 29th and Chinden Boulevard, Boise, Idaho. The agenda for the meeting will include the hearing of protests on Advisory Board recommendations on 1974 grazing applications, and the determination of final Advisory Board recommendations on these appilcations.

The meeting will be open to the public. Those wishing to make an oral statement should inform the Advisory Board Chairman prior to the meeting. Any interested person may file a written statement with the Board for its consideration. The Advisory Board Chairman is Eugene Davis, c/o District Manager, Bureau of Land Management, 230 Collins Road, Boise, Idaho 83702.

REX D. COLTON,
Acting State Director.

[FR Doc.74–162 Filed 1–2–74;8:45 am]

Bureau of Land Management

[CA 566]

CALIFORNIA

Notice of Proposed Withdrawal and Reservation of Lands; Correction

DECEMBER 21, 1973.

In FR Doc. 73–19461 appearing at pages 25457 and 25458 in the issue of Thursday, Sepember 13, 1973, make the following changes.

1. Delete the first two paragraphs of the Notice and insert in lieu thereof the following:

The Forest Service, U.S. Department of Agriculture, has filed application Serial No. CA 566 to transfer jurisdiction of the following described national resource land to National Forest status for inclusion in the Six Rivers National Forest. The land is within the limits of the National Forest, is suitable for National Forest Administration and such jurisdictional transfer will aid in the public administration of the land.

WALTER F. HOLMES,
Chief, Branch of Lands and Minerals Operations.

[FR Doc.74–123 Filed 1–2–74;8:45 am]

[COLORADO 19889]

COLORADO

Lands for Oil Shale Purposes

Proposed Withdrawal and Reservation

DECEMBER 21, 1973.

The Bureau of Land Management, U.S. Department of the Interior has filed an application Colorado 19889 for the withdrawal from all forms of appropriation under the public land laws including the mining laws (30 U.S.C. ch. 2(1970)) and mineral leasing laws (30 U.S.C. 181–301(1970)) the following described national resource lands to be

used in investigations, studies and experiments by the Department of the Interior, or with others in the improvement, management, use and protection of the lands and their natural resources under section 101 of the Public Land Administration Act (43 U.S.C. Sec. 1362) and pursuant to paragraph 10 of the notice of sale of oil shale lease published in the November 30, 1973 issue of the FEDERAL REGISTER (38 FR 33187–33199):

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 1 S., R. 101 W.
Sec. 10, SE¼SW¼;
Sec. 15, NW¼, N½SW¼, SW¼SW¼, SE¼ SE¼SW¼, and SW¼SW¼SE¼;
Sec. 16, SE¼NE¼, S½SW¼ and SE¼;
Sec. 17, SE¼SE¼;
Sec. 20, E½NE¼, and E½NE¼SE¼;
Sec. 21, lots 1, 2, 3, 4, 5, NE¼, E½NW¼, NE¼SW¼ and N½SE¼;
Sec. 22, W½NE¼, NW¼, N½SW¼ and W½SE¼;
Sec. 26, S½NW¼, SW¼, S½SE¼;
Sec. 27, lots 2, 3, 4, 5, 6, 7, NE¼, SE¼NW¼, NE¼SW¼ and N½SE¼;
Sec. 28, S½SE¼NE¼, SE¼NE¼SW¼, SE¼SW¼ and SE¼;
Sec. 33, N½NE¼, NE¼NW¼, S½SW¼ SE¼ and SE¼SE¼;
Sec. 34, NE¼, E½NW¼, N½NW¼NW¼, SW¼ and N½SE¼;
Sec. 35, lots 1, 2, 3, NE¼, E½NW¼, NE¼ SW¼, N½SE¼, SW¼SW¼SE¼ and N½ S½SE¼;
Sec. 36, SE¼NE¼SW¼, SE¼SW¼SW¼, SE¼SW¼ and W½SE¼;
T. 2 S., R. 101 W.
Sec. 1, lots 6, 7, 8 and S½NW¼;
Sec. 2, lots 5, 6, 7, 8, S½N½, SW¼ and W½SW¼SE¼;
Sec. 3, lots 5, 7, 8, S½NE¼, S½NW¼, SW¼, N½SE¼, SW¼SE¼ and NW¼ SE¼SE¼;
Sec. 4, lots 5, 6, S½NE¼, N½N½SE¼ and SE¼SE¼;
Sec. 9, NE¼NE¼NE¼;
Sec. 10, NE¼, E½NW¼, N½NW¼NW¼, NE¼SW¼, NE¼SE¼SW¼, N½SE¼ and N½S½SE¼;
Sec. 11, W½NE¼, NW¼, N½SW¼, N½ S½SW¼ and NW¼SE¼.

The area described aggregates approximately 6,560.04 acres of national resource lands.

All persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal should present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 700 Colorado State Bank Building, 1600 Broadway, Denver, Colorado 80202 prior to February 1, 1974.

The Department's regulations (43 CFR 2351.4(c)) provide that the authorized officer of the Bureau of Land Management will undertake such investigations as are necessary to determine the existing or potential demand for the lands and their resources

The authorized officer will also prepare a report for consideration by the Secretary of the Interior who will determine whether or not the lands will be withdrawn as requested by the applicant agency.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

DALE R. ANDRUS,
State Director.

[FR Doc.74–24 Filed 1–2–74;8:45 am]

COLORADO

Grand Junction District; Redelegation of Authority to Area Managers

Under authority of Bureau Order 701, dated July 23, 1964, and as amended April 26, 1966, the Area Managers administering the Grand Junction and Glenwood Springs Resource Areas of the Grand Junction District, Colo., are authorized to act on the following matters: Within their respective areas of responsibility in accordance with existing policies and regulations of the Department, and under direct supervision of the Grand Junction District Manager, they may exercise the functions of the Bureau Director on the matters specified below subject to the limitations of Bureau Order 701, Part III.

AUTHORITY IN SPECIFIC MATTERS

Sec. 3.3 *Fiscal affairs.* The Area Manager may take action on:

(d) Trespass: Determine liability and issue notice of grazing trespass; recommend as to acceptance of settlement offer made.

Sec. 3.7 *Range management.* The Area Manager may take action on:

(a) Within grazing districts, the issuance of licenses and permits to graze or trail livestock.

(b) Outside grazing districts, the issuance of grazing leases.

(d) Soil and moisture conservation; control of halogeton glomeratus.

Sec. 3.8 *Forest management.* The Area Manager may take all action on:

(a) Disposition of forest products including sales of timber not exceeding $100 in value.

Sec. 3.9 *Land use.* The Area Manager may take all action on:

(g) Disposition of material other than forest products, not exceeding $100 in value.

The District Manager may at any time temporarily reserve, restrict, or withhold any portion of the above delegated authority through the use of Form 1213–1—District Office Authority and Responsibility Guide.

This order will become effective January 3, 1974.

Dated: December 7, 1973.

THOMAS J. OWEN,
District Manager.

Approved:

DALE R. ANDRUS,
State Director.

[FR Doc.74–71 Filed 1–2–74;8:45 am]

GRAND JUNCTION DISTRICT ADVISORY BOARD

Notice of Meeting

Notice is hereby given that the Grand Junction District Advisory Board will meet January 8, 1974, beginning at 9:00 a.m., in Room 114, Wayne Aspinall Federal Building, Grand Junction, Colorado.

The purpose of the meeting is to hear protests on adverse recommendations made during their regular meeting on December 13, 1973.

The meeting will be open to the public. Those members of the public wishing to make an oral statement should advise the Co-Chairman prior to the meeting to aid in scheduling the time available. Any interested person may file a written statement for consideration by the Board by sending it to the Co-Chairman, Grand Junction District Manager, P.O. Box 1509, Grand Junction, Colorado 81501.

DALE R. ANDRUS,
State Director.

[FR Doc.74–72 Filed 1–2–74;8:45 am]

SALMON DISTRICT ADVISORY BOARD

Notice of Meeting

Pursuant to the requirements of the Federal Advisory Committee Act, Pub. L. 92–463, notice is hereby given that the Salmon District Advisory Board will hold a meeting beginning at 10:00 a.m., January 17, 1974, at the Salmon District Office, Salmon, Idaho. The agenda for the meeting will include presentation of the Challis Unit Plan, proposed range improvement projects, late grazing applications, and the hearing of protests by the Board of previous actions.

The meeting will be open to the public. Those wishing to appear before the Board in person should inform the Advisory Board Chairman prior to the meeting. Any interested person may file a written statement with the Board for its consideration. The Advisory Board Chairman is Floyd J. Whittaker, Leadore, Idaho 83464.

REX D. COLTON,
Acting State Director.

[FR Doc.74–161 Filed 1–2–74;8:45 am]

[Utah 24667]

UTAH

Notice of Proposed Withdrawal and Reservation of Lands

DECEMBER 21, 1973.

The Bureau of Land Management, U.S. Department of the Interior, has filed an application, serial No. Utah 24667 for the withdrawal from all forms of appropriation under the public land laws including the mining laws (30 U.S.C. ch. 2(1970)) and mineral leasing laws (30 U.S.C. 181–301(1970)) the following described national resource lands to be used in investigations, studies and experiments by the Department of the Interior,

or with others in the improvements, management, use and protection of the lands and their natural resources under section 101 of the Public Land Administration Act (43 U.S.C. section 1362), and pursuant to paragraph 10 of the notice of sale of oil shale leases published in the November 30, 1973 issue of the FEDERAL REGISTER, 38 FR 33187–33199.

On or before February 1, 1974, all persons who wish to submit comments, suggestions or objections in connection with the proposed withdrawal, may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, Room 8103, Federal Building, Salt Lake City, Utah 84138.

If circumstances warrant, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SALT LAKE MERIDIAN, UTAH

UINTAH COUNTY

T. 10 S., R. 24 E.,
Sec. 35.
T. 11 S., R. 25 E.,
Sec. 5, SW¼NW¼, W½SW¼;
Sec. 6, SE¼NE¼, NE¼SE¼.

The areas described aggregate 840 acres.

WILLIAM G. LEAVELL,
Acting State Director.

[FR Doc.74–121 Filed 1–2–74;8:45 am]

MONTANA STATE ADVISORY BOARD

Notice of Meeting

DECEMBER 21, 1973.

Notice is hereby given that the Montana State Advisory Board will hold its annual meeting at the Ramada Inn, Mullowney Lane and Interstate 90, in Billings, Montana on February 13 and 14, 1974, at 9 a.m. The theme of the Board meeting will be "Energy" and how it relates to other resource management responsibilities. There will be a status report on the Decker-Birney planning effort and also other topics of state-wide interest.

The meeting will be open to the public insofar as seating is available. Time may be available for brief statements from members of the public. Those wishing to make oral statements should inform the Board Chairman prior to the meeting of the Board. Any interested person may file a written statement with the Board for its consideration. The Advisory Board Chairman is Wayne Bratten, Winnett, Montana 59087. Written statements should be submitted to Mr. Bratten, c/o State Director, Bureau of Land Management, 316 North 26th Street, Billings, Montana 59101.

EDWIN ZAIDLICZ,
State Director.

[FR Doc.74–30 Filed 1–2–74;8:45 am]

Fish and Wildlife Service

AGASSIZ NATIONAL WILDLIFE REFUGE

Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Pub. L. 88–577; 78 Stat. 890–896 (16 U.S.C. 1131–1136)), that a public hearing will be held beginning at 7:30 p.m. on February 21, 1974, at the Middle River School, Middle River, Minnesota, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including a portion of the Agassiz Refuge within the National Wilderness Preservation System. The wilderness study included the entire acreage within Agassiz National Wildlife Refuge, which is located in Marshall County, Minnesota.

A study summary containing a map and information on the Agassiz Wilderness Proposal may be obtained from the Refuge Manager, Agassiz National Wildlife Refuge, Middle River, Minnesota 56737 or the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by March 25, 1974.

LYNN A. GREENWALT,
Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 21, 1973.

[FR Doc.74–29 Filed 1–2–74;8:45 am]

CRAB ORCHARD NATIONAL WILDLIFE REFUGE

Notice of Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Pub. L. 88–577; 78 Stat. 890–896; (16 U.S.C. 1131–1136)), that a public hearing will be held beginning at 7:30 p.m. on February 6, 1974, at Marion Holiday Inn, Marion, Illinois, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including a portion of the Crab Orchard Refuge within the National Wilderness Preservation System. The wilderness study included the entire acreage within Crab Orchard National Wildlife Refuge, which is located in Jackson, Union, and Williamson Counties, Illinois.

A study summary containing a map and information on the Crab Orchard Wilderness Proposal may be obtained from the Refuge Manager, Crab Orchard National Wildlife Refuge, Box J, Carterville, Illinois 62918 or the Regional Director, Bureau of Sport Fisheries and Wildlife, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by March 8, 1974.

Dated: December 21, 1973.

LYNN A. GREENWALT,
Director, Bureau of Sport Fisheries and Wildlife.

[FR Doc.74–26 Filed 1–2–74;8:45 am]

FORT NIOBRARA NATIONAL WILDLIFE REFUGE

Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Pub. L. 88–577; 78 Stat. 890–896 (16 U.S.C. 1131–1136)), that a public hearing will be held beginning at 10 a.m. on March 23, 1974, at the Cherry County Courthouse, Valentine, Nebraska, on a proposal leading to a recommendation to be made to the President of the United States by the Secretary of the Interior regarding the desirability of including a portion of the Fort Niobrara Refuge within the National Wilderness Preservation System. The wilderness study included the entire acreage within Fort Niobrara National Wildlife Refuge, which is located in Cherry County, Nebraska.

A study summary containing a map and information on the Fort Niobrara Wilderness Proposal may be obtained from the Refuge Manager, Fort Niobrara National Wildlife Refuge, Hidden Timber Route, Valentine, Nebraska 69201, or the Regional Director, Bureau of Sport Fisheries and Wildlife, Denver, Colorado 80215.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by April 22, 1974.

LYNN A. GREENWALT,
Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 21, 1973.

[FR Doc.74–25 Filed 1–2–74;8:45 am]

MISSISQUOI NATIONAL WILDLIFE REFUGE

Public Hearing Regarding Wilderness Proposal

Notice is hereby given in accordance with provisions of the Wilderness Act of September 3, 1964 (Pub. L. 88–577; 78 Stat. 890–896; (16 U.S.C. 1131–1136)), that a public hearing will be held beginning at 9:30 a.m. on February 5, 1974, at the St. Albans City Hall, St. Albans, Vermont, on a proposal leading to a recommendation to be made to the President of the United States by the Secre-

tary of the Interior regarding the desirability of including a portion of the Missisquoi Refuge within the National Wilderness Preservation System. The wilderness study included the entire acreage within Missiquoi National Wildlife Refuge, which is located in Franklin County, Vermont.

A study summary containing a map and information on the Missisquoi Wilderness Proposal may be obtained from the Refuge Manager, Missisquoi National Wildlife Refuge, Swanton, Vermont 05488, or the Regional Director, Bureau of Sport Fisheries and Wildlife, John W. McCormack Post Office and Courthouse, Boston, Mass. 02109.

Individuals or organizations may express their oral or written views by appearing at this hearing, or they may submit written comments for inclusion in the official record of the hearing to the Regional Director at the above address by March 8, 1974.

LYNN A. GREENWALT,
Director, Bureau of Sport Fisheries and Wildlife.

DECEMBER 20, 1973.

[FR Doc.74-28 Filed 1-2-74;8:45 am]

Office of Hearings and Appeals

[Docket No. M 74-35]

USIBELLI COAL MINE, INCORPORATED

Petition for Modification of Application of Mandatory Safety Standard

Notice is hereby given that in accordance with the provisions of section 301 (c) of the Federal Coal Mine Health and Safety Act of 1969, (30 U.S.C. 861(c)), Usibelli Coal Mine, Incorporated has filed a petition t. modify the application of 30 CFR 77.1710(d) and (e) to its Usibelli Mine located at Usibelli, Alaska.

30 CFR 77.1710(d) and (e) reads as follows:

§ 77.1710 Protective clothing; requirements.

On and after July 1, 1971, each employee of a surface coal mine shall be required to wear protective clothing and devices as indicated below:

* * * * *

(d) A suitable hard hat when in or around a mine or plant where falling objects may create a hazard.

(e) Suitable protective footwear.

As an alternative method petitioner would require the wearing of hard hats and hard-toed footgear only during the period from April 1 until October 1 of each year. Petitioner states that people working at these low temperatures must wear warm headgear and footgear in order to prevent frostbite.

Petitioner contends that the mine is located in the interior of Alaska where winter temperatures often drop to −55° Fahrenheit. Also, no suitable headgear or shoes are available which combine the necessary warmth with the impact protection required by the Act and therefore, application of the mandatory standard will result in a diminution of safety to miners in the affected area.

Persons interested in this petition may request a hearing on the petition or furnish comments by February 4, 1974. Such requests or comments must be filed with the Office of Hearings and Appeals, Hearings Division, U.S. Department of the Interior, 6432 Federal Building, Salt Lake City, Utah 84111. Copies of the petition are available for inspection at that address.

December 17, 1973.

GILBERT O. LOCKWOOD,
Acting Director, Office of Hearings and Appeals.

[FR Doc.74-27 Filed 1-2-74;8:45 am]

Office of Coal Research

ADVISORY COMMITTEE AND PANELS

Notice of Meeting

Notice is hereby given, pursuant to Executive Order 11686, and as required by the Federal Advisory Committee Act (86 Stat. 770), that a meeting of the General Technical Advisory Committee of the Office of Coal Research will convene at 10:00 a.m., January 22, 1973, at the U.S. Department of the Interior, 18th and E Streets, NW., Room 8070, Washington, D.C.

The Committee is composed of qualified technical representatives from industry and research organizations.

The following agenda items will be discussed, and the meeting will be open to the public:

Convene and Opening Remarks, Secretary of the Interior or representative.

Primary Purpose of the Meeting, by Acting Director of Office of Coal Research.

Proposed FY-1975 Funding, by Dr. S. William Gouse.

5-Year Program Funding for Areas with Projected Accomplishments, by Mr. James Powell of OCR.

Criteria for Funding Prototype Plants, by Mr. Neal P. Cochran, Chief, Division of Research and Development, OCR.

General Discussion.

Records shall be kept of all proceedings of the General Technical Advisory Committee (and shall be available for public review at the Office of Coal Research, United States Department of the Interior Building, 18th and E Sts., NW., Washington, D.C. 20240).

Signed at Washington, D.C., on December 26, 1973.

G. EDWARD LARSON,
Acting Director, Office of Coal Research.

[FR Doc.74-118 Filed 1-2-74;8:45 am]

Bureau of Reclamation

[INT DES 73-114]

PROPOSED USE OF CENTRAL VALLEY PROJECT WATER THROUGH ENLARGED CROSS VALLEY CANAL-CENTRAL VALLEY PROJECT, CALIFORNIA

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Department of the Interior has prepared a draft environmental statement on a proposal for annual delivery of about 133,000 acre-feet of water to 11 water and irrigation districts in Kern, Kings, Tulare, and Fresno Counties, California. The proposed action would involve use of existing California Water Project and Central Valley Project facilities and joint use of the Kern County Water Agency's proposed Cross Valley Canal. Written comments on the draft environmental statement may be submitted to the Regional Director (address below) on or before February 18, 1974.

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

Office of Assistant to the Commissioner—Ecology, Room 7620, Bureau of Reclamation, Department of the Interior, Washington, D.C. 20240, Telephone (202) 343-4991.

Division of Engineering Support, Technical Services and Publications Branch, E&R Center, Denver Federal Center, Denver, Colorado 8022. Telephone (303) 234-3007.

Office of the Regional Director, Bureau of Reclamation, 2800 Cottage Way, Sacramento, California 95825, Telephone (916) 484-4792.

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

Dated: December 26, 1973.

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

[FR Doc.74-119 Filed 1-2-74;8:45 am]

Office of the Secretary

[INT DES 73-112]

PROPOSED CRAB ORCHARD WILDERNESS AREA, ILLINOIS

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, Pub. L. 91-190, the Department of the Interior has prepared a draft environmental statement for the proposed Crab Orchard Wilderness Area, Illinois, and invites written comments on or before February 18, 1974.

The proposal recommends approximately 4,050 acres within the Crab Orchard National Wildlife Refuge in Jackson, Union, and Williamson Counties, Illinois, be designated as wilderness within the National Wilderness Preservation System.

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

Bureau of Sport Fisheries and Wildlife
Federal Building—Fort Snelling
Room 630
Twin Cities, Minnesota 55111

Headquarters
Crab Orchard National Wildlife Refuge

Box J
Carterville, Illinois 62918

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

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

Dated: December 20, 1973.

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

[FR Doc.74-120 Filed 1-2-74;8:45 am]

DEPARTMENT OF AGRICULTURE

Forest Service

DESCHUTES, FREMONT, OCHOCO, AND WINEMA NATIONAL FORESTS

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for vegetation management using selective herbicides on the Deschutes, Fremont, Ochoco, and Winema National Forests for the period January 1, 1974 through June 30, 1975. The Forest Service report number is USDA-FS-DES(ADM)74-53.

The environmental statement concerns a proposed use of selective herbicides for vegetation management on four National Forests located in central and southern Oregon. The proposed uses are for conifer crop tree release, site preparation prior to planting, utility and road right-of-way maintenance, range improvement, noxious weed control, and poison plant control.

This draft environmental statement was filed with CEQ on December 18, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW.
Washington, D.C. 20250.

USDA, Forest Service
Multnomah Bldg.
319 SW. Pine St.
P.O. Box 3623
Portland, Oregon 97208

Deschutes National Forest
211 East Revere
Bend, Oregon 97701

Fremont National Forest
34 D St. North
Lakeview, Oregon 97630

Ochoco National Forest
Federal Building
155 North Court
Prineville, Oregon 97754

Winema National Forest
Post Office Building
Klamath Falls, Oregon 97601

A limited number of single copies are available upon request to Regional Forester, Theodore A. Schlapfer, P.O. Box 3623, Portland, Oregon 97208.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Regional Forester, Theodore A. Schlapfer, P.O. Box 3623, Portland, Oregon 97208. Comments must be received by February 18, 1974 in order to be considered in the preparation of the final environmental statement.

ADRIAN M. GILBERT,
Acting Deputy Chief, Forest Service.

DECEMBER 26, 1973.

[FR Doc.74-152 Filed 1-2-74;8:45 am]

KEOWEE UNIT PLAN

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(c) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft Environmental Statement for the Keowee Unit Plan, USDA-FS-DES (Adm) 74-54.

The Environmental Statement concerns the following action:

Administrative Action. Proposed 10-year management of the Keowee Unit, Andrew Pickens Ranger District, Sumter National Forest, located in Oconee County, South Carolina. The Unit contains 15,900 acres of National Forest land.

The management direction and action proposed and described is for a 10-year planning period beginning July 1, 1974. Included are specific projects and proposals for recreation management, timber harvest and stand improvement, vegetative manipulation to benefit wildlife, erosion control, transportation management, and others.

This draft Environmental Statement was filed with CEQ on December 18, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
1720 Peachtree Road, NW., Room 804
Atlanta, Georgia 30309

USDA, Forest Service
Forest Supervisor
1801 Main Street
Jefferson Square
Columbia, S.C. 29201

A limited number of single copies are available upon request to Forest Supervisor, 1801 Main Street, Jefferson Square, Columbia, South Carolina 29201.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the Environmental Statement above when ordering.

Copies of the Environmental Statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor John V. Orr, 1801 Main Street, Jefferson Square, Columbia, S.C. 29201. Comments must be received within 60 days after filing with CEQ in order to be considered in the preparation of the final Environmental Statement.

ADRIAN M. GILBERT,
Acting Deputy Chief, Forest Service.

DECEMBER 26, 1973.

[FR Doc.74-156 Filed 1-2-74;8:45 am]

MALHEUR, UMATILLA, AND WALLOWA-WHITMAN NATIONAL FORESTS

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for Vegetation Management Using Selective Herbicides on the Malheur, Umatilla, and Wallowa-Whitman National Forests for the period January 1, 1974 through June 30, 1975. The Forest Service report number is USDA-FS-DES (Adm) 74-52.

The environmental statement concerns the proposed use of selective herbicides for vegetation management on three National Forests located in northeastern Oregon and southwestern Washington. The proposed uses are for conifer crop tree release, site preparation prior to planting, utility and road right-of-way maintenance, range improvement, nox-

ious weed control, and poison plant control.

This draft environmental statement was filed with CEQ on December 18, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW.
Washington, D.C. 20250

USDA, Forest Service
Multnomah Bldg.
319 S.W. Pine Street
P.O. Box 3623
Portland, Oregon 97208

Malheur National Forest
139 N.E. Dayton Street
John Day, Oregon 97845

Umatilla National Forest
2517 S.W. Hailey Avenue
Pendleton, Oregon 97801

Wallowa-Whitman National Forest
Federal Building
Baker, Oregon 97814

A limited number of single copies are available upon request to Regional Forester, Theodore A. Schlapfer, P.O. Box 3623, Portland, Oregon 97208.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Regional Forester, Theodore A. Schlapfer, P.O. Box 3623, Portland, Oregon 97208. Comments must be received by February 18, 1974 in order to be considered in the preparation of the final environmental statement.

ADRIAN M. GILBERT,
Acting Deputy Chief,
Forest Service.

DECEMBER 26, 1973.

[FR Doc.74-153 Filed 1-2-74;8:45 am]

MULTIPLE USE PLAN, WARLAND PLANNING UNIT

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Multiple Use Plan, Warland Planning Unit, USDA-FS-FES(Adm) 73-55.

The environmental statement concerns a proposed implementation of a revised multiple use plan for the Warland Planning Unit, Fisher River Ranger District, Kootenai National Forest, and located in Lincoln County, Montana. The proposal affects approximately 65,000 acres of National Forest lands which have been stratified into eight management situations or units with similar resource implications.

This final environmental statement was transmitted to CEQ on December 20, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
So. Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
Northern Region
Federal Building
Missoula, Montana 59801

Supervisor's Office
Kootenai National Forest
418 Mineral Avenue
Libby, Montana 59923

A limited number of single copies are available upon request to Acting Forest Supervisor, Robert W. Damon, Kootenai National Forest, Box AS, Libby, Montana 59923.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

DECEMBER 26, 1973.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

[FR Doc.74-160 Filed 1-2-74;8:45 am]

MULTIPLE USE PLAN, WINDY PASS TIMBER SALE

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for Windy Pass Timber Sale, report number USDA-FS-FES (Adm) 73-75.

The environmental statement concerns a proposed 3 million board foot timber sale in the Portal Creek Drainage of Gallatin County, Montana. The proposed timber sale will consist of ten clearcut units. Part of the sale is in an area that was inventoried as roadless by the Forest Service in November 1970.

This final environmental statement was filed with CEQ on December 19, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA Forest Service
South Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW.
Washington, D.C. 20250

USDA Forest Service
Northern Region
Federal Building, Room 3077
Missoula, MT 59801

USDA Forest Service
Gallatin National Forest
Box 130
Bozeman, MT 59715

A limited number of single copies are available upon request to Forest Supervisor Lewis E. Hawkes, Gallatin National Forest, Box 130, Bozeman, MT 59715.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, VA 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

ADRIAN M. GILBERT,
Acting Deputy Chief,
Forest Service.

DECEMBER 26, 1973.

[FR Doc.74-158 Filed 1-2-74;8:45 am]

OREGON DUNES NATIONAL RECREATION AREA ADVISORY COUNCIL

Notice of Meeting

The Oregon Dunes National Recreation Area Advisory Council will meet on Friday, February 1, 1973, at 0930 a.m. in the Supervisor's Office of the Siuslaw NF at 545 SW Second Street in Corvallis, Oregon. The purpose of the meeting is to discuss the land acquisition program, criteria standards for certification, review of adjusted planning schedule, and the role of the advisory council.

The meeting will be open to the public. Persons who wish to attend should notify Pamela Wilson, P.O. Box 1148, Corvallis, Oregon, 97330. The telephone number is 503-742-4211, extension 502. Written statements may be filed with the committee before or after the meeting.

The committee has established the following rules for public participation. Any member of the public who wishes to speak must be recognized by the council chairman. The council chairman will decide the time when public participation will take place.

F. DALE ROBERTSON,
Forest Supervisor.

DECEMBER 21, 1973.

[FR Doc.74-73 Filed 1-2-74;8:45 am]

TEN-YEAR MANAGEMENT PLAN FOR THE SOUTH HOLSTON UNIT

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a final environmental statement for the proposed 10-year management of the South Holston Unit. USDA-FS-FES(Adm) 73-50.

The environmental statement concerns a proposed total plan of major

actions on 37,714 acres of National Forest land for the next 10-year period.

This final environmental statement was filed with CEQ on December 18, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
So. Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW
Washington, D.C. 20250

Regional Forester
1720 Peachtree Road, NW
Atlanta, Georgia 30309

Cherokee National Forest
P.O. Box 400, 2321 Ocoee St.
Cleveland, Tennessee 37311

Watauga Ranger District
Federal Building
Elizabethton, TN 37643

A limited number of single copies are available upon request to Robert R. Lusk, Forest Supervisor, P.O. Box 400, Cleveland, Tennessee 37311.

Copies are available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, State, and local agencies as outlined in the Council on Environmental Quality Guidelines.

ADRIAN M. GILBERT,
Acting Deputy Chief,
Forest Service.

DECEMBER 26, 1973.

[FR Doc.74–157 Filed 1–2–74;8:45 am]

VERNAL PLANNING UNIT LAND USE PLAN

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a draft environmental statement for the Vernal Planning Unit Land Use Plan, USDA–FS–DES (Adm) 74–55.

The environmental statement identifies and evaluates the probable effects of the Land Use Plan for the Vernal Planning Unit on the Ashley National Forest in north-eastern Utah. The purpose of this plan is to allocate National Forest lands within the unit to specific resource uses and activities; establish management objectives; document management direction, decisions, and necessary coordination between resource uses and activities; and provide for the protection, development, and use of the various resources within the planning unit. The plan provides for minimizing adverse effects and maximizing desirable effects. Minor adverse effects from some development activities will be very short periods of air pollution and some soil disturbance. Recreation opportunities will be modified to include some additional developed type of recreation and additional dispersed recreational opportunities. The mix of uses provided for includes moderate levels of consumptive resource uses. Significant areas will remain undeveloped with options for future management remaining open.

This enciromental statement was transmitted to CEQ on December 18, 1973.

Copies are available for inspection during regular working hours at the following locations:

Regional Planning Office
USDA Forest Service
Federal Building, Room 2025
324 25th Street
Ogden, Utah 84401

Forest Supervisor's Office
Ashley National Forest
437 East Main Street
Vernal, Utah 84078

District Ranger's Office
Vernal Ranger District
650 North Vernal Avenue
Vernal, Utah 84078

USDA, Forest Service
South Agriculture Building, Room 3230
12th Street and Independence Avenue, SW.
Washington, D.C. 20250

A limited number of single copies are available upon request to Forest Supervisor Robert A. Rowen, 437 East Main Street, Vernal, Utah 84078.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the plan and statement have been sent to various Federal, state, and local agencies as outlined in the CEQ guidelines.

Comments are invited from the public, and from state and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to the Forest Supervisor, Ashley National Forest, 437 East Main Street, Vernal, Utah 84078. Comments must be received by February 18, 1974 in order to be considered in the preparation of the final environmental statement.

ADRIAN M. GILBERT,
Acting Deputy Chief,
Forest Service.

DECEMBER 26, 1973.

[FR Doc.74–155 Filed 1–2–74;8:45 am]

WEST FORK RACE CREEK TIMBER SALE

Notice of Availability of Draft Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture has prepared a draft environmental statement for West Fork Race Creek Timber Sale, USDA–FS–DES (Adm) 74–51.

The environmental statement concerns a proposed timber sale within the exterior boundaries of the proposed Hells Canyon National Recreation Area.

This draft environmental statement was filed with CEQ on December 18, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
So. Agriculture Bldg., Room 3231
12th St. & Independence Ave., SW
Washington, D.C. 20250

USDA, Forest Service
Northern Region
Federal Building
Missoula, Montana 59801

USDA, Forest Service
Nezperce National Forest
319 East Main
Grangeville, Idaho 83530

A limited number of single copies are available upon request from Forest Supervisor, Robert O. Rehfeld, 319 East Main, Grangeville, Idaho 83530.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ Guidelines.

Comments are invited from the public and from State and local agencies which are authorized to develop and enforce environmental standards, and from Federal agencies having jurisdiction by law or special expertise with respect to any environmental impact involved for which comments have not been requested specifically.

Comments concerning the proposed action and requests for additional information should be addressed to Forest Supervisor Robert O. Rehfeld, Nezperce National Forest, 319 East Main, Grangeville, Idaho 83530. Comments must be received by February 18, 1974, in order to be considered in the preparation of the final environmental statement.

ADRIAN M. GILBERT,
Deputy Chief, Forest Service.

DECEMBER 26, 1973.

[FR Doc.74–154 Filed 1–2–74;8:45 am]

WINTER PARK MANAGEMENT UNIT

Notice of Availability of Final Environmental Statement

Pursuant to section 102(2)(C) of the National Environmental Policy Act of 1969, the Forest Service, Department of Agriculture, has prepared a Final Environmental Statement for Winter Park Management Unit. USDA–FS–FES (Adm) 74–08.

The environmental statement concerns a proposed action to provide direction for the Winter Park Management Unit that protects its suitability for winter sports activities, and permits ex-

pansion of the existing winter sports area.

This final environmental statement was transmitted to CEQ on December 20, 1973.

Copies are available for inspection during regular working hours at the following locations:

USDA, Forest Service
So. Agriculture Bldg., Room 3230
12th St. & Independence Ave., SW
Washington, D.C. 20250

Regional Forester
Building 85
Denver Federal Center
Denver, Colorado 80225

Acting Forest Supervisor
Arapaho National Forest
Federal Building
301 South Howes Street
Fort Collins, Colorado 80521

A limited number of single copies are available upon request to W. K. Kelso, Acting Forest Supervisor, U.S. Forest Service, Arapaho National Forest, Federal Building, 301 South Howes Street, Fort Collins, Colorado 80521.

Copies are also available from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22151. Please refer to the name and number of the environmental statement above when ordering.

Copies of the environmental statement have been sent to various Federal, state, and local agencies as outlined in the CEQ Guidelines.

PHILIP L. THORNTON,
Deputy Chief, Forest Service.

DECEMBER 26, 1973.

[FR Doc.74-159 Filed 1-2-74;8:45 am]

DEPARTMENT OF COMMERCE

National Bureau of Standards

CENTER FOR BUILDING TECHNOLOGY ADVISORY COMMITTEE

Notice of Public Meeting

Pursuant to the provisions of the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92-463, 86 Stat. 770), notice is hereby given that a public meeting of the Department of Commerce Center for Building Technology Advisory Committee will be held on January 10, 1974, at PPG Industries, 1 Gateway Center, Pittsburgh, Pennsylvania. The meeting will convene at 9:00 a.m. and adjourn at 4:00 p.m. in Conference Room No. 7. The meeting is open to the public.

The purposes of this meeting are to discuss progress reports from the following task groups: Energy, Building Regulatory System, Performance Criteria, and Environmental Standards.

Further information concerning this meeting may be obtained by contacting James L. Haecker, Executive Secretary, Center for Building Technology Advisory Committee, Building 226, Room B-260, Washington, D.C. 20234. Interested persons may file written statements with the Committee before or after the meeting.

Dated: December 26, 1973.

R. S. WALLEIGH,
Acting Director.

[FR Doc.74-41 Filed 1-2-74;8:45 am]

COMMERCIAL STANDARD

Action on Proposed Withdrawal

In accordance with § 10.12 of the Department's "Procedures for the Development of Voluntary Product Standards" (15 CFR Part 10, as revised (35 FR 8349) dated May 28, 1970), notice is hereby given of the withdrawal of Commercial Standard CS233-63, "Laminated Hardwood Block Flooring." It has been determined that this standard is no longer technically adequate and revision would serve no useful purpose due to the fact that the subject is adequately covered by the Hardwood Plywood Manufacturers Association standard HPMA-LF-71.

This action is taken in furtherance of the Department's announced intentions as set forth in the public notice appearing in the FEDERAL REGISTER of August 7, 1973 (38 FR 21288), to withdraw this standard.

The effective date for the withdrawal of this standard will be March 4, 1974. This withdrawal action terminates the authority to refer to this standard as a voluntary standard developed under the Department of Commerce procedures.

Dated: December 26, 1973.

RICHARD W. ROBERTS,
Director.

[FR Doc.74-103 Filed 1-2-74;8:45 am]

National Oceanic and Atmospheric Administration

DOLPHINS

Notice of Receipt of Application for Scientific Research

Notice is hereby given that the following applicant has applied for a permit to take marine mammals for scientific research as authorized by section 101(a)(1) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and § 216.12 of the Regulations Governing the Taking and Importing of Marine Mammals (37 FR 28177, December 21, 1972) and pursuant to the instructions for preparing applications for permits (38 FR 26622, September 24, 1973.) The Secretary considers the following application sufficient for consideration under the provisions of § 216.15(a) of the Regulations.

1. Bernd Gerhard Wuersig, Division of Biological Sciences, University of New York at Stony Brook, Stony Brook, New York 11790, to take, tag, release and radio-track eleven dusky dolphins (*Lagenorhynchus obscurus*) for scientific research.

The Applicant states:

a. The animals will be taken and tagged prior to January, 1975, within one half-mile of the shore of Golfo San José, Chubut, Argentina;

b. The animals will be captured from a small rubber boat using a tail-grab designed by Dr. Roger Payne of the New York Zoological Society;

c. The proposed tagging and tracking project is a continuation of the project which commenced under an economic hardship exemption. This field project forms an essential portion of the Applicant's Ph.D. dissertation research;

d. A radio beacon, which is activated whenever the animal breaks the surface to breathe, will be attached to the dorsal fin of one animal. Visual tags will be placed on other members of the group in which the radio-tagged porpoise is found. The radio signal will be picked up by two shore-based receivers which permits triangulation and accurate location of the signal source. Such a tagging system allows for tracking of the animal for from three to six months, depending upon the duration of signals from the radio beacon;

e. The tracking system facilitates determination of the dimension and location of the animal's territory or range, movements of the animal with or against the tides and alterations of such movements dependent upon weather, time of day or time of year, preferred depths of water, and indications of avoidance of the location of capture. In addition, diving times may be ascertained and vocalizations may be recorded during various activities;

f. The objective of this project is to describe in detail the movement and general behavior of the dusky dolphin in and around Golfo San José, throughout varying physical and biological conditions as well as time. An attempt will be made to find environmental correlates to movement patterns and to establish whether or not the animal migrates in a predictable fashion. Possible correlates may be celestial cues, food availability, bottom and land topography, current and tidal systems, water temperature gradients, salinity or other chemical factors in the water, and the presence of members of the same and other species. All of these factors will be ascertained and recorded as available.

Documents submitted in connection with this application are available at the Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, telephone 202-343-4543.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Pursuant to § 216.15 of the Regulations, interested parties may submit written data or views on this application on or before Feb. 4, 1974.

Comments should be sent to the Director, National Marine Fisheries Service, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of this application are those of the Applicant and do

not reflect the views of the National Marine Fisheries Service.

Dated: December 26, 1973.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

[FR Doc.74-90 Filed 1-2-74;8:45 am]

HAWAIIAN MONK SEALS

Notice of Application for Scientific Research Permit

Notice is hereby given that the following applicant has applied for a permit to take one marine mammal for scientific research as authorized by section 101 (a)(1) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361-1407) and § 216.12 of the Regulations Governing the Taking and Importing of Marine Mammals (37 FR 28177, December 21, 1972) and pursuant to the instructions for preparing applications for permits (38 FR 26622, September 24, 1973). The Secretary considers the following application sufficient for consideration under the provisions of § 216.15(a) of the regulations.

Keith Ronald, Dean, College of Biological Science, University of Guelph, Guelph, Ontario, Canada, to take one Hawaiian monk seal (*Monachus schauinslandi*) for scientific research.

The Applicant states:

a. The seal will be netted in one of the preserve areas of the Hawaiian Islands by Dr. Ronald and/or his associates at Guelph, all of whom are familiar with the problems of capturing, transporting and maintaining warm water seals;

b. The seal will be placed in a plywood crate and transported by commercial airlines to the Guelph facility. The capturer will accompany the seal in transit;

c. There are five 18,000 gallon wood and fiberglas tanks and one 1,500 gallon isolation tank indoors at the Guelph facility. There are four outdoor tanks, two of 8,000 gallons capacity and two of 20,000 gallons capacity. The outdoor tanks have a water recirculation system which has temperature control to within 1° Centigrade. There is also one outdoor dug-out tank, measuring 200 feet long, 100 feet wide and 15 feet deep. Currently 14 seals are maintained throughout the facility;

d. In addition to the scientific staff, there are one fully qualified technician, two animal tenders and several graduate students;

e. At the request of the International Union for the Conservation of Nature and Natural Resources (IUCN), Professor Ronald has been undertaking annual surveys of the Mediterranean monk seal in the Dodecanese Islands, examining the population dynamics, breeding habits, environmental requirements and preserve sites of this species;

f. Only three extant species of seals, each a species of *Monachus*, have been found outside the colder waters of the world. Our knowledge of these warm water seals is extremely limited, and there is a need to make a detailed study of their functional anatomy, physiology and behavior. The examination would include visual and auditory activity, cardiovascular responses to locomotion, diving and stress, respiratory requirements of the dive, forty or more hematological tests, underwater behavior, thermal and osmoregulatory requirements, environmental temperature limitations, reproductive physiology and chemical changes, growth hormone studies, moult and pelage changes, cryothermic branding techniques, and biocidal levels in blood and external tissues;

g. The information obtained from this program of study will be used as background material for the IUCN study of the Mediterranean monk seal, which is in urgent need of protection. Due to the depleted status of the Mediterranean monk seal, and the probable extinction of the Caribbean species, the Hawaiian monk seal remains the sole warm water seal available in the world for organized study. It is essential that it be brought into captivity in a proven holding system, such as is available at the Guelph facility.

Documents submitted in connection with this application are available as follows:

Office of the Director, National Marine Fisheries Service, Washington, D.C. 20235, telephone 202-343-4543.

Regional Director, National Marine Fisheries Service, Southwest Region, 300 South Ferry Street, Terminal Island, California 90731, telephone 213-548-2575.

Concurrent with the publication of this notice in the FEDERAL REGISTER, the Secretary of Commerce is sending copies of the application to the Marine Mammal Commission and the Committee of Scientific Advisors.

Pursuant to § 216.15 of the regulations, interested parties may submit written data or views on this application on or before February 4, 1974.

Comments should be sent to the Director, National Marine Fisheries Service, Washington, D.C. 20235.

All statements and opinions contained in this notice in support of this application are those of the Applicant and do not reflect the views of the National Marine Fisheries Service.

Dated: December 21, 1973.

ROBERT W. SCHONING,
Director,
National Marine Fisheries Service.

[FR Doc.74-91 Filed 1-2-74;8:45 am]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Center for Disease Control

OCCUPATIONAL SAFETY AND HEALTH

Applications for Certification of Certain Gas Detector Tube Units

In the FEDERAL REGISTER of May 8, 1973 (38 FR 11458), the Department adopted regulations which set forth the requirements and procedures for the evaluation and certification of gas detector tube units (42 CFR Part 84). In accordance with § 84.3(a) of the regulations, notice is hereby given that the National Institute for Occupational Safety and Health will accept applications for certification of gas detector tube units pursuant to the following schedule:

Gas	Dates for submittal	Test standard
1. Ammonia (NH_3)	Jan. 1-31, 1974	50.0 ppm.
2. Chlorine (Cl_2)	Feb. 1-28, 1974	1.0 ppm.
3. Trichloroethylene (C_2HCl_3).	Mar. 1-31, 1974	100.0 ppm.

All applications and any questions concerning the certification program should be submitted to the Institute's Testing and Certification Laboratory, 944 Chestnut Ridge Road, Morgantown, W. Va. 26505.

Dated: December 20, 1973.

EDWARD J. BAIER,
Acting Director, National Institute for Occupational Safety and Health.

[FR Doc.74-173 Filed 1-2-74;8:45 am]

OCCUPATIONAL SAFETY AND HEALTH

Request for Information on Occupational Exposure to Fibrous Glass

Section 20(a)(3) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 669(a)(3)) provides that the Secretary of Health, Education, and Welfare, on the basis of information available to him, shall develop criteria dealing with toxic materials and harmful physical agents and substances which will describe exposure levels that are safe for various periods of employment. Section 22(c) of the Act authorizes the National Institute for Occupational Safety and Health to develop recommended occupational safety and health standards and to perform all functions of the Secretary of Health, Education, and Welfare, under sections 20 and 21 of the Act.

The Institute is developing a recommended standard for occupational exposure to fibrous glass and is seeking information pertaining to fibrous glass heretofore not available to it. Any person having information or data which are not readily available in "open scientific literature" concerning (1) the health effects of occupational exposure to fibrous glass, (2) work practices or procedures which may be instituted for control of the work place environment for any situation involving substantial exposure to fibrous glass, or (3) any other areas which the person considers relevant to the establishment of a safe and healthful occupational environment involving exposure to fibrous glass, is invited to submit two (2) copies of such information, with accompanying documentation, to the Assistant Institute Director for Research and Standards Development, National Institute for Occupational Safety and Health, 5600 Fishers Lane, Rockville, Maryland 20852, by March 4, 1974.

It is the intention of the Institute to convene a national symposium on fibrous

glass for the purpose of providing a forum for scientific discussion of the identified gaps in knowledge regarding the health effects of prolonged exposure to this substance. The date, time, and place of the national symposium on fibrous glass will be announced in the FEDERAL REGISTER.

Dated: December 20, 1973.

EDWARD J. BAIER,
Acting Director, National Institute for Occupational Safety and Health.

[FR Doc.74-172 Filed 1-2-74;8:45 am]

Food and Drug Administration

[DESI 12177]

[Docket No. FDC-D-675; NDA 12-177]

STRASENBURGH LABORATORIES; DIMETHACOL CAPSULES

Notice of Opportunity for Hearing on Proposal to Withdraw Approval of New Drug Application

In a notice (DESI 12177) published in the FEDERAL REGISTER on July 28, 1972 (37 FR 15189), the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drug described below stating that the drug was regarded as possibly effective for the various labeled indications. The product has been reclassified as lacking substantial evidence of effectiveness in that no data have been submitted pursuant to the notice. Strasenburgh has informed the Food and Drug Administration that marketing of the drug has been discontinued.

Dimethacol Capsules containing methscopolamine resin and methaqualone resin (formerly called Akalon-T '5' Capsules and Akalon-T '10' Capsules); Strasenburgh Laboratories, Division Pennwalt Corp., 755 Jefferson Road, Rochester, NY 14623 (NDA 12-177).

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, Maryland 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before (February 4, 1974) the applicant(s) and any other interested person is required to file with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within the specified time will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file; on or before February 4, 1974, a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after February 4, 1974, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: December 19, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.74-46 Filed 1-2-74;8:45 am]

[DESI 11114; Docket No. FDC-D-623; NDA No. 11-114]

WYETH LABORATORIES; CERTAIN RECTAL SUPPOSITORIES CONTAINING HYDROCORTISONE ACETATE, BELLADONNA EXTRACT, AND EPHEDRINE SULFATE

Notice of Opportunity for Hearing on Proposal to Withdraw Approval of New Drug Application

In a notice (DESI 11114) published in the FEDERAL REGISTER of February 26, 1971 (36 FR 3534) the Commissioner of Food and Drugs announced his conclusions pursuant to the evaluation of a report received from the National Academy of Sciences-National Research Council, Drug Efficacy Study Group, on the drug described below stating that the drug was regarded as possible effective for the various labeled indications.

NDA 11-114; Wyanoids HC Rectal Suppositories containing hydrocortisone acetate, belladonna extract, ephedrine sulfate, zinc oxide, boric acid, bismuth iodide oxide, bismuth subcarbonate, and balsam peru; Wyeth Laboratories, Inc., Division American Home Products Corp., Post Office Box 8299, Philadelphia, Pa. 19101.

Data submitted by the NDA holder in response to the February 26, 1971 notice have been concerned primarily with a reformulated product omitting ephedrine

and belladonna and increasing the dose of hydrocortisone acetate. Fourteen reprints from the scientific literature have also been submitted. Most of them represent discussions, studies, and comparisons of absorption of steroids administered rectally by various methods. With few exceptions the studies were not designed or intended to evaluate efficacy. Two studies (Patterson and McGivney and Patterson, McGivney, Ong, and Drake) describe the administration of hydrocortisone or hydrocortisone acetate by suppositories and other methods and evaluate the results. In one study Wyanoids HC was used; in the other, it is not clear whether the combination product Wyanoids HC or a suppository containing hydrocortisone without belladonna extract and ephedrine sulfate was used. These studies, reported in 1959 and 1965, do not describe the methods of selection of patients or the methods employed by the investigators to observe and record results, as required by 21 CFR 130.12(a)(5). Neither are the studies well-controlled within the meaning of 21 CFR 130.12(a)(5), as they fail to provide a comparison of the combination product, if in fact a combination product was used in both studies, with each component used alone. Thus, the studies fail to provide substantial evidence of effectiveness and in addition, they are inadequate to meet the requirements of 21 CFR 3.86 for combination drugs.

In the absence of data constituting substantial evidence of effectiveness, the possibly effective indications are reclassified as lacking substantial evidence of effectiveness.

Therefore, notice is given to the holder(s) of the new drug application(s) and to any other interested person that the Commissioner proposes to issue an order under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (e)) withdrawing approval of the listed new drug application(s) and all amendments and supplements thereto on the grounds that new information before him with respect to the drug(s), evaluated together with the evidence available to him at the time of approval of the application(s), shows there is a lack of substantial evidence that the drug(s) will have all the effects purported or represented to have under the conditions of use prescribed, recommended, or suggested in the labeling.

All identical, related, or similar products, not the subject of an approved new drug application, are covered by the new drug application(s) reviewed. See 21 CFR 130.40 (37 FR 23185, October 31, 1972). Any manufacturer or distributor of such an identical, related, or similar product is an interested person who may in response to this notice submit data and information, request that the new drug application(s) not be withdrawn, request a hearing, and participate as a party in any hearing. Any person who wishes to determine whether a specific product is covered by this notice should write to the Food and Drug Administration, Bureau of Drugs, Office of Compliance (HFD-300), 5600 Fishers Lane, Rockville, Maryland 20852.

In accordance with the provisions of section 505 of the Act (21 U.S.C. 355) and the regulations promulgated thereunder (21 CFR Part 130), the Commissioner hereby gives the applicant(s) and any other interested person an opportunity for a hearing to show why approval of the new drug application(s) should not be withdrawn.

On or before February 4, 1974 the applicant(s) and any other interested person is required to file with the Hearing Clerk, Food and Drug Administration, Room 6-86, 5600 Fishers Lane, Rockville, Maryland 20852, a written appearance electing whether or not to avail himself of the opportunity for a hearing. Failure of an applicant or any other interested person to file a written appearance of election within the specified time will constitute an election by him not to avail himself of the opportunity for a hearing. No extension of time may be granted.

If no person elects to avail himself of the opportunity for a hearing, the Commissioner without further notice will enter a final order withdrawing approval of the application(s).

If an applicant or any other interested person elects to avail himself of the opportunity for a hearing, he must file, on or before a written appearance requesting the hearing, giving the reasons why approval of the new drug application(s) should not be withdrawn, together with a well-organized and full-factual analysis of the clinical and other investigational data he is prepared to prove in support of his opposition. A request for a hearing may not rest upon mere allegations or denials, but must set forth specific facts showing that a genuine and substantial issue of fact requires a hearing (21 CFR 130.14(b)).

If review of the data submitted by an applicant or any other interested person warrants the conclusion that there exists substantial evidence demonstrating the effectiveness of the product(s) for the labeling claims involved, the Commissioner will rescind this notice of opportunity for hearing.

If review of the data in the application(s) and data submitted by the applicant(s) or any other interested person in a request for a hearing, together with the reasoning and factual analysis in a request for a hearing, warrants the conclusion that no genuine and substantial issue of fact precludes the withdrawal of approval of the application(s), the Commissioner will enter an order of withdrawal making findings and conclusions on such data.

If, upon the request of the new drug applicant(s) or any other interested person, a hearing is justified, the issues will be defined, a hearing examiner will be named, and he shall issue, as soon as practicable after February 4, 1974, a written notice of the time and place at which the hearing will commence. All persons interested in identical, related, or similar products covered by the new drug application(s) will be afforded an opportunity to appear at the hearing, file briefs, present evidence, cross-examine witnesses, submit suggested findings of fact, and otherwise participate as a party. The hearing contemplated by this notice will be open to the public except that any portion of the hearing that concerns a method or process the Commissioner finds entitled to protection as a trade secret will not be open to the public, unless the respondent specifies otherwise in his appearance.

Requests for a hearing and/or elections not to request a hearing may be seen in the Office of the Hearing Clerk (address given above) during regular business hours, Monday through Friday.

This notice is issued pursuant to provisions of the Federal Food, Drug, and Cosmetic Act (sec. 505, 52 Stat. 1052-53, as amended; 21 U.S.C. 355), and the Administrative Procedure Act (5 U.S.C. 554), and under authority delegated to the Commissioner (21 CFR 2.120).

Dated: December 20, 1973.

WILLIAM F. RANDOLPH,
Acting Associate Commissioner for Compliance.

[FR Doc.74-47 Filed 1-2-74;8:45 am]

Health Resources Administration

NURSING RESEARCH AND EDUCATION ADVISORY COMMITTEE

Notice of Meetings

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

Committee name	Date, time, place	Type of meeting and contact person
Nursing Research and Education Advisory Committee.	Jan. 21, 8:30 a.m., Conference Room B108, Federal Bldg., 7550 Wisconsin Ave., Bethesda, Md.	Open—8:30-10:00 a.m., closed remainder of meeting, contact Dr. Doris Bloch, Federal Bldg., 7550 Wisconsin Ave., Rm. 6A-10, Bethesda, Md., code 301-496-6955.

Purpose. The committee is charged with the initial review of research grant applications in all areas of nursing education and practice, including studies of extended professional roles, model curricula, clinical investigations, historical research, and institutional research development and with surveying the status of research in nursing education and practice.

Agenda. Agenda items during the open session will cover administrative and staff reports. The remainder of the meeting will be devoted to the review of grant applications, and will be closed to the public, in accordance with the determination by the Administrator, Health Resources Administration, pursuant to Pub. L. 92-463, section 10(d).

Agenda items are subject to change as priorities dictate.

A portion of the meeting is open to the public for observation and participation. Anyone wishing to participate should contact the above individual.

Dated: December 20, 1973.

KENNETH M. ENDICOTT, M.D.,
Administrator,
Health Resources Administration.

[FR Doc.74-171 Filed 1-2-74;8:45 am]

Office of Education

COOPERATIVE EDUCATION PROGRAMS

Notice of Proposed Funding Criteria for Fiscal Year 1974

1. Pursuant to the authority contained in Title IV, Part D of the Higher Education Act of 1965 (Pub. L. 89-329; 79 Stat. 1219), as amended (20 U.S.C. 1087a-1087c), notice is hereby given that the Commissioner of Education, with the approval of the Secretary of Health, Education, and Welfare, proposes to establish funding criteria set forth below for Fiscal Year 1974 applications for grants under the Cooperative Education Program.

2. For the conduct of programs of cooperative education, the Commissioner is authorized to make grants to institutions of higher education. For programs that train personnel in the field of cooperative education and for cooperative education research programs, the Commissioner is also authorized to make: (a) Grants to institutions of higher education, or combinations of such institutions, and public or private nonprofit agencies or organizations, or (b) contracts with institutions of higher education, or combinations of such institutions, and public or private agencies or organizations.

Interested persons are invited to submit written comments, suggestions, or objections regarding the proposed funding criteria to the Division of College Support, U.S. Office of Education, 7th and D Streets, SW., Room 4060-ROB-3, Washington, D.C. 20202. Comments received in response to this notice will be available for public inspection at the above office on Mondays through Fridays between 8:30 a.m. and 4:30 p.m.

All relevant material recevied by January 18, 1974 will be considered.

Dated: November 27, 1973.

JOHN OTTINA,
U.S. Commissioner of Education.

Approved: December 26, 1973.

FRANK CARLUCCI,
Acting Secretary of Health, Education, and Welfare.

CRITERIA FOR SELECTION OF APPLICATIONS

(a) *Funding criteria for grants for the conduct of programs of cooperative education.* In addition to the review criteria found in 45 CFR 100a.26(b) (published in the FEDERAL REGISTER November 6, 1973 (38 FR 30654)), the Commissioner shall evaluate applications requesting Federal support for the planning, establishment, expansion, or carrying out of cooperative education programs in accordance with the following criteria: (1) The extent to which the project proposes to:

(i) Supplement the career educational opportunities that already exist at the applicant institution.

(ii) Modify existing undergraduate teaching practices, the student calendar, and curricula, to meet the particular needs of students participating in the cooperative education project.

(2) The extent to which the project proposes to concentrate on the needs of low-income and minority students, veterans, women, and handicapped students.

(3) The extent to which the proposed project provides for clearly defined procedures that give evidence of:

(i) Comprehensive and in-depth planning.

(ii) Coordination between the student's work experience and his academic and career goals.

(iii) Effective use of human and material resources.

(4) The extent to which the proposal reflects institutional commitment to cooperative education, as evidenced by:

(i) The involvement of administrators, trustees, faculty, students, employers, and cooperative education specialists.

(ii) The establishment of procedures making curriculum and calendar changes needed to reflect the particular needs of students participating in the cooperative education program.

(iii) The formulation of a cooperative education philosophy appropriate to the needs and characteristics of the particular institution.

(20 U.S.C. 1087b)

(b) *Funding criteria for programs for training personnel in the field of cooperative education.* In addition to the review criteria found in 45 CFR 100a.26(b), the Commissioner shall evaluate applications requesting Federal support for the training of persons in the planning, establishment, administration, or coordination of programs of cooperative education in accordance with the following criteria:

(1) The extent to which the project proposes to sensitize trainees to the need for the modification of existing undergraduate teaching practices, the student calendar, and curricula, to meet the particular needs of students participating in a cooperative education project.

(2) The extent to which the project proposes to sensitize trainees to the particular needs of low-income and minority students, veterans, women, and handicapped students.

(3) The extent to which the proposed project provides for clearly defined procedures that give evidence of:

(i) Comprehensive and in-depth planning.

(ii) Effective use of human and material resources.

(4) The extent to which the applicant demonstrates its commitment to a cooperative education training program by its proposal to utilize resources other than those which may be made available by the Federal government.

(5) The extent to which the proposed training program shows promise of developing trainees who may apply their expertise in more than one cooperative education program.

(20 U.S.C. 1087c)

(c) *Funding criteria for cooperative education research programs.* In addition to the review criteria found in 45 CFR 100a.26(b), the Commissioner shall evaluate applications requesting Federal support for research into methods of improving, developing, or promoting the use of cooperative education programs in institutions of higher education according to the following criteria:

(1) The extent to which the research project proposes to focus on the need to modify existing undergraduate teaching practices, the student calendar, and curricula, to meet the particular needs of students participating in a cooperative education program.

(2) The extent to which the research proposal reflects an emphasis on the particular needs of low-income and minority students, veterans, women, and handicapped students.

(3) The extent to which the proposed project provides for clearly defined procedures with:

(i) Well delineated methodologies.

(ii) Realistically designed work schedules.

(iii) A logical relationship between stated objectives and research design.

(4) The extent to which the proposed project reflects innovative approaches to the operation of cooperative education programs.

(5) The extent to which the proposed project provides for hypothesis and methodology that will develop, improve, and promote the uses of cooperative education nationally through:

(i) Experimental as well as other kinds of models.

(ii) Various methods of information dissemination.

(20 U.S.C. 1087c)

(d) *General provisions regulations.* Assistance under this program will be subject to the regulations contained in Part 100a of Title 45 of the Code of Federal Regulations.

(20 U.S.C. 1221c (b) (1))

[FR Doc.74-176 Filed 1-2-74;8:45 am]

COOPERATIVE EDUCATION PROGRAMS

Notice of Closing Date for Receipt of Applications

Pursuant to the authority contained in Title IV, Part D of the Higher Education Act of 1965 (Pub. L. 89-329; 79 Stat. 1219), as amended, 20 U.S.C. 1087a-1087c, notice is hereby given that the Commissioner of Education has established a closing date for receipt of applications for grants under the Cooperative Education Program.

Applications must be received by the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building Three, 7th and D Streets, SW., Washington, D.C. 20202 (mailing address: U.S. Office of Education, Application Control Center, 400 Maryland Ave-

nue, S.W., Washington, D.C. 20202), on or before January 2, 1974. Applications may be obtained from the Division of College Support, U.S. Office of Education, 7th and D Streets, SW, Room 4060–ROB–3, Washington, D.C. 20202.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calander day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education).

(Catalog of Federal Domestic Assistance No. 13.510, Cooperative Education Programs)

Dated November 20, 1973.

JOHN OTTINA,
U.S. Commissioner of Education.

[FR Doc.74–253 Filed 1–2–74;8:45 am]

EDUCATION OF HANDICAPPED CHILDREN

Notice of Extension of Closing Date for Receipt of Applications for New Early Education Grants Under the Education of the Handicapped Act

Notice is hereby given that, due to extenuating circumstances, the U.S. Commissioner of Education has extended the closing date for receipt of applications for new early education grants to appropriate public agencies and private nonprofit organizations under section 623 of the Education of the Handicapped Act (20 U.S.C. 1423) (Early Education for Handicapped Children), previously published in the FEDERAL REGISTER at 38 FR 32153 on November 21, 1973.

Applications for new early education grants must be received by the U.S. Office of Education Application Control Center, Room 5673, Regional Office Building—Three, 7th and D Streets, SW., Washington, D.C. 20202 (mailing address: U.S. Office of Education Application Control Center, 400 Maryland Avenue, SW., Washington, D.C. 20202, Attention 13.444) or on before January 15, 1974.

An application sent by mail will be considered to be received on time by the Application Control Center if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday, or Federal Holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail rooms in Washington, D.C. (in establishing the date of receipt, the Commissioner will rely on the time—date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Education, and Welfare, or the U.S. Office of Education).

(20 U.S.C. 1423)

(Catalog of Federal Domestic Assistance Program No. 13.444—Early Childhood Education)

Dated: December 27, 1973.

JOHN OTTINA,
U.S. Commissioner of Education.

[FR Doc.74–317 Filed 1–2–74;8:45 am]

EDUCATIONAL PROGRAMS FOR MIGRATORY CHILDREN

Notice of Closing Date for Receipt of Applications

Notice is hereby given pursuant to the authority contained in section 141(c)(1) of the Elementary and Secondary Education Act of 1965, as amended (20 U.S.C. 241e(c)(1)), that applications are being accepted from State educational agencies for grants to establish or improve programs of education for migratory children of migratory agricultural workers.

Complete applications for grants for such programs for Fiscal Year 1974 must be submitted to the ESEA, Title I Migrant Programs Branch, Division of Compensatory Education, Bureau of Elementary and Secondary Education, Washington, D.C. 20202, on or before February 8, 1974. Such applications shall include separate descriptions and budgets for programs for migratory children being conducted or to be conducted with Title I funds appropriated for Fiscal Year 1973.

An application sent by mail will be considered to be received on time if:

(1) The application was sent by registered or certified mail not later than the fifth calendar day prior to the closing date (or if such fifth calendar day is a Saturday, Sunday or Federal holiday, not later than the next following business day), as evidenced by the U.S. Postal Service postmark on the wrapper or envelope, or on the original receipt from the U.S. Postal Service; or

(2) The application is received on or before the closing date by either the Department of Health, Education, and Welfare, or the U.S. Office of Education mail room in Washington, D.C. (In establishing the date of receipt, the Commissioner will rely on the time-date stamp of such mail rooms or other documentary evidence of receipt maintained by the Department of Health, Eduaction, and Welfare or the U.S. Office of Education.)

(Catalog of Federal Domestic Assistance No. 13.429, Educationally Deprived Children)

Dated: December 20, 1973.

JOHN OTTINA,
U.S. Commissioner of Education.

[FR Doc.74–319 Filed 1–2–74;8:45 am]

Office of the Secretary

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL; SUBCOMMITTEE ON POLICY DEVELOPMENT

Notice of Meeting

The National Professional Standards Review Council Subcommittee on Policy Development will meet on Monday, January 14, 1974. This Subcommittee was formed to review policy issues of importance in the implementation of Title XI, Part B, Social Security Act. The meeting will be held at the Parklawn Building, 5600 Fishers Lane, Rockville, Maryland, Conference Room L, 11:00 a.m. to 4:00 p.m. Professional standards review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality care. The Subcommittee's agenda will include timely policy issues. The meeting is open to the public.

Dated: December 20, 1973.

HENRY E. SIMMONS,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.74–67 Filed 1–2–74;8:45 am]

Office of the Secretary

NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

Notice of Meeting

The fifth meeting of the National Professional Standards Review Council, which was established to advise the Secretary of the Department of Health, Education, and Welfare on the administration of Professional Standards Review (Title XI, Part B, Social Security Act) will be held Monday, January 21, and Tuesday, January 22, 1974. The Council will meet from 9:00 a.m. to 5:00 p.m at Room 5051, HEW North Building, 330 Independence Avenue, SW, Washington, D.C. Professional Standards Review is the procedure to assure that the services for which payment may be made under the Social Security Act are medically necessary and conform to appropriate professional standards for the provision of quality health care. The Council's agenda will include discussion of a variety of issues relevant to the implementation of the PSRO program. The meeting is open to the public.

Dated: December 20, 1973.

HENRY E. SIMMONS,
Executive Secretary, National Professional Standards Review Council.

[FR Doc.74–66 Filed 1–2–74;8:45 am]

OFFICE OF EXTERNAL AFFAIRS

Statement of Mission, Organization and Functions

Part 1 of the Statement of Mission, Organization, and Functions for the Department of Health, Education, and Welfare is amended to add a new Section 1A40, Office of External Affairs. The new section reads as follows:

Section 1A40.00 *Mission:* The Office of External Affairs serves as the focal point for liaison between the Secretary and the Department with interest groups and national organizations which are concerned with a broad range of policies, programs, and issues of the Department.

Section 1A40.10 *Organization:* The Office of External Affairs is under the supervision of the Special Assistant to the Secretary for External Affairs who reports to the Secretary.

Section 1A40.20 *Functions:* The Office of Special Assistant to the Secretary for External Affairs is responsible for:

1. Initiating, designing, and effecting consultation sessions with interest groups outside the Department on Departmental policy development and program implementation.
2. Assisting agencies and program units within the Department to develop and implement consultation strategies with organizations to ensure communications during the development and implementation of policies and programs.
3. Coordinating Departmental presence at meetings of national organizations.
4. Coordinating Departmentwide liaison with interest groups and national organizations.
5. Providing the central resource within HEW for information on national organizations and interest groups.
6. Communicating with and providing HEW-related information to national organizations and interest groups.
7. Serving as the personal representative of the Secretary with organizations, agencies, and groups outside the Department on a wide range of issues and policies of mutual concern.

Dated: December 21, 1973.

FRANK CARLUCCI,
Acting Secretary.

[FR Doc.74-65 Filed 1-2-74;8:45 am]

ATOMIC ENERGY COMMISSION

[License No. 20-15525-02E]

ION TRACK INSTRUMENTS, INC.

Notice of Issuance of Byproduct Material License

Please take notice that the Atomic Energy Commission has, pursuant to § 32.26 of 10 CFR Part 32, issued License No. 20-15525-02E to Ion Track Instruments, Incorporated, 179 Bear Hill Road, Waltham, Massachusetts 02154, which authorizes the distribution of Models 27 and 58 explosives detectors to persons exempt from the requirements for a license pursuant to § 30.20 of 10 CFR Part 30.

1. The devices are designed to detect vapors from explosives. The sensitive element of the device is the detection chamber in which an argon gas/air sample mixture flowing through the chamber is made conductive by beta particles emitted by radioactive tritium or nickel-63.

2. The byproduct material incorporated in the Model 27 detector is 500 millicuries of tritium absorbed in titanium contained in foils manufactured by the Radiochemical Centre. The byproduct material incorporated in the Model 58 detector is 10 millicuries of nickel-63 contained in foils manufactured by the Radiochemical Centre.

3. Each exempt unit will have a label identifying the importer (Ion Track Instruments, Inc.) and the byproduct material (tritium or nickel-63) contained in the unit and recommending that the unit be returned to Ion Track Instruments, Inc. for repair or disposal.

A copy of the license and a safety evaluation containing additional information, prepared by the Directorate of Licensing, are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW, Washington, D.C.

For the Atomic Energy Commission.

Dated at Bethesda, Maryland December 20, 1973.

JAMES C. MALARO,
Chief, Materials Branch, Directorate of Licensing.

[FR Doc.74-134 Filed 1-2-74;8:45 am]

LOUISIANA POWER AND LIGHT CO.

[Docket No. 50-382]

Designation of Successor Board Chairman

Charles A. Haskins, the designated Chairman in the above-entitled proceeding, died on December 18, 1973.

Thomas W. Reilly is designated as the successor Chairman of the Board herein.

Dated at Washington, D.C. this 26th day of December, 1973.

NATHANIEL H. GOODRICH,
Chairman, Atomic Safety and Licensing Board Panel.

[FR Doc.74-136 Filed 1-2-74;8:45 am]

[Docket No. 50-267]

PUBLIC SERVICE COMPANY OF COLORADO

Notice of Issuance of a Facility Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued Facility Operating License No. DPR-34 to the Public Service Company of Colorado authorizing operation of the Fort St. Vrain Nuclear Generating Station at steady state reactor core power levels not in excess of 842 megawatts thermal, in accordance with the provisions of the license and the Technical Specifications. The Fort St. Vrain Nuclear Generating Station is a high temperature gas-cooled nuclear reactor located at the licensee's site in Weld County, Colorado, about three and one-half miles northwest of Platteville, Colorado.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license. The application for the license complies with the standards and requirements of the Act and the Commission's rules and regulations.

The license is effective as of its date of issuance and shall expire on September 17, 2008.

A copy of (1) Facility Operating License No. DPR-34, complete with Technical Specifications (Appendices "A" and "B"); (2) the report of the Advisory Committee on Reactor Safeguards, dated May 12, 1971; (3) the Directorate of Licensing's Safety Evaluation dated January 20, 1972; (4) the Final Safety Analysis Report and amendments thereto; (5) the licensee's Environmental Report dated December 22, 1970 and supplements thereto; (6) the Draft Environmental Statement dated April 1972; and (7) the Final Environmental Statement dated August 1972, are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C. and at the Greeley Public Library, City Complex Building, Greeley, Colorado 80631. A copy of the license and the Safety Evaluation may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing, Regulation.

Dated at Bethesda, Maryland, this 21st day of December 1973.

For the Atomic Energy Commission.

ROBERT A. CLARK,
Chief, Gas Cooled Reactors Branch, Directorate of Licensing.

[FR Doc.74-135 Filed 1-2-74;8:45 am]

[Docket No. 50-259]

TENNESSEE VALLEY AUTHORITY

Notice of Issuance of an Amendment to Facility Operating License

The Atomic Safety and Licensing Board having dismissed the proceeding relating to licensing action in a "Memorandum and Order," dated November 27, 1973, the Atomic Energy Commission (the Commission) has issued Amendment No. 2 to Facility Operating License No. DPR-33 to the Tennessee Valley Authority (the licensee), which amends the license in its entirety and authorizes operation of the Browns Ferry Nuclear Plant, Unit 1 (the facility) at steady state reactor core power levels not in excess of 3293 megawatts thermal, in accordance with the provisions of the amended license and the Technical Specifications contained in Appendices A and B, as changed, attached to Facility Operating License No. DPR-33 dated June 26, 1973. The facility is a boiling water nuclear reactor located at the licensee's site in Limestone County, Alabama.

The amended license also authorizes the licensee to receive, possess, and use 10 millicuries of Strontium-90 in the form of a sealed source in addition to the 0.01 millicurie in the form of sealed sources, not to exceed 1.2 microcuries per source, which is authorized in License No. DPR-33, dated June 26, 1973. The additional Strontium-90 sealed source will be used for portable survey instrumentation calibration verification. The licensee has described in a letter to the Commission dated November 16, 1973, the material's usage and control and has in force for the facility Standard Practice Number BFS2 entitled "Radioactive Byproduct Materials," which supersedes Standard Practice Number 8. This document contains procedures and authorizations regarding safety, control, and accountability requirements governing the storage and use of licensed byproduct material such as Strontium-90. It is concluded therefrom that the additional byproduct material does not present a significant hazards consideration.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the amended license. The application for the license complies with the standards and requirements of the Act and the Commission's rules and regulations.

The amended license is effective as of its date of issuance and shall expire on May 10, 2007.

A copy of (1) the "Memorandum and Order," dated November 27, 1973; (2) the licensee's request for additional byproduct material dated November 16, 1973; (3) Facility Operating License No. DPR-33, as amended, complete with Technical Specifications (Appendices "A" and "B"), as changed; (4) the report of the Advisory Committee on Reactor Safeguards, dated September 21, 1972; (5) the Director of Licensing's Safety Evaluation and an Errata thereto dated June 26, 1972, and Supplements 1 through 5 thereto; (6) the Final Safety Analysis Report and amendments thereto; (7) the licensee's Draft Environmental Statement dated July 1971, and supplement thereto dated November 8, 1971; and (8) the licensee's Final Environmental Statement dated September 1, 1972, are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW, Washington, D.C. 20545, and the Athens Public Library, South and Forrest, Athens, Alabama 35611. A copy of the amended license and the Safety Evaluation may be obtained upon request addressed to the United States Atomic Energy Commission, Regulation, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 20th day of December, 1973.

For the Atomic Energy Commission.

JOHN F. STOLZ,
Chief, Light Water Reactors Project Branch 2-1, Directorate of Licensing.

[FR Doc.74-137 Filed 1-2-74;8:45 am]

[Docket Nos. 50-438A & 50-439A]

TENNESSEE VALLEY AUTHORITY

Notice of Receipt of Attorney General's Advice and Time for Filing of Petitions To Intervene on Antitrust Matters

The Commission has received, pursuant to section 105c of the Atomic Energy Act of 1954, as amended, the following advice from the Attorney General of the United States, dated December 17, 1973:

"You have requested our advice pursuant to section 105 of the Atomic Energy Commission Act of 1954, as amended by Pub. L. 91-560, in regard to the above-captioned application. The Bellefonte Plant would consist of two 1,170 MW units, the first of which is scheduled for operation in September 1979 and the second which is scheduled for June 1980. The total estimated cost of the project is approximately $800,000,000.

"On December 11, 1972 the Department of Justice rendered antitrust advice to the Commission regarding Tennessee Valley Authority's application for construction permits for its proposed Watts Bar Nuclear Plant. We have examined the information submitted by applicant in connection with the present application, as well as other pertinent information with respect to applicant's competitive relationships, which has become available during the past year. None of the foregoing information provides any basis for changing the conclusions which we set forth with regard to the Watts Bar application. Our conclusion therefore is that, so far as we are aware, there are no antitrust problems which would require a hearing by your Commission on the instant application."

Any person whose interest may be affected by this proceeding may, pursuant to § 2.714 of the Commission's "Rules of Practice," 10 CFR Part 2, file a petition for leave to intervene and request a hearing on the antitrust aspects of the application. Petitions for leave to intervene and requests for hearing shall be filed by February 4, 1974 either (1) by delivery to the AEC Public Document Room at 1717 H Street, NW., Washington, D.C., or (2) by mail or telegram addressed to the Secretary, U.S. Atomic Energy Commission, Washington, D.C., 20545, Attn: Chief, Public Proceedings Branch.

For the Atomic Energy Commission.

ABRAHAM BRAITMAN,
Chief, Office of Antitrust & Indemnity, Directorate of Licensing.

[FR Doc.74-133 Filed 1-2-74;8:45 am]

[Docket No. 50-305]

WISCONSIN PUBLIC SERVICE CORP. ET AL.

Notice of Issuance of a Facility Operating License

Notice is hereby given that the Atomic Energy Commission (the Commission) has issued Facility Operating License No. DPR-43 to Wisconsin Public Service Corporation, Wisconsin Power and Light Company, and Madison Gas and Electric Company authorizing operation of the Kewaunee Nuclear Power Plant at steady state reactor core power levels not in excess of 1650 megawatts thermal, in accordance with the provisions of the license and the Technical Specifications. The Kewaunee Nuclear Power Plant is a pressurized water nuclear reactor located at the licensees' site in Kewaunee County, Wisconsin.

The Commission has made appropriate findings as required by the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license. The application for the license complies with the standards and requirements of the Act and the Commission's rules and regulations.

The license is effective as of its date of issuance and shall expire on August 6, 2008.

A copy of (1) Facility Operating License DPR-43, complete with Technical Specifications (Appendices A and B); (2) the reports of the Advisory Committee on Reactor Safeguards dated August 17, 1972 and June 14, 1973; (3) the Directorate of Licensing's Safety Evaluation dated July 24, 1972, and amendments thereto; (4) the Final Safety Analysis Report and amendments thereto; (5) the applicants' Environmental Report dated January 27, 1971, and supplements thereto; (6) the Draft Environmental Statement dated July 1972; and (7) the Final Environmental Statement dated December 1972; are available for public inspection at the Commission's Public Document Room at 1717 H Street, NW., Washington, D.C., and the Kewaunee Public Library, 314 Milwaukee Street, Kewaunee, Wisconsin 54216. A copy of the license and the Safety Evaluation may be obtained upon request addressed to the United States Atomic Energy Commission, Washington, D.C. 20545, Attention: Deputy Director for Reactor Projects, Directorate of Licensing.

Dated at Bethesda, Maryland, this 21st day of December 1973.

For the Atomic Energy Commission.

KARL KNIEL,
Chief, Light Water Reactors Branch 2-2, Directorate of Licensing.

[FR Doc.132 Filed 1-2-74;8:45 am]

CIVIL AERONAUTICS BOARD

[Docket No. 26245]

AMERICAN AIRLINES, INC. AND PAN AMERICAN WORLD AIRWAYS, INC.

Notice of Prehearing Conference

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on February 6, 1974, at 10:00 a.m. (local time), in Room 1027, Universal Building, 1825 Connecticut Avenue, NW., Washington, D.C., before Administrative Law Judge William H. Dapper.

In order to facilitate the conduct of the conference, parties are instructed to submit one copy to each party and four copies to the Judge of (1) proposed statements of issues; (2) proposed stipulations; (3) requests for information; (4) statement of positions of parties; and (5) proposed procedural dates. The Bureau of Operating Rights will circulate its material on or before January 18, 1974, and the other parties on or before January 30, 1974. The submissions of the other parties shall be limited to points on which they differ with the Bureau of Operating Rights, and shall follow the numbering and lettering used by the Bureau to facilitate cross-referencing.

Dated at Washington, D.C., December 21, 1973.

[SEAL] RALPH L. WISER,
Chief Administrative Law Judge.

[FR Doc.74-64 Filed 1-2-74;8:45 am]

[Dockets 25280, 25513, 25661; Order 73-12-84]

INTERNATIONAL AIR TRANSPORT ASSOCIATION

Order Relating to Currency Matters

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 20th day of December 1973.

Agreements adopted by the International Air Transport Association relating to currency matters over and within the North/Central Pacific and passenger fares over the North/Central Pacific; Agreement C.A.B. 24024, R-1 through R-13, Agreement C.A.B. 24007, R-3, Agreement C.A.B. 24008, R-8, 9, 11 and 15, Agreement C.A.B. 24111.

Agreements have been filed with the Board, pursuant to section 412(a) of the Federal Aviation Act of 1958 (the Act) and Part 261 of the Board's Economic Regulations, between various air carriers, foreign air carriers, and other carriers, embodied in the resolutions of the Traffic Conferences of the International Air Transport Association (IATA). The agreements, to be effective January 1, 1974 were adopted at various traffic conferences held at Nice and Monaco during August/September/October 1973, and by mail vote in October 1973, and have been assigned the above C.A.B. agreement numbers.

Passenger fares over the North/Central Pacific between United States West Coast points and Tokyo are proposed to be retained at status quo with the exception of the basic season group inclusive tour fare which is proposed to be reduced by ten percent. A new affinity-group fare would be introduced for groups of 100 or more for round-trip travel between the United States and Tokyo. This new fare represents a discount of 60 percent from the normal economy fare. Fares between United States West Coast points and Hong Kong would be retained at status quo with the exception of basic season group inclusive tour fares and affinity-group fares for groups of 70 or more which are proposed to be reduced by 10 percent. A comparison of the present and proposed fares is shown in the attachment.

In addition the agreements would provide for the imposition of a three percent surcharge to be applied to U.S.-originating travel over the North/Central Pacific. A three percent surcharge would likewise be applied to both passenger fares and cargo rates insofar as they apply in air transportation from all U.S. territories and possessions within the Pacific except American Samoa.[1]

By Order 73-11-82 dated November 19, 1973, the Board established procedural dates for the receipt of carrier justification and comments and/or objections from interested persons. In that order the Board noted that the subject agreement which would establish fares over the North/Central Pacific essentially comported with the Board's views as expressed in Order 73-7-54 dated July 12, 1973.[2] Justification, however, was required in support of the imposition of a three percent surcharge to be applied to U.S.-originating passengers.

Justifications have been received from all three U.S. carriers providing service over the North/Central Pacific, and from Japan Air Lines (JAL). With regard to the imposition of the proposed three percent currency surcharge, Pan American alleges that its total operating expenses in the Pacific have increased at least 1.5 percent as a result of devaluation. This is an estimated increase in costs taking account of benefits from devaluation in increased dollar revenue from tickets sold in certain foreign countries. Therefore, Pan American would require a revenue increase of approximately 1.5 percent in a currency surcharge to offset this loss. Pan American indicates that Japan Air Lines would require a currency adjustment of 4.48 percent on United States-originating fares to break even on the effects of devaluation. The proposed three percent surcharge, Pan American contends, is an extremely reasonable compromise between the needs of foreign-flag and U.S.-flag carriers.

TWA estimates that the proposed surcharge would increase transpacific revenues by 1.7 percent or approximately $700,000. Against this gain TWA estimates costs in the Far East attributable to the currency situation in excess of $750,000 exclusive of the currency revaluation factor which inevitably will be an integral part of fuel and oil prices. Northwest estimates that the additional revenue which would result from the instant proposal would be $2.1 million.

JAL states that its annual passenger revenues earned in the United States are $79 million, and that expenses associated with North/Central Pacific passenger service, incurred in the United States, are $52.3 million, resulting in a $26.7 million profit. At the old predevaluation yen/dollar exchange rate,[3] this profit was equivalent to 8062 million yen, but has now declined to 7086 million yen based on post-devaluation exchange rates.[4] The resultant 976 million net loss in yen would require $3.678 million additional revenue (calculated at the 265.39 yen/dollar parity) to maintain JAL's present profit position. However, the three percent surcharge on U.S.-originating fares will produce only $2.291 million, imposing a net loss on JAL of $1.387 million.[5]

The Board has previously stated that generally when a currency is devalued, it is reasonable to conclude that some upward adjustment in fares quoted in that currency is necessary to compensate for the increased expenses incurred by both U.S. and foreign carriers.

By Order 73-8-119 dated August 24, 1973, the Board denied various petitions for reconsideration of its earlier disapproval of the imposition of a five percent currency surcharge. In that order the Board acknowledged that the impact of devaluation on foreign carriers is usually more severe than is the impact on the U.S. carriers. Generally some over-compensation of U.S. carriers results while the increased revenues to foreign carriers are not fully compensatory. The Board noted that a proposed increase in fares stemming from currency devaluation must, as a practical matter, be uniform for all carriers and should reflect a compromise which, although it may not affect each carrier equally, should strike a reasonable balance among all carriers.

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[1] By Order 73-11-100 the Board approved currency surcharges involving American Samoa but deferred action as regards other U.S. possessions within the Pacific.

[2] In this order the Board disapproved various proposed fare increases and currency surcharge of five percent to be applied to U.S.-originating passengers.

[3] 301.96 yen=$1.00 based upon monthly average of the official rate of exchange during the period January 1-February 12, 1973.

[4] 265.39 yen=$1.00 based upon monthly average of the official rate of exchange during the period February 13-November 20, 1973.

[5] $2.291 million=2.9 percent of $79 million. This 2.9 percent figure was used instead of a full 3 percent to exclude that portion of through fares which represents payment for transportation between the West Coast gateways and U.S. interior points, upon which no surcharge would be assessed.

In the case of the proposed five percent increase, it was determined that such an increase would not only favor the U.S. carriers, but also the largest single foreign carrier providing service over the routes as well. For that reason the Board was unable to conclude that the five percent adjustment was a reasonable and equitable compromise.

The subject agreement would provide for a surcharge to be applied to U.S.-originating passengers of three percent. Both Pan American and Northwest, the two largest U.S. carriers serving the area, acknowledge that they will realize increases in revenues—Pan American indicating an increase of 1.5 percent in its Pacific sector revenues and Northwest, $2.1 million. Both carriers contend that considering the impact on Japan Air Lines, the largest foreign-flag carrier providing service in the area, the proposed surcharge represents a reasonable compromise between the needs of foreign-flag and U.S.-flag carriers. TWA, on the other hand, even with the three percent surcharge, estimates a loss in revenues of $50,000 attributable to the currency situation. JAL indicates that, even with the three percent surcharge, it will incur a net $1,382 million loss in its profit position for operations in the United States.

In these circumstances it appears that the three percent increase represents a reasonable compromise and a balance reflecting the varying effects of devaluation upon the several carriers. The conditions which justify a currency-related surcharge have been met. The rest of the agreement also conforms to the Board's views as expressed in Order 73–7–54, and accordingly the entire agreement will be approved. We will also approve a new 6/23-day round-trip excursion fare between Guam and Singapore to be established at 70 percent of the applicable round-trip normal economy fare under the provisions of Resolution 072a, "TC3 Special Excursion Fares."

The Board, acting pursuant to sections 102, 204(a) and 412 of the Act makes the following findings:

1. It is not found that the following resolutions, which are incorporated in the agreements indicated, are adverse to the public interest or in violation of the Act:

Agreement CAB	IATA No.	Title	Application
24024:			
R-1	001b	North and Central Pacific Special Effectiveness Resolution (Tie-In).	3/1 (N. & C. Pacific).
R-2	001zz	North and Central Pacific Escape Resolution (New)	3/1 (N. & C. Pacific).
R-3	002	Standard Revalidation Resolution—North and Central Pacific	3/1 (N. & C. Pacific).
R-4	015b	North and Central Pacific Proportional Fares—North America (Readopting and Amending).	3/1 (N. & C. Pacific).
R-5	022g	North and Central Pacific Special Rules for Sales of Passenger Air Transportation (Readopting and Amending).	3/1 (N. & C. Pacific).
R-6	056	North and Central Pacific First-Class Fares	3/1 (N. & C. Pacific).
R-7	060	Economy-Class Conditions of Service (Readopting and Amending).	3/1 (N. & C. Pacific).
R-8	066	North and Central Pacific Economy-Class Fares	3/1 (N. & C. Pacific).
R-9	070u	North and Central Pacific 21-Day Excursion Fares (Readopting and Amending).	3/1 (N. & C. Pacific).
R-11	079d	North and Central Pacific Contract Bulk Inclusive Tour Rules (Readopting and Amending).	3/1 (N. & C. Pacific).
R-12	083c	North and Central Pacific 35-Day Individual Inclusive Tour Fares (Readopting and Amending).	3/1 N. & C. Pacific.
24007:			
R-3	022h	JT12/JT123 (South Atlantic) Special Rules for Sales of Passenger Air Transportation (Revalidating and Amending).	1/2; 1/2/3 (So. Atl.).
24008:			
R-8	022e	TC3 Special Rules for Sales of Passenger Air Transportation (Revalidating and Amending).	3.
R-9	022f	JT23/JT123 Special Rules for Sales of Passenger Air Transportation (Revalidating and Amending).	2/3; 1/2/3.
R-11	022n	JT12 and JT123 (Mid Atlantic) Special Rules for Sales of Passenger Air Transportation (Revalidating and Amending).	1/2; 1/2/3 (M. Atl.)
R-15	022m, 022a, 022j, 022k, 022L, 022b, 022c.	Special Rules for Sales of Cargo Air Transportation (TC2, TC3, JT12 North, Mid and South Atlantic, JT23, JT31 South Pacific, JT123) (Amending).	2; 3; 1/2; 2/3; 3/1; 1/2/3.
24111	072a.	TC3 Special Excursion Fares Round or Circle Trip	3.

2. It is not found that the following resolutions, which are incorporated in the agreement as indicated, are adverse to the public interest or in violation of the Act, provided that approval is subject to conditions previously imposed by the Board:

Agreement C.A.B.	IATA No.	Title	Application
24024:			
R-10	076j	North and Central Pacific Own Use and Affinity-Group Fares (Readopting and Amending).	3/1 (North and Central Pacific).
R-13	084b	North and Central Pacific Group Inclusive Tour Fares (Readopting and Amending).	3/1 (North and Central Pacific).

Accordingly, it is ordered, That:

1. Those portions of Agreements C.A.B. 24024, C.A.B. 24007, C.A.B. 24008, and C.A.B. 24111, set forth in paragraph 1 above be and hereby are approved;

2. Those portions of Agreement C.A.B. 24024 set forth in paragraph 2 above be and hereby are approved subject to previous conditions imposed by the Board;

3. The carriers are hereby authorized to file tariffs implementing the approved agreements on not less than one day's notice for effectiveness not earlier than January 1, 1974. The authority granted in this paragraph expires with January 31, 1974; and

4. Tariffs implementing the subject agreements shall be marked to expire no later than the respective expiry dates of the agreements.

This order will be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board:

[SEAL] EDWIN Z. HOLLAND,
Secretary.

[FR Doc.74–16 Filed 1–2–74;8:45 am]

CIVIL SERVICE COMMISSON

FEDERAL EMPLOYEES PAY COUNCIL

Notice of Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act, Pub. L. 92–463, notice is hereby given that the Federal Employees Pay Council will meet at 2:00 p.m. on January 9, 1974, to continue discussions on the fiscal year 1974 comparability adjustment for the statutory pay systems of the Federal Government.

In accordance with the provisions of section 10(d) of the Federal Advisory Committee Act, it has been determined by the Director of the Office of Management and Budget and the Chairman of the Civil Service Commission, who serve jointly as the President's Agent for the purposes of the Federal pay comparability process, that this meeting of the Federal Employees Pay Council will not be open to the public.

For the President's Agent:

MARIE HELMERISKI,
Acting Advisory Committee Management Officer for the President's Agent.

[FR Doc.74–183 Filed 1–2–74;8:45 am]

COST OF LIVING COUNCIL

[Phase IV Price Notice No. 1973–6]

LOSS OR LOW PROFIT FIRMS

Reporting Requirements

The purpose of this notice is to announce decisions of the Council which

*Attachment relating to comparative analysis of round-trip passenger fares filed as part of original document.

clarify the reporting requirements of loss or low profit price category I and II firms.

Consistent with Phase IV Price Ruling 1973–11, a Tier I or II loss or low profit firm is required to report quarterly just as any other Tier I or II firm. While it is clearly necessary for the Council to monitor profit margin performance in order to test whether a firm continues to qualify for loss or low profit relief, loss or low profit firms are not required to prenotify or to cost-justify price increases and the Council has decided that it is not necessary in connection with the Council's general economic monitoring responsibilities to require submission by those firms of all of the cost and pricing data required in the quarterly reports.

However, the Council has determined that sales data from loss or low profit firms is essential for adequate monitoring of industry-wide and product-line sales patterns in the economy, particularly in connection with review of requests for decontrol. This data is provided in Part VI of Form CLC–22, column (c). In addition, the weighted average percentage price increase (column (e)), is also needed for monitoring purposes.

Accordingly, as long as a firm qualifies for loss or low profit relief it need not complete and submit the following CLC forms or portions of forms in connection with quarterly reporting:

Forms or Portions of Forms Which May Be Omitted.

1. CLC–22: Part VI, Columns (d), (f) and (g).
2. Schedule C (Cost Justification): Entire form.
3. Schedule F (Food Manufacturing Revenues): Entire form.
4. Schedule T (Wholesale/Retail): Entire form.

Food manufacturing activities must be reported monthly as well as quarterly under Subpart Q of the Phase IV price regulations. The chief purpose of these monthly reports is to help assure that food manufacturing firms continuously monitor current revenues in order to avoid violation of the revenue limitations for the quarter. Since loss or low profit firms engaged in food manufacturing activities are not bound by the revenue limitations under Subpart Q, and since the Council has stated in the "Instructions for Food Manufacturing Reports" that the profit margin portions of the CLC–22 need not be completed for monthly reporting purposes, the Council has decided that loss or low profit firms subject to the food manufacturing rules need not submit any monthly reports under Subpart Q. Quarterly reports, however, are required in accordance with the supplementary instructions provided above.

Nothing in this notice applies to sales and leases subject to Subpart L (petroleum, petroleum products and real property used in the retailing of gasoline). As stated in CLC Phase IV Price Ruling 1973–1, a firm engaged in both petroleum and non-petroleum activities may qualify for loss or low profit relief but it may not apply the loss or low profit rules to its sales and leases subject to Subpart L. It follows, therefore, that all applicable prenotification and reporting requirements must be fully complied with in connection with petroleum activities regardless of whether the firm concerned is a loss or low profit firm or not.

The notice is effective January 3, 1974. Quarterly reports received after that date which omit data required by this notice will be returned for completion in accordance with this notice.

Issued in Washington, D.C., on December 27, 1973.

JAMES W. MCLANE,
Deputy Director,
Cost of Living Council.

[FR Doc.73-27326 Filed 12-28-73;8:46 am]

[Docket No. 73–80]

FEDERAL MARITIME COMMISSION

CARGO DIVERSION PRACTICES AT U.S. GULF PORTS BY MEMBERS OF THE GULF-EUROPEAN FREIGHT ASSOCIATION

Order of Investigation and Hearing

The Gulf-European Freight Association (GEFA) is an association of common carriers by water operating in the trade "from the United States Gulf ports to the United Kingdom, Eire and Continental Europe (Bordeaux-Hamburg Range), including ports and/or places or points on inland waterways tributary to said ocean ports and ranges," pursuant to FMC Agreement No. 9360. GEFA is composed of seven members: Atlantic Gulf Service AB, Central Gulf Lines, Inc., Combi Line, Gulf Container Line, Lykes Bros. Steamship Company, Inc., Sea-Land Service, Inc. and Seatrain Lines, Inc./Seatrain International S.A., hereinafter called Seatrain.[1]

The Commission's staff has received information that Combi Line, Sea-Land Service, Inc. and Seatrain have been and are diverting cargo from those U.S. Gulf ports to which such cargo is naturally tributary to other ports of exit which are directly served by them. This diversion is allegedly being practiced by means such as port equalization, absorption of part or all of the inland transportation cost, issuance of ocean bills of lading from ports other than ports of vessel loading, and, generally, by providing service other than by direct vessel call. Specifically, it has been alleged that cargo is being diverted from the Port of Lake Charles, Louisiana, and the Texas ports of Orange, Galveston, Freeport, Brownsville, and Beaumont to the Port of Houston, Texas, and from the Port of Mobile, Alabama, to the Port of New Orleans, Louisiana, resulting in the restriction of the normal development of the ports from which the cargo is being diverted.

Some of the GEFA members provide service by LASH or SEABEE, and it has been suggested that the practices of port equalization, absorption and generally of servicing ports other than by direct vessel call were adopted, inter alia, for the purpose of competing with those members who operate an all-water service. Therefore, we will require that an examination be made into the competitive conditions existing in this trade to determine whether other GEFA members, in addition to those specifically named above, have engaged in such practices and whether such practices, or a variation thereof, should be permitted if utilized to meet the competition from an all-water LASH or SEABEE service.

Since agenda for GEFA meetings list topics such as "port parity" and "substituted service", we will also require that an examination be made to determine whether GEFA members were aware of, agreed to or acquiesced in the alleged practices of Sea-Land Service, Inc., Seatrain and Combi Line in violation of the terms of FMC Agreement No. 9360 and in violation of section 15, Shipping Act, 1916.

Therefore, it is ordered, That, pursuant to sections 15 and 22 of the Shipping Act, 1916, an investigation shall be instituted to determine whether the carriers' practices in the trade between "U.S. Gulf ports and the United Kingdom, Eire and Continental Europe (Bordeau-Hamburg Range), including ports and/or places or points on inland waterways tributary to said ocean ports and ranges" of serving U.S. Gulf ports by other than direct vessel call, including, but not limited to the practices of port equalization, absorption of inland transportation charges, and substituted service:

1. Are contrary to the tariffs on file and, therefore, in violation of sections 18(b)(1), 18(b)(2), and 18(b)(3) of the Shipping Act, 1916;
2. Are authorized by the carriers' tariffs on file with the Commission and, if so, whether such tariff provisions establish unjust or unreasonable regulations and practices within the meaning of section 17, Shipping Act, 1916;
3. Violate section 16 First of the Shipping Act, 1916, by making or giving any undue or unreasonable preference or advantage to any particular person, locality or description of traffic or by subjecting any particular person, locality or description of traffic to any undue or unreasonable prejudice or disadvantage in any respect whatsoever;
4. Violate section 16 Second, Shipping Act, 1916, by allowing any person to obtain transportation for less than the regular rates or charges then established and enforced on the line of the carrier by means of false billing, i.e., issuing an ocean bill of lading from the port or port area where the cargo originates rather than from the port of vessel loading, or by any other unjust or unfair device or means;
5. Are authorized by Agreement No. 9360 and, if so, whether the agreement, to the extent that it authorizes such practices, should be disapproved, cancelled or modified pursuant to section 15, Shipping Act, 1916, or are in implementation of any other agreement between

[1] The applicable tariff, FMC 12, is filed in the name of Seatrain International S.A., whereas FMC Agreement No. 9360 is signed in the name of Seatrain Lines, Inc.

persons subject to the Shipping Act, 1916, which has not been filed with or approved by the Federal Maritime Commission as required by section 15 of the Shipping Act, 1916;

6. Are contrary to the policy of section 8, Merchant Marine Act, 1920.

It is further ordered, That the investigation include an examination into the competitive conditions existing in this trade to determine whether practices such as port equalization, absorption of inland transportation charges, and generally, service other than by direct vessel call, or any variation of such practices, should be permitted, if utilized to meet the competition from an all-water LASH or SEABEE service.

It is further ordered, That the investigation include a determination as to whether the Gulf-European Freight Association has adequately policed the obligation under said agreement, as required by section 15, Shipping Act, 1916.

It is further ordered, That the steamship companies and the association listed in the appendix hereto, are hereby named respondents in this proceeding; and

It is further ordered, That the provisions of Rule 12 of the Commission's Rules of Practice and Procedure which require leave of the Commission to take testimony by deposition or by written interrogatory if notice thereof is served within 20 days of the commencement of the proceeding, are hereby waived for this proceeding inasmuch as the expeditious conduct of business so requires. The provision of Rule 12(h) which requires leave of the Commission to request admissions of fact and genuineness of documents if notice thereof is served within 10 days of commencement of the proceeding, is similarly waived.

It is further ordered, That this proceeding be assigned for public hearing to be held before an Administrative Law Judge of the Commission's Office of Administrative Law Judges, and that the hearing be held at a date and place to be determined by the Presiding Administrative Law Judge; and

It is further ordered, That (I) notice of this order be published in the Federal Register and a copy of this order be served upon all respondents and upon the Commission's Bureau of Hearing Counsel; and (II) respondents and Hearing Counsel be duly served with notice of time and place of the hearing;

It is further ordered, That all future notices issued by or on behalf of the Commission in this proceeding, including notice of time and place of hearing or prehearing conference, shall be mailed directly to all parties of record; and

It is further ordered, That any person (including individuals, corporations, associations, firms, partnerships and public bodies) having an interest in this proceeding, and desiring to intervene herein shall file a petition to intervene in accordance with Rule 5(1) (46 CFR 502.72) of the Commission's rules of practice and procedure.

By the Commission.

[SEAL] FRANCIS C. HURNEY, *Secretary.*

GULF—EUROPEAN FREIGHT ASSOCIATION

c/o Lykes Bros. Steamship Company, Inc., 821 Gravier Street, New Orleans, Louisiana 70112.

ATLANTIC GULF SERVICE AB

c/o Strachan Shipping Company, 1600 American Bank Building, New Orleans, Louisiana 70130.

CENTRAL GULF LINES, INC.

One Whitehall Street, New York, New York 10004.

COMBI LINE

(A combined service of Hapag-Lloyd Aktiengesellschaft and Holland-America Line (FMC Agreement No. 9929)), c/o Biehl & Company, Inc., 416 Common Street, New Orleans, Louisiana 70130.

GULF CONTAINER LINE

c/o Furness, Withy & Co., Ltd., 400 Sanlin Building, New Orleans, Louisiana 70130.

LYKES BROS. STEAMSHIP CO., INC.

821 Gravier Street, New Orleans, Louisiana 70112.

SEA-LAND SERVICE, INC.

P.O. Box 900, Edison, New Jersey 08817.

SEATRAIN LINES, INC./SEATRAIN INTERNATIONAL, S.A.

Port Seatrain, Weehawken, New Jersey 07087.

[FR Doc.74-75 Filed 1-2-74;8:45 am]

FLOMERCATRAILER SERVICE AND PAN ATLANTIC LINE, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by January 23, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

Mr. Robert R. Schicchi, Traffic Manager
Chester, Blackburn & Roder, Inc.
P.O. Box 1470
Miami, Florida 33101

Agreement No. 10102 is a transshipment agreement between Flomerca Trailer Service (the initial carrier) and Pan Atlantic Line, Inc. (the delivering carrier) covering the transportation of cargo under through bills of lading from Santo Tomas, Guatemala and Puerto Cortes, Honduras, to the U.S. Virgin Islands with transshipment at Miami, Florida.

By Order of the Federal Maritime Commission.

Dated: December 26, 1973.

FRANCIS C. HURNEY, *Secretary.*

[FR Doc.74-77 Filed 1-2-74;8:45 am]

FOSS ALASKA LINE, INC. AND NORTHLAND MARINE LINES, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by January 10, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they deside to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

William Karas, Esq.
Galland, Kharasch, Calkins & Brown
Attorneys At Law
1054 Thirty-First Street, N.W.
Washington, D.C. 20007

Agreement No. DC-69, between Foss Alaska Line, Inc., (Foss) and Northland Marine Lines, Inc., (NML) is a proposed Fuel Conservation Agreement whereby Foss would transport NML cargo containers and wheeled semi-trailers be-

tween Seattle, Washington and Juneau, Alaska on Foss vessels. NML will solicit cargoes for its own account and issue its own bill of lading for all cargo shipped by Foss. In addition, NML will maintain its own tariff and all cargo will be rated and shipped in accordance with the terms and conditions of such tariff. NML will pay Foss on a per container or semi-trailer basis a varying rate depending upon the size and type of container or semi-trailer transported. It is estimated that for every NML voyage eliminated by transferring NML containers to a Foss barge a saving of 20,000 gallons of diesel fuel would be accomplished.

By Order of the Federal Maritime Commission.

Dated: December 26, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-76 Filed 1-2-74;8:45 am]

INDIA, PAKISTAN, BURMA & CEYLON/ WEST COAST UNITED STATES AND CANADA RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by January 23, 1973. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particulariy the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

H. P. Blok, Secretary
India, Pakistan, Burma & Ceylon/West Coast United States & Canada Rate Agreement
417 Montgomery Street
San Francisco, California 94104

Agreement No. 9247-4 modifies the basic agreement by amending the "WITNESSETH" Article by including the name Bangladesh and by substituting the name Sri Lanka for Ceylon in the scope of the trade area. The amendment merely updates the identities of the countries served by the parties to the agreement.

By Order of the Federal Maritime Commission.

Dated: December 26, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-78 Filed 1-2-74;8:45 am]

PORTUGUESE LINE

Certificates of Financial Responsibility; Order of Revocation

Certificates of financial responsibility for indemnification of passengers for nonperformance of transportation No. P-22 and certificate of financial responsibility to meet liability incurred for death or injury to passengers or other persons on voyages No. C-1,012.

Companhia Colonial De Navegacao
(C.C.N. The Portuguese Line)
c/o Shaw Company
Shaw Maritime Building
501 NE. First Avenue
Miami, Florida 33132

Whereas, Companhia Colonial De Navegacao (C.C.N. The Portuguese Line) has ceased to operate the passenger vessel T/V SANTA MARIA to and from United States ports; and

Whereas, Companhia Colonial de Nevegacao (C.C.N. The Portuguese Line) has returned Certificate (Performance) No. P-22 and Certificate (Casualty) No. C-1,012 for revocation.

It is ordered, That Certificate (Performance) No. P-22 and Certificate (Casualty) No. C-1,012 covering the T/V SANTA MARIA be and are hereby revoked effective December 19, 1973.

It is further ordered, That a copy of this Order be published in the FEDERAL REGISTER and served on certificant.

By the Commission

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-74 Filed 1-2-74;8:45 am]

WEST COAST UNITED STATES & CANADA/ INDIA, PAKISTAN, CEYLON AND BURMA RATE AGREEMENT

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by January 23, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

H. P. Blok, Secretary
West Coast United States & Canada/India, Pakistan, Ceylon and Burma Rate Agreement
417 Montgomery Street
San Francisco, California 94104

Agreement No. 8760-6 modifies the basic agreement by amending the "WITNESSETH" Article by including the name Bangladesh and by substituting the name Sri Lanka for Ceylon in the scope of the trade area. The amendment merely updates the identities of the countries served by the parties to the agreement.

By Order of the Federal Maritime Commission.

Dated: December 26, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-79 Filed 1-2-74;8:45 am]

NEW YORK TERMINAL CONFERENCE

Notice of Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1015; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C., 20573, January 23, 1974. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said

to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Jesse A. Chebuske, Chairman
New York Terminal Conference
17 Battery Place
Suite 643
New York, New York 10004

Agreement No. 8005–7, between the members of the New York Terminal Conference, (NYTC) modifies the parties' basic agreement providing for the establishment and maintenance of rates, rules and regulations applicable to truck loading and unloading at piers in New York Harbor. The modification deletes the portion of the basic agreement providing that NYTC import cargo free time and demurrage provisions would not be applied against cargo moving pursuant to carriers' tariffs containing import cargo free time and demurrage provisions. Thus, the purpose of this modification is to clarify NYTC's authority to establish uniform free time and demurrage practices on import cargo in New York.

By Order of the Federal Maritime Commission.

Dated: December 27, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–181 Filed 1–2–74;8:45 am]

PORT AUTHORITY OF NEW YORK AND NEW JERSEY, AND REFRIGERATED EXPRESS LINES PTY. LTD.

Notice of Agreements Filed

Notice is hereby given that the following agreements have been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763 (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreements at the Washington office of the Federal Maritime Commission, 1405 I Street, NW., Room 1015; or may inspect the agreements at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by January 23, 1974. Any person desiring a hearing on the proposed agreements shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreements (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Francis A. Mulhern
Deputy General Counsel
The Port Authority of New York and New Jersey
One World Trade Center
New York, New York 10048

Agreement No. T–2877, between The Port Authority of New York and New Jersey (Port) and Refrigerated Express Lines Pty. Ltd. (REL), provides for the 5-year lease to REL of certain marine terminal facilities at the Port's Shed 153, Berth 22 and related open areas at Port Newark, New Jersey for use as a marine terminal facility. As compensation, REL shall pay Port an amount based on revenue tonnage with a minimum payment of $100,000 per annum and a maximum payment of $200,000 per annum. REL is granted the right to construct cold storage facilities on the premises. In addition, all vessels berthing at the facilities require the Port's approval and REL is subject to all Port rules and regulations, including tariffs.

By Order of the Federal Maritime Commission.

Dated: December 27, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–178 Filed 1–2–74;8:45 am]

SEA LAND SERVICES, INC., ET AL.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street, N.W., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, by January 10, 1974. Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness with particularity. If a statement describing the discrimination or unfairness with particuarity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of agreement filed by:

John Mason, Esq.
Ragan & Mason
900 Seventeenth Street NW.,
Washington, D.C. 20006

Agreement No. DC–8–3, between Sea-Land Service, Inc., Seatrain Lines, Inc., Transamerican Trailer Transport, Inc., and Gulf-Puerto Rico Lines, Inc. (the Lines) amends the basic agreement between the same parties to provide for the exchange of information and for certain concerted action by the Lines hereto during the period of the current energy emergency. The parties may meet for the purpose of discussing rationalization of sailings and operations to and from Puerto Rico with regard to frequency of service, ports and points served, and scheduling for the purpose of conserving fuel. Any agreement as to frequency of service, ports and points served and scheduling of sailings will be filed with the Commission for approval pursuant to section 15, Shipping Act, 1916.

The Lines may exchange container or trailer spaces with one another by space charter or on such other terms as may be mutually agreed between them. In addition, the Lines may jointly agree as to ocean rates including rules as to container load minima for the purpose of establishing a rate structure and practices which would encourage the fullest possible use of space within containers or trailers.

By order of the Federal Maritime Commission.

Dated: December 27, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74–179 Filed 1–2–74;8:45 am]

YELLOW FORWARDING CO. AND DOLPHIN FORWARDING, INC.

Notice of Agreement Filed

Notice is hereby given that the following agreement has been filed with the Commission for approval pursuant to section 15 of the Shipping Act, 1916, as amended (39 Stat. 733, 75 Stat. 763, (46 U.S.C. 814)).

Interested parties may inspect and obtain a copy of the agreement at the Washington office of the Federal Maritime Commission, 1405 I Street NW., Room 1015; or may inspect the agreement at the Field Offices located at New York, N.Y., New Orleans, Louisiana, and San Francisco, California. Comments on such agreements, including requests for hearing, may be submitted to the Secretary, Federal Maritime Commission, Washington, D.C. 20573, January 23, 1974.

Any person desiring a hearing on the proposed agreement shall provide a clear and concise statement of the matters upon which they desire to adduce evidence. An allegation of discrimination or unfairness shall be accompanied by a statement describing the discrimination

or unfairness with particularity. If a violation of the Act or detriment to the commerce of the United States is alleged, the statement shall set forth with particularity the acts and circumstances said to constitute such violation or detriment to commerce.

A copy of any such statement should also be forwarded to the party filing the agreement (as indicated hereinafter) and the statement should indicate that this has been done.

Notice of Agreement Filed by:

Mr. J. E. McNamara
Traffic Manager
Yellow Freight International
P.O. Box 12264
Soulard Station
St. Louis, Missouri 03157

Agreement No. DC-65, between Yellow Forwarding Company d/b/a Yellow Freight International (YFC) and Dolphin Forwarding, Inc. (Dolphin), who are both Non-Vessel Operating Common Carriers in the U.S. North Atlantic-Puerto Rico trade, is a cooperative working arrangement providing for joint-load container shipments on a single bill of lading from the Midwestern United States through the Port of New York to Puerto Rico. Under the terms of the agreement, YFC will originate shipments in the Midwestern United States and transport them to Dolphin for loading in a Dolphin container at the Port of New York for transportation to Puerto Rico. Shipments originated by YFC will travel from origin to final destination on a through billing issued by YFC, and will remain under the complete control and liability of YFC until delivered at the final destination. Dolphin will issue the bill of lading for the ocean voyage of the container and will pay all transportation costs therefor to the ocean carrier. As compensation, Dolphin will receive YFC's fair share of the cost of ocean transportation for each container, as well as rates agreed to by the parties for receiving and loading services at the Port of New York and unloading services at Puerto Rico.

By Order of the Federal Maritime Commission.

Dated: December 27, 1973.

FRANCIS C. HURNEY,
Secretary.

[FR Doc.74-180 Filed 1-2-74;8:45 am]

FEDERAL POWER COMMISSION

[Docket No. E-8501]

BALDWIN COUNTY ELECTRIC MEMBERSHIP CORP., ET AL.

Notice of Filing of Petition Regarding Alabama Power Company

DECEMBER 18, 1973.

Take notice that on November 14, 1973, Baldwin County Electric Membership Corporation, et al., and City of Fairhope, Alabama, et al., filed in this docket a petition, as above-styled, requesting the Commission to take action against Alabama Power Company. Specifically, petitioners request the Commission to enter an order (1) declaring that Alabama Power Company has failed to comply with the Federal Power Act, the Commission's regulations, and the Commission's order in Docket No. E-8143, in that the company has retained specified monies collected from petitioners under the company's REA-1 and MUN-1 tariff rates for periods of time prior to the lawful effective date of the rates with respect to the affected delivery points, as determined by the Commission in its order of May 17, 1973, in Docket No. E-8143; (2) declaring that the overcharges so collected are owed and owing to petitioners, plus interest at the rate of seven percent per annum from the date of payment to the company until such time as such overcharges have been repaid; (3) directing Alabama Power Company to close and desist from noncompliance with said order of the Commission and to repay such monies, and (4) granting such other relief as may be appropriate in the premesis.

Any person desiring to be heard with respect to the above petition should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of the above petition are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-52 Filed 1-2-74;8:45 am]

[Docket No. CI73-331]

BLAIR-VREELAND

Notice of Extension of Time

DECEMBER 20, 1973.

On December 19, 1973, Staff Counsel filed a motion for an extension of time to file direct testimony and exhibits as required by order issued November 30, 1973. The motion states that neither Blair-Vreeland nor Exxon has any objection to the request.

Upon consideration, notice is hereby given that the time is extended to and including January 9, 1974, within which testimony and exhibits may be filed. The hearing will be held as scheduled on January 16, 1974, at 10:00 a.m. (e.s.t.) in a hearing room of the Federal Power Commission at 825 North Capitol Street, NE., Washington, D.C. 20426.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-58; Filed 1-2-74;8:45 am]

[Docket No. CI74-57]

C. CRADY DAVIS, ET AL.

Order Denying Application for Rehearing or, in the Alternative, Motion for Reconsideration and Clarification

DECEMBER 21, 1973.

On November 27, 1973, Southern Union Gathering Company (Southern), submitted an Application for Rehearing or, in the Alternative, Motion for Reconsideration and Clarification. This filing requested the Commission to grant rehearing of the Order of November 5, 1973, issued in the above docket and to vacate that portion of Ordering Paragraph (E) which requires Southern to resume taking deliveries of gas from the wells of C. Crady Davis. Alternatively, Southern requested clarification of an apparent discrepancy between the language of Ordering Paragraph (E) and Finding Paragraph (3).

Southern claims that the Commission had no jurisdiction to direct Southern to take deliveries. However, this proceeding involves an application for abandonment of a jurisdictional sale of natural gas and the Commission issued its Order pursuant to an apparent violation of section 7(b) of the Natural Gas Act. We found that there was good cause to do so in light of judicial interpretation of the above section but in no way was such a directive intended to foreclose Southern from demonstrating the validity of a contrary finding. Indeed in the same Ordering Paragraph, we provided Southern with the opportunity to show cause why they should not be held in violation of section 7(b) of the Act, thus demonstrating that we were not passing upon the ultimate validity or invalidity of their action by directing them to receive deliveries.

Contrary to Southern's assertion, Ordering Paragraph (E) was supported by sufficient factual evidence because Southern itself admitted in their pleadings that they were refusing to accept deliveries of Davis' gas.

The question of a discrepancy in the language between Finding Paragraph (3) and Ordering Paragraph (E) was raised by Southern. It is the Commission's position that no clarification is necessary since it is well settled that the language in an Ordering Paragraph is always controlling in determining the intent of the Commission.

The Commission finds. (1) Good cause exists to deny the Application of Southern for Rehearing or, in the Alternative, Motion for Reconsideration and Clarification.

The Commission orders. (A) Southern's Application for Rehearing, or in the Alternative, Motion for Reconsideration and Clarification is hereby denied and Southern is directed to adhere to the language of Ordering Paragraph (E) of the Commission's order of November 5, 1973, issued in the instant docket.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-55 Filed 1-2-74;8:45 am]

[Project No. 553]

CITY OF SEATTLE

Order Ruling on Motion for Extension of Time

DECEMBER 10, 1973.

By motion filed November 23, 1973, Intervenor North Cascades Conservation Council (Petitioner) has requested a three week extension of time to submit comments to Staff's draft environmental impact statement.

As grounds for its request, Petitioner states that the draft impact statement was apparently mis-mailed and a copy was not received until November 8, 1973. Petitioner then made copies of the statement and distributed them during the week of November 12. Petitioner states that it is impossible to adequately comment upon the draft statement by December 10, and since the environmental impact is at the heart of the controversy of the proposed raising of Ross Dam, it is in the interest of all parties that appropriate time be allowed for comments to insure the adequacy of the final impact statement.

Applicant's reply filed November 30, 1973, opposes the requested extension on the grounds that many previously established dates in this proceeding have already been deferred, the effect of which has been to delay any consideration of the Applicant's proposal on the merits through the Commission's adjudicatory processes. Applicant notes the sorely pressed power resources of the Pacific Northwest. Additionally, Applicant notes that continued delays necessarily compound problems of the availability of witnesses and other experts leading to further wasted time and expense.

Staff's reply filed December 3, 1973, posed no objection to the motion being granted. Its only concern regarding this motion was that it would necessitate postponing all subsequent dates in the proceeding.

We are aware of the length of time this proceeding has been pending and of the difficult power situation in the Pacific Northwest, as well as the entire nation. We are also aware of the legal significance of the final impact statement. Staff has the duty of reviewing all comments made to the draft statement in order to make the necessary revisions before it can develop a final environmental statement.

The importance of assuring a complete final statement cannot be easily disregarded. The final statement not only has to satisfy the National Environmental Policy Act of 1969, it also has to satisfy the evidentiary role it plays. Section 2.81(b) of our rules requires that the final statement is to be placed in evidence in a contested proceeding.

For these reasons we feel required to grant the Petitioner's motion. In doing so we extend all subsequent dates in the schedule including the date set for hearing in this proceeding.[1]

The Commission finds. For the reasons set forth above, Petitioner's motion for an extension of time should be granted.

The Commission orders. (A) The dates set forth in Ordering paragraph (B) of our Order of January 24, 1973, amended August 28, 1973, are changed insofar as necessary to grant Petitioner's Motion and to extend all subsequent dates as follows:

(1) All comments to the Staff's draft environmental statement shall be filed with the Secretary by December 31, 1973.

(2) On February 14, 1974, the Commission Staff and Intervenors, respectively, shall file, with the Secretary, an original and 10 copies of all direct testimony and exhibits, including qualifications of witnesses with copies served on all parties.

(3) On February 14, 1974, the Commission Staff shall also file an original and 10 copies of the Commission Staff's final environmental impact statement. Copies of the final environmental impact statement shall be served on all participants.

(4) In order that the parties may have a sufficient period of time in which to prepare cross-examination on the Staff's final environmental impact statement, the hearing in this proceeding shall commence on March 18, 1974.

(B) The Commission will reserve ruling on any further motions for extension of time to file comments to the draft environmental impact statement, unless they request an extension beyond December 31, 1973.

By the Commission.

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

[FR Doc.74-60 Filed 1-2-74;8:45 am]

[1] The relevant sections of the schedule prescribed by our order of January 24, 1973, amended August 28, 1973, were:

2. At the same time that the Commission Staff's draft environmental impact statement is filed with the Secretary, public notice of the availability of the Commission Staff's statement shall be made available to the parties to this proceeding, the Council on Environmental Quality, the general public and other appropriate Federal, State and local agencies. All comments shall be filed with the Secretary by December 10, 1973.

3. On January 24, 1974, the Commission Staff and Intervenors, respectively, shall file, with the Secretary, an original and 10 copies of all direct testimony and exhibits, including qualifications of witnesses with copies served on all parties.

4. On January 24, 1974, the Commission Staff shall also file an original and 10 copies of the Commission Staff's final environmental impact statement. Copies of the final environmental impact statement shall be served on all participants.

5. In order that the parties may have a sufficient period of time in which to prepare cross-examination on the Staff's final environmental impact statement, the hearing in this proceeding shall commence on February 25, 1974.

[Docket No. E-8505]

COMMONWEALTH EDISON CO.

Notice of Temporary Point of Supply

DECEMBER 18, 1973.

Commonwealth Edison Company (Commonwealth) on November 20, 1973, tendered for filing original sheet no. 91 and 8th revised sheet no. 199 to its FPC Electric Tariff, including a letter agreement between the company and the City of Rock Falls, Illinois and an updated index of Purchasers. The City of Rock Falls is a jurisdictional municipal customer presently served under Rate 78 of the company's tariff. The letter agreement covers an additional point of supply to an area of the City of Rock Falls not now reached by its own distribution system. Commonwealth states that the service to the temporary point of supply was initiated on September 19, 1973, and it is anticipated that the Company will remove the temporary facilities by August 1, 1973.

Any person desiring to be heard with respect to Commonwealth's filing herein, should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with sections 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 28, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of Commonwealth's filing herein are on file with the Commission and are available for public inspection. (Commonwealth's filing does not contain the form of notice required by section 1.19(c)(3) of the Commission's rules.)

KENNETH F. PLUMB, *Secretary.*

[FR Doc.74-99 Filed 1-2-74;8:45 am]

[Docket No. E-8506]

CONSUMERS POWER CO.

Notice of Interconnection Agreement

DECEMBER 19, 1973.

Take notice that on November 20, 1973, Consumers Power Company (Applicant), pursuant to section 35 of the Regulations under the Federal Power Act, filed an Interconnection Agreement, dated September 1, 1973, between Applicant and Northern Michigan Electric Cooperative, Wolverine Electric Cooperative, the City of Grand Haven, Michigan, and the City of Traverse City, Michigan. This Interconnection Agreement is intended to cancel and supersede a Contract for Electric Service, dated December 20, 1967 (designated as Applicant's Rate Sched-

ule FPC No. 16) between Applicant and Northern Michigan Electric Cooperative.

Applicant also requests that the Commission waive the notice requirements in this matter, pursuant to § 35.11 of the Commission's regulations, and permit the Agreement to become effective on November 1, 1973.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 16, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-61 Filed 1-2-74;8:45 am]

[Docket No. CP74-158]

EL PASO NATURAL GAS CO.

Notice of Application

DECEMBER 20, 1973.

Take notice that on November 28, 1973, El Paso Natural Gas Company (Applicant), P.O. Box 1492, El Paso, Texas 79978 filed in Docket No. CP74-158 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the exchange of natural gas with Utah Gas Service Company (Utah Gas), a distributor customer of Applicant serving the communities of, among others, Vernal, Monticello and Moab in the state of Utah, and the construction and operation of certain facilities for said exchange and for the purchase of gas from Utah Gas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The application states that Utah Gas has advised Applicant that its total gas requirements are in excess of Applicant's contract delivery obligations to Utah Gas. The application states further that as a result of this supply shortage and in an effort to serve its customer requirements Utah Gas has recently acquired a supply of natural gas and now proposes to enter into an exchange and purchase arrangement with Applicant.

Applicant states that under a Gas Exchange Agreement with Utah Gas dated September 19, 1973, Utah Gas will deliver to Applicant a quantity of gas for exchange, from supplies Utah Gas has acquired in the Altamont Gathering Area of Duchesne County, Utah, at a proposed point of interconnection with Applicant's existing 26-inch O.D. Ignacio-Sumas mainline eight miles east of Vernal, Utah. Applicant will concurrently deliver an equivalent quantity of gas to Utah Gas at four existing delivery points utilized by Utah Gas in serving customer needs in its Moab and Monticello service areas.[1]

Applicant states that it will not be required to modify its existing facilities to implement the proposed exchange deliveries and that Applicant's existing Northwest Division pipeline system possesses the capacity necessary to accommodate such exchange deliveries. Under the exchange agreement Applicant will provide such exchange deliveries during the term of the agreement which ends May 1, 1977, without charge and subject to certain provisions of a Gas Purchase Agreement between said parties dated September 19, 1973.

The application states that pursuant to said Gas Purchase Agreement Utah Gas will sell from those quantities of gas delivered by Applicant as directed in the gas exchange agreement such gas as is in excess of Utah Gas' additional requirements over Applicant's contract delivery obligations to it. Utah Gas had advised Applicant that it expects to have approximately 4,494 Mcf of surplus average day supplies available for sale during 1974 which surplus is estimated to increase to an average of 10,237 Mcf daily during 1976. Applicant states that Utah Gas proposes to sell such surplus gas volumes at an initial price of 45.0 cents per Mcf, subject to upward and downward Btu adjustment from a base of 1,000 Btu per cubic foot and with annual increases of one cent per Mcf over the term of the agreement which ends May 1, 1977.

Applicant states that the proposed exchange will eliminate the need for Utah Gas to construct expensive and duplicative facilities to make Utah Gas' intrastate supplies available to its customers while making a new source of supply available to Applicant's Northwest Division System Customers which otherwise would be destined for the intrastate market.

Applicant seeks authorization to construct and operate the following facilities necessary to implement the before described gas exchange and sale arrangements with Utah Gas: a 6-inch tap and valve assembly, with appurtenances, at milepost 318.2 on Applicant's 26-inch O.D. Ignacio-Sumas pipeline in Uintah County, Utah; and a dual four-inch standard orifice meter station, with appurtenances, located on Utah Gas's 8⅝-inch pipeline in Uintah County, approximately one mile from the proposed point of interconnection of such pipeline with Applicant's Ignacio-Sumas pipeline.

Applicant states that the total estimated cost of constructing the above described facilities, including overhead, contingency, and required filing fees, is $25,600. Applicant proposes to finance the cost of said facilities through the use of working funds, supplements, as necessary, by short-term borrowings.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 14, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) and the regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-54 Filed 1-2-74;8:45 am]

[1] The deliveries will be made by Applicant at the existing Monticello and Rio Algom meter stations in San Juan County, Utah, and the Moab and Uranium Reduction meter stations located near Moab.

[Docket No. CI74-78]

FREEPORT OIL CO.

Notice of Extension of Time

DECEMBER 20, 1973.

On December 14, 1973, Freeport Oil Company requested an extension of the procedural dates fixed by order issued December 11, 1973. The request states that Mississippi River Transmission Corporation concurs in the request.

Upon consideration, notice is hereby given that the procedural dates in the above-designated matter are modified as follows:

Service of Testimony and Exhibits, January 10, 1974.

Hearing, January 18, 1974, 10:00 a.m. (e.s.t.).

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-57 Filed 1-2-74;8:45 am]

NATIONAL POWER SURVEY

Agenda of Meeting

Agenda for a meeting of the Technical Advisory Committee on Finance to be held at the Federal Power Commission Offices, 825 North Capitol Street, NE., Washington, D.C., January 15, 1974, 10:00 a.m., Room 5200.

1. Meeting called to order by FPC Coordinating Representative.

2. Objectives and purposes of meeting:

A. Approval of minutes of November 8, 1973, meeting.

B. Discussion of comments from Executive Advisory Committee members relating to future financial requirements model.

C. Report on revised assumptions and comparison of assumptions with other published financial studies.

D. Review of first draft of this committee's report and status of assignments from August 3, 1973, outline.

E. Discussion of proposal to publish this committee's report.

F. Other business.

G. Date for next meeting.

3. Adjournment.

This meeting is open to the public. Any interested person may attend, appear before, or file statements with the committee—which statements, if in written form, may be filed before or after the meeting, or, if oral, at the time and in the manner permitted by the committee.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-53 Filed 1-2-74;8:45 am]

[Docket No. RP73-8]

NORTH PENN GAS CO.

Notice of Filing of Proposed Increase in Rates and Charges

DECEMBER 19, 1973.

Take notice that on December 3, 1973, North Penn Gas Company filed in Docket No. RP73-8 copies of thirty-seventh revised sheet nos. 4 and 5, tenth revised sheet no. PGA-1, and supporting computations to its FPC Gas Tariff, First Revised Volume No. 1.

North Penn states the revised tariff sheets reflect an increase of 9.689 cents per Mcf to the rates, as submitted for Commission approval on October 23, 1973, in thirty-sixth revised sheet Nos. 4 and 5 and ninth revised sheet no. PGA-1. North Penn states the proposed increase in rates is occasioned by the following supplier rate changes:

Consolidated Gas Supply Corp. A PGA tracking increase of 5.93 cents per Mcf under Rate Schedule CQ-2, and 6.01 cents per Mcf under Rate Schedule CQ-3, filed November 30, 1973, to become effective January 1, 1974.

Tennessee Gas Pipeline Co. 1. A PGA tracking increase of 1.27 cents per Mcf filed November 16, 1973, to become effective January 1, 1974.

2. A general rate increase in Docket No. RP73-113, of 11.27 cents per Mcf under Rate Schedule CD-4, and 10.23 cents per Mcf under Rate Schedule SO-4, filed November 30, 1973, to become effective January 1, 1974.

North Penn requests waiver of section 14 of the general terms and conditions of its FPC Gas Tariff relating to the 45 day notice requirement of a rate change due to North Penn's not reviewing notice of the Consolidated and Tennessee rate changes in sufficient time to make timely filing. North Penn further requests waiver of the Commission's rules and regulations as may be required to permit the proposed tariff changes to become effective on January 1, 1974.

North Penn states that a copy of its filing was mailed to each of its jurisdictional customers and interested state regulatory commission.

Any person desiring to be heard with respect to North Penn's filing herein should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 27, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. However, parties who have already been permitted to intervene in Docket No. RP73-8 need not file additional petitions to intervene. Copies of North Penn's filing herein are on file with the Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-95 Filed 1-2-74;8:45 am]

[Docket No. RP73-8]

NORTH PENN GAS CO.

Notice of Proposed Tariff Revisions

DECEMBER 18, 1973.

Take notice that North Penn Gas Company (North Penn), on December 3, 1973, tendered for filing thirty-seventh revised sheet Nos. 4 and 5, tenth revised sheet No. PGA-1 and supporting computations to its FPC Gas Tariff, First Revised Volume No. 1.

North Penn states that the revised tariff sheets reflect an increase of 9.689¢ per Mcf to the rates, as submitted for Commission approval on October 23, 1973, in thirty-sixth revised sheet Nos. 4 and 5 and ninth revised sheet No. PGA-1.

According to North Penn, the cost increase is occasioned by the following supplier rate changes:

Consolidated Gas Supply Corp. (Consolidated). 1. A PGA tracking increase of 5.93¢ per Mcf under Rate Schedule CQ-2 and 6.01¢ per Mcf under Rate Schedule CQ-3 filed November 30, 1973 to become effective January 1, 1974.

Tennessee Gas Pipeline Co. 1. A PGA tracking increase of 1.27¢ per Mcf filed November 16, 1973 to become effective January 1, 1974.

2. A general rate increase, at Docket No. RP73-113, of 11.27¢ per Mcf under Rate Schedule CD-4 and 10.23¢ per Mcf under Rate Schedule SO-4 filed November 30, 1973 to become effective January 1, 1974.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 26, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-94 Filed 1-2-74;8:45 am]

[Docket No. E-8541]

OHIO EDISON CO.

Notice of Short Lead Time Capacity Sale

DECEMBER 18, 1973.

Take notice that Ohio Edison Company (Ohio), on December 7, 1973, tendered for filing, on behalf of Ohio, Pennsylvania Power Company (Pennsylvania) and the Toledo Edison Company (Toledo) two (2) conformed copies of an Agreement dated October 1, 1973 among Ohio, Pennsylvania, and Toledo.

According to Ohio, the Agreement provides for Ohio and Pennsylvania to supply and Toledo to receive, during the period beginning October 1, 1973 and ending December 31, 1974, capacity and energy from Ohio's ownership share (85.6%) and Pennsylvania's ownership share (14.4%) of short lead time capacity units which Ohio and Pennsylvania, its subsidiary, own as tenants in common.

Ohio states that the short lead time capacity units have been installed under arrangements of the CAPCO group consisting of the three companies and the Cleveland Electric Illuminating Company (Cleveland) and Duquesne Light Company (Duquesne).

Ohio states that during the period of this Agreement (October 1, 1973 through December 31, 1974), Ohio and Pennsylvania are to be obliged to furnish to Toledo in any hour upon request an amount of energy equal to the expected capability for that hour of the units comprising Short Lead Time capacity multiplied by the ratio of 18 MW for Pennsylvania and 9 MW for Ohio to the Net Demonstrated Capability of the Units (initially 125 MW).

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the

Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 4, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this filing are on file with the Commission and are avaliable for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-97 Filed 1-2-74;8:45 am]

[Project No. 2342]

PACIFIC POWER & LIGHT CO.

Notice of Application for Amendment of License for Constructed Project

DECEMBER 20, 1973.

Public notice is hereby given that application for amendment of license has been filed September 10, 1973, under the Federal Power Act (16 U.S.C. 791a–825r) by the Pacific Power & Light Company (Correspondance to: Mr. G. Eldon Drennan, Vice President-Engineering and Power Operations, Pacific Power & Light Company, Public Service Building, Portland, Oregon 97204) Licensee for the Condit Project No. 2342, which is located on the White Salmon River in Skamania, Clark and Klickitat Counties, Washington, in the vicinity of the town of White Salmon and in Multnomah County, Oregon.

Licensee seeks to amend its license for the constructed project by deleting therefrom the 50 mile long 69 kV Condit-Troutdale transmission line which extends from the project powerhouse along the north shore of the Columbia River to Camas, Washington, where it crosses the river to Troutdale, Oregon. The application states that the facility is not a primary line of the project but is part of the Applicant's interconnected transmission system.

Any person desiring to be heard or to make protest with reference to said application should on or before February 7, 1974, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to a proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with Commission and available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-56 Filed 1-2-74;8:45 am]

[Docket No. E-8544]

PUBLIC SERVICE CO. OF NEW MEXICO

Notice of Agreement for Electric Service

DECEMBER 18, 1973.

Take notice that Public Service Company of New Mexico (Company) on December 10, 1973, tendered for filing an Agreement to provide electrical service to Pacific Power & Light Company of Portland, Oregon (Pacific Power).

According to the Company, this contract was initiated to provide surplus energy to Pacific Power to alleviate the emergency situation which existed in the Northwest Power Pool due to their energy shortage. The Company states that the contract is to expire March 31, 1974, and requests a waiver of the notice requirements to enable the filing to become effective November 14, 1973.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 4, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-98 Filed 1-2-74;8:45 am]

[Docket No. E-7711]

SOUTHWESTERN ELECTRIC POWER CO.

Notice of Certification of Settlement Agreement

DECEMBER 18, 1973.

Take notice that on December 11, 1973, Presiding Administrative Law Judge Walter T. Southworth certified to the Commission a proposed settlement agreement resolving outstanding issues in this docket.

In the proposed agreement the parties state that the rate disputed in this proceeding are agreed to as just and reasonable by Southwestern Electric Power Company (SWEPCO) and the Commission Staff. The intervenor, Tex-La Electric Cooperative, Inc. (Tex-La) agrees to no longer oppose those rate levels. The parties state that the agreement is without prejudice to positions they maintain in Tex-La Electric Co-operative, Inc. v. F.P.C., D.C. Cir. No. 73-1577.

According to the parties the major elements of the proposed settlement agreement are terms and conditions to the present rate schedule SPA/TEX-LA/SWEPCO, in particular, those terms relating to the establishment and abandonment procedures for points of delivery.

Any person desiring to be heard or to protest said application should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE, Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's Rules of Practice and Procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before January 18, 1974. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene. Copies of this application are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-51 Filed 1-2-74;8:45 am]

[Docket No. RP73-113]

TENNESSEE GAS PIPELINE CO.

Notice of Filing Proposed Substitute Tariff Changes

DECEMBER 19, 1973.

Take Notice that on November 30, 1973, Tennessee Gas Pipeline Company, a Division of Tenneco Inc. (Tennessee), tendered for filing proposed changes in its FPC Gas Tariff to be effective on January 1, 1974, in substitution for the changes previously filed in this proceeding on June 15, 1973. Such proposed changes are contained in the following revised tariff sheets:

Ninth Revised Volume No. 1: Substitute Second Revised Sheet Nos. 12A and 12B.
Sixth Revised Volume No. 2: Substitute First Revised Sheet Nos. 53, 54, 77, 78 and 141 and Substitute Fourth Revised Sheet Nos. 11, 12, 27, 28, 44 and 45.

Tennessee states that such revised tariff sheets were filed pursuant to the requirements of ordering paragraph (G) of the Commission's order of August 1, 1973, in this proceeding to eliminate certain non-certificated gas supply facilities and to reflect certain changes in the form of tariff sheets and in the cost of purchased gas reflected in the rates originally filed in this proceeding contemplated by the Commission's Order of September 28, 1973, in Docket No. RP 73-114 accepting a PGA clause for Tennessee's tariff and by Tennessee's PGA rate filing thereunder of November 16, 1973.

Tennessee further states that the revised rates on the substitute sheets produce an increase in the overall level of its revenues from jurisdictional services of $141,719,530 based on adjusted sales and transportation volumes for the test period, reflected in the original filing in Docket No. RP73-113 and that this increase is in substitution of the jurisdictional rate increase of $150,194,754 in Tennessee's original filing after elimination of the noncertificated facilities and

an increased cost of purchased gas now reflected in the PGA filing.

Tennessee further states that copies of its filing have been mailed to all of its affected customers, interested state commissions and all parties to this proceeding.

Any person desiring to be heard or to protest said filing should file a petition to intervene or protest with the Federal Power Commission, 825 North Capitol Street, NE., Washington, D.C. 20426, in accordance with §§ 1.8 and 1.10 of the Commission's rules of practice and procedure (18 CFR 1.8, 1.10). All such petitions or protests should be filed on or before December 27, 1973. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a petition to intervene, provided, however, that any person who has previously filed a petition to intervene in this proceeding is not required to file a further petition. Copies of this filing are on file with the Commission and are available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-96 Filed 1-2-74;8:45 am]

[Docket No. RP72-64]

TEXAS GAS TRANSMISSION CORP.

Order Suspending Proposed Tariff Provisions

NOVEMBER 30, 1973.

On May 17, 1973, Texas Gas Transmission Corporation (Texas Gas) submitted for filing, pursuant to section 4 of the Natural Gas Act, inter alia, First Revised Sheet Nos. 148, 149, 150, 151, and 152 to its FPC Gas Tariff, Third Revised Volume No. 1, for which it requested an effective date of May 1, 1974, after full statutory suspension, if any. By order issued June 15, 1973, the Commission deferred a decision regarding acceptance for filing of the above-mentioned tariff sheets and held them in abeyance pending disposition of the issues raised concerning the tariff filing made by Texas Gas on May 17, 1973.

On October 25, 1973, Texas Gas filed a motion requesting that the subject tariff sheets, relating to customer quantity entitlements from Texas Gas, be made effective as of May 1, 1974. Texas Gas states that a final decision after hearing does not appear likely in this proceeding prior to May 1, 1974, at which time the present Index of Quantity Entitlements will have expired. Therefore, Texas Gas renews its request for waiver of the notice requirements of § 154.22 of the Commission's regulations under the Natural Gas Act and requests acceptance for filing of these tariff sheets to be effective as of May 1, 1974, or alternatively, the assignment of a proposed effective date of December 1, 1973, in order that, after a full five months suspension, the tariff sheets can be made effective on motion of Texas Gas as of May 1, 1974.

The Commission finds. (1) First Revised Sheet Nos. 148 through 152 tendered by Texas Gas on May 17, 1973, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the tariff sheets referred to above be accepted for filing, be suspended and the use thereof deferred, all as hereinafter provided.

The Commission orders. (A) First Revised Sheet Nos. 148 through 152 to Texas Gas' FPC Gas Tariff, Third Revised Volume No. 1 are hereby accepted for filing as of December 1, 1973.

(B) Pending hearing and decision, First Revised Sheet Nos. 148 through 152 to Texas Gas' FPC Gas Tariff, Third Revised Volume No. 1, are hereby suspended and the use thereof deferred until May 1, 1974.

By the Commission.

[SEAL] KENNETH F. PLUMB,
Secretary.

[FR Doc.74-59 Filed 1-2-74;8:45 am]

[Docket No. CI74-340]

TEXACO INC.

Notice of Application

DECEMBER 18, 1973.

Take notice that on December 3, 1973, Texaco Inc. (Applicant), P.O. Box 430, Bellaire, Texas 77401, filed in Docket No. CI74-340 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas to United Gas Pipe Line Company (United), from East Smith Point Field, Chambers County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant commenced deliveries of natural gas from the subject acreage to United within the contemplation of § 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell an estimated 45,000 Mcf per month at 45.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 4, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-100 Filed 1-2-74;8:45 am]

[Docket No.CI74-340]

TEXACO INC.

Notice of Application

DECEMBER 18, 1973.

Take notice that on December 3, 1973, Texaco Inc., (Applicant) P.O. Box 430, Bellaire, Texas 77401, filed in Docket No. CI74-340 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale for resale and delivery of natural gas to United Gas Pipe Line Company (United), from East Smith Point Field, Chambers County, Texas, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

Applicant commenced deliveries of natural gas from the subject acreage to United within the contemplation of section 157.29 of the regulations under the Natural Gas Act (18 CFR 157.29) and proposes to continue said sale for one year within the contemplation of § 2.70 of the Commission's general policy and interpretations (18 CFR 2.70). Applicant proposes to sell an estimated 45,000 Mcf per month at 45.0 cents per Mcf at 14.65 psia, subject to upward and downward Btu adjustment.

Any person desiring to be heard or to make any protest with reference to said application should on or before January 4, 1974, file with the Federal Power Commission, Washington, D.C. 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to

the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a petition to intervene in accordance with the Commission's rules.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held without further notice before the Commission on this application if no petition to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that a grant of the certificate is required by the public convenience and necessity. If a petition for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-102 Filed 1-2-74;8:45 am]

[Docket No. E-8521]

UNION ELECTRIC CO.

Notice of Tariff Change

DECEMBER 18, 1973.

Take notice that Union Electric Company (Union), on November 30, 1973, tendered for filing proposed changes in its FPC Electric Service Tariff Number 73. Union requests that the filing be permitted to become effective on January 1, 1974. Union states that the proposed changes would increase revenues from jurisdictional sales and services by $62,500.00 for the period January 1, 1974 to May 31, 1974.

Union states that the proposed changes in the demand charge for firm interchange power is required to more closely compensate Union for the increasing costs associated with providing firm capacity to supply power to the City of Columbia under the terms of their contract.

Union states that copies of the filing were served upon the City of Columbia and the Missouri Public Service Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before December 26, 1973, file with the Federal Power Commission, Washington, D.C. 20426, petitions to intervene or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Persons wishing to become parties to a proceeding or to participate as a party in any hearing therein must file petitions to intervene in accordance with the Commission's rules. The application is on file with the Commission and is available for public inspection.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-93 Filed 1-2-74;8:45 am]

[Docket No. CP74-94]

UNITED GAS PIPE LINE CO. AND BILLY J. McCOMBS, ET AL.

Notice of Extension of Time

DECEMBER 17, 1973.

United Gas Pipe Line Co., Complainant, v. Billy J. McCombs, R. James Stillings, d/b/a Gastill Co., David A. Onsguard, Basin Petroleum Corp. Louis H. Haring, Jr., National Exploration Co., and E. I. du Pont D'Neumours & Co., Respondents.

On November 27, 1973, a show cause order was issued in the above-designated proceeding. On December 12, 1973, an order was issued denying motions to dismiss.

On December 10, 1973, a motion for discovery and extension of time was filed by Billy J. McCombs, et al.

Upon consideration, notice is hereby given that the time for filing testimony is deferred pending further order of the Commission. The hearing scheduled for January 10, 1974, is unchanged.

KENNETH F. PLUMB,
Secretary.

[FR Doc.74-101 Filed 1-2-74;8:45 am]

GENERAL SERVICES ADMINISTRATION

[GSA BULLETIN FPR 21]

AREAWIDE PUBLIC UTILITY CONTRACTS

Federal Procurement

1. *Purpose.* This bulletin provides current information concerning existing GSA areawide public utility contracts for the procurement, by Government agencies, of electric, gas, steam and water services (see § 1-4.407 of the Federal Procurement Regulations).

2. *Expiration date.* This bulletin contains information of a continuing nature and will remain in effect until canceled.

3. *List of current contracts.* Attachment A to this bulletin is a list of all GSA areawide public utility contracts in effect as of August 31, 1973. In each case, the attachment shows the kind of utility service, contract number, serving utility and area served.

4. *Availability of current contracts.* GSA will make available to agencies, upon request, a copy of any areawide contract. Each contract includes the specimen form authorizing service connection, disconnection, or change. Copies of contracts may be obtained from:

General Services Administration
Federal Supply Service
Public Utilities Management Division—FZU
Washington, DC 20406
Telephone: IDS 16-78510, FTS 703 557-8510

5. *Cancellation.* GSA Bulletin FPR 9,[1] dated October 4, 1968, is canceled.

Dated: December 12, 1973.

R. E. ZECHMAN,
Acting Associate Administrator for Federal Management Policy.

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[1] GSA Bulletin FPR 9 did not appear in the FEDERAL REGISTER.

ATTACHMENT A

AREAWIDE PUBLIC UTILITY CONTRACTS CHECKLIST AS OF AUGUST 31, 1973

Contract No.	Serving utility	Area served
	ELECTRIC SERVICE	
GS-00T-1567 (TP)	Alabama Power Co.	Alabama.
GS-00T-1519 (TP)	Baltimore Gas & Electric Co.[2]	Baltimore, Md.
GS-00T-1684 (TP)	Boston Edison Co.	Boston and eastern Massachusetts.
GS-00T-1635 (TP)	Boston Gas Co.	Charlestown, District of.
GS-00T-1631 (TP)	Central Maine Power Co.	Central, southern and western Maine.
GS-00T-1737 (TP)	Central Power & Light Co.	Corpus Christi, Tex., and vicinity.
GS-00T-1571 (TP)	Cincinnati Gas & Electric Co.	Cincinnati, Ohio.
GS-00T-1776 (TP)	City of Detroit, Mich.	Detroit, Mich.
GS-00T-1659 (TP)	Columbus & Southern Ohio Electric Co.	Columbus, Ohio, and vicinity.
GS-00T-1565 (TP)	Commonwealth Edison Co.[1]	Chicago and northern Illinois.
GS-00T-1607 (TP)	Connecticut Light & Power Co., The.	Connecticut.
GS-00T-1632 (TP)	Consolidated Edison Co., of New York, Inc.	New York City and vicinity.
GS-00T-1627 (TP)	Consumers Power Co.	Michigan.
GS-00T-1637 (TP)	Dayton Power & Light Co., The.	Ohio.
GS-00T-1619 (TP)	Detroit Edison Co., The.	Detroit and eastern Michigan.
GS-00T-1517 (TP)	Duquesne Light Co.	Pittsburgh, Pa.
GS-00T-1602 (TP)	Hagerstown, city of.	Hagerstown, Md.
GS-00T-1576 (TP)	Hartford Elec. Light Co., The.	Connecticut, north central.
GS-00T-1558 (TP)	Houston Lighting & Power Co.	Houston, Tex.
GS-00T-1679 (TP)	Metropolitan Edison Co.	Pennsylvania, eastern.
GS-00T-1621 (TP)	Montana-Dakota Utilities Co.	Montana, North Dakota, South Dakota and Wyoming.

ATTACHMENT A—CONTINUED

Contract No.	Serving utility	Area served
GS-OOT-1625 (TP)	Montana Power Co., The	Montana.
GS-OOT-1561 (TP)	Northern Indiana Public Service Co.	Indiana, northern.
GS-OOT-1584 (TP)	Pennsylvania Power & Light Co	Pennsylvania, central eastern.
GS-OOT-1626 (TP)	Philadelphia Electric Co	Philadelphia, Pa., and vicinity.
GS-OOT-1595 (TP)	Potomac Electric Power Co	District of Columbia and adjoining Maryland and Virginia.
GS-OOT-1554 (TP)	Public Service Co., of Colorado	Colorado.
GS-OOT-1663 (TP)	Public Service Co., of Indiana, Inc	North central, central, and southern Indiana.
GS-OOT-1670 (TP)	Public Service Electric & Gas Co	New Jersey.
GS-OOT-1647 (TP)	Salt River Project Agricultural Improvement & Power District.	Arizona.
GS-OOT-1560 (TP)	Seattle, city of	Seattle, Wash.
GS-OOT-1628 (TP)	S. C. Electric & Gas Co	Central, southern and southwestern South Carolina.
GS-OOT-1610 (TP)	Southern Md. Electric Cooperative, Inc	Southern Maryland.
GS-OOT-1743 (TP)	Tucson Gas & Electric Co	Tucson, Ariz., and vicinity.
GS-OOT-1579 (TP)	Union Electric Co	Missouri, Illinois, and Iowa.
GS-OOT-1593 (TP)	Union Light, Heat & Power Co	Covington, Ky.
GS-OOT-1648 (TP)	Virginia Electric & Power Co	Virginia, North Carolina, and West Virginia.
GS-OOT-1609 (TP)	Wisconsin Electric Power Co	Southeastern Wisconsin.
	GAS SERVICE	
GS-OOT-1693 (TP)	Alabama Gas Corp	Central Alabama.
GS-OOT-1519 (TP)	Baltimore Gas & Elec. Co.[3]	Baltimore, Md.
GS-OOT-1635 (TP)	Boston Gas Co	Boston, Mass.
GS-OOT-1592 (TP)	Cascade Natural Gas Corp	Washington & Oregon.
GS-OOT-1571 (TP)	Cincinnati Gas & Electric Co., The	Cincinnati.
GS-OOT-1607 (TP)	Connecticut Light & Power Co	Connecticut.
GS-OOT-1775 (TP)	Connecticut Natural Gas Corp.[3]	Hartford, Conn.
GS-OOT-1653 (TP)	Consolidated Edison Co. of New York, Inc.	New York city and vicinity.
GS-OOT-1627 (TP)	Consumers Power Co	Michigan.
GS-OOT-1637 (TP)	Dayton Power & Light Co., The	Ohio.
GS-OOT-1660 (TP)	Gas Service Co., The	Missouri, Kansas, Oklahoma and Nebraska.
GS-OOT-1576 (TP)	Hartford Elec. Light Co., The	Connecticut, north central.
GS-OOT-1622 (TP)	Intermountain Gas Co	Idaho, southern.
GS-OOT-1562 (TP)	Mich. Consolidated Gas Co.[3]	Michigan.
GS-OOT-1661 (TP)	Minneapolis Gas Co	Minneapolis, Minn., and vicinity.
GS-OOT-1621 (TP)	Montana-Dakota Utilities Co	Montana, North Dakota, South Dakota, and Wyoming.
GS-OOT-1625 (TP)	Montana Power Co., The	Montana.
GS-OOT-1729 (TP)	North Shore Gas Co	Northern Illinois.
GS-OOT-1620 (TP)	Northern Illinois Gas Co	Northern Illinois.
GS-OOT-1561 (TP)	Northern Indiana Public Service Co	Northern Indiana.
GS-OOT-1616 (TP)	Northwest Natural Gas Co	Oregon and Washington.
GS-OOT-1645 (TP)	Peoples Gas Light & Coke Co., The	Chicago, Ill.
GS-OOT-1626 (TP)	Philadelphia Electric Co	Philadelphia, Pa., and vicinity.
GS-OOT-1554 (TP)	Public Service Co. of Colorado	Central Colorado.
GS-OOT-1670 (TP)	Public Service Electric & Gas Co	New Jersey.
GS-OOT-1628 (TP)	South Carolina Electric & Gas Co	Central, southern, and southwestern South Carolina.
GS-OOT-1628 (TP)	Southern California Gas Co	Los Angeles, central and southern California.
GS-OOT-1743 (TP)	Tucson Gas & Electric Co	Tucson, Ariz. and vicinity.
GS-OOT-1579 (TP)	Union Electric Co	Illinois and Iowa.
GS-OOT-1593 (TP)	Union Light, Heat & Power Co., The	Covington, Ky.
GS-OOT-1733 (TP)	Washington Gas Light Co	District of Columbia, Maryland, and Virginia.
GS-OOT-1634 (TP)	Washington Natural Gas Co	Washington.
	STEAM SERVICE	
GS-OOT-1567 (TP)	Alabama Power Co	Alabama.
GS-OOT-1519 (TP)	Baltimore Gas & Electric Co.[3]	Baltimore, Md.
GS-OOT-1637 (TP)	Dayton Power & Light Co., The	Ohio.
GS-OOT-1679 (TP)	Metropolitan Edison Co	Pennsylvania, eastern.
GS-OOT-1584 (TP)	Pennsylvania Power & Light Co	Central eastern Pennsylvania.
GS-OOT-1626 (TP)	Philadelphia Electric Co	Philadelphia, Pa., and vicinity.
GS-OOT-1554 (TP)	Public Service Co. of Colo	Denver, Colo.
GS-OOT-1579 (TP)	Union Electric Co	Missouri.
GS-OOT-1609 (TP)	Wisconsin Electric Power Co	Southeastern Wisconsin.
	WATER SERVICE	
GS-OOT-1761 (TP)	City of Newport News	Newport News, Va.
GS-OOT-1625 (TP)	Montana Power Co., The	Montana.

[1] Electric and gas service rendered by the former Central Illinois Electric & Gas Company will be included under Contract No. GS-OOT-1565 (TP) with Commonwealth Edison Co.
[2] Use of these contracts will continue on a day-to-day basis while renewals are being negotiated.
[3] Gas service rendered by the former Hartford Gas Co. will be included under Contract No. GS-OOT-1775 (TP) with Connecticut Natural Gas Corp.

[FR Doc.74-31 Filed 1-2-74;8:45 am]

[Federal Property Management Regs., Temporary Reg. F-203]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an electric utility proceeding.

2. *Effective date.* This regulation is effective July 11, 1973.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority is delegated to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government before the California Public Utilities Commission involving an investigatory proceeding to determine energy requirements for electric utilities in California (Docket No. 9581).

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

Dated December 20, 1973.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.74-168 Filed 1-2-74;8:45 am]

[FEDERAL PROPERTY MANAGEMENT REGS., TEMPORARY REG. F-204]

SECRETARY OF DEFENSE

Delegation of Authority

1. *Purpose.* This regulation delegates authority to the Secretary of Defense to represent the consumer interests of the executive agencies of the Federal Government in an electric rate proceeding.

2. *Effective date.* This regulation is effective July 17, 1973.

3. *Delegation.* a. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, particularly sections 201(a)(4) and 205(d) (40 U.S.C. 481(a)(4) and 486(d)), authority

is delegated to the Secretary of Defense to represent the interests of the executive agencies of the Federal Government before the Public Service Commission of Nevada involving petitions of the Nevada Power Company for electric rate increases (I&S 801, 806, 810, 811, 823, 824, 826, 827, and I&S 776, mistakingly cited as I&S 7776 in FPMR Temporary Regulation F–186 dated July 17, 1973.

b. The Secretary of Defense may redelegate this authority to any officer, official, or employee of the Department of Defense.

c. This authority shall be exercised in accordance with the policies, procedures, and controls prescribed by the General Services Administration, and, further, shall be exercised in cooperation with the responsible officers, officials, and employees thereof.

4. *Effect on other issuances.* This regulation cancels FPMR Temporary Regulation F–186 dated July 17, 1973.

Dated: December 20, 1973.

ARTHUR F. SAMPSON,
Administrator of General Services.

[FR Doc.74–169 Filed 1–2–74;8:45 am]

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

ADVISORY COMMITTEE ON CONSTRUCTION SAFETY AND HEALTH

Notice of Subcommittee Meeting

Notice is hereby given that the Advisory Committee on Construction Safety and Health, established under section 107(e) of the Contract Work Hours & Safety Standards Act (40 U.S.C. 333) and Section 7(b) of the Williams-Steiger Occupational Safety and Health Act of 1970 (20 U.S.C. 656) Subcommittee on Editing Part 1910 for Construction Operations will meet on Thursday, January 10, 1974 starting at 9:00 a.m. in Room 102 A and Friday, January 11, 1974 in Room 216 A Main Labor Building, 14th Street and Constitution Avenue NW. Washington, D.C. The meeting shall be open to the public.

The Subcommittee will consider review of the General Industries Standards, Part 1910, to determine which individual items may be applicable to construction operations.

Written data, views, or arguments concerning the subject to be considered may be filed, together with 20 copies thereof, with the Committee's Management Officer by January 4, 1974. Such submissions may also be filed with the Committee's Management Officer at the meeting. Any such submissions will be provided to the members of the committee and will be included in the record of the meeting.

Persons wishing to orally address the committee at the meeting should submit a written request to be heard, together with 20 copies thereof, to the Committee's Management Officer no later than January 4, 1974. The request must contain a short summary of the intended presentation and an estimate of the amount of time that will be needed.

Communications may be mailed to:

Standards Advisory Committees, OSHA–OS
Railway Labor Building—Room 509
U.S. Department of Labor, Washington, D.C. 20210

Signed at Washington, D.C., this 21st day of December, 1973.

JOHN STENDER,
Assistant Secretary of Labor.

[FR Doc.74–182 Filed 1–2–74;8:45 am]

INTERSTATE COMMERCE COMMISSION

[Notice No. 415]

ASSIGNMENT OF HEARINGS

DECEMBER 26, 1973.

Cases assigned for hearing, postponement, cancellation, or oral argument appear below and will be published only once. This list contains prospective assignments only and does not include cases previously assigned hearing dates. The hearings will be on the issues as presently reflected in the Official Docket of the Commission. An attempt will be made to publish notices of cancellation of hearings as promptly as possible, but interested parties should take appropriate steps to insure that they are notified of cancellation or postponements of hearings in which they are interested. No amendments will be entertained after the date of this publication.

MC 114290, Sub 69, Exley Express, Inc., now being assigned hearing February 4, 1974 (2 days), at Portland, Oreg., in a hearing room to be later designated.

MC 33919, Sub 7, Fairchild General Freight, Inc., now assigned February 4, 1974, at Portland, Oregon, is postponed indefinitely.

MC 78786, Sub 268, Pacific Motor Trucking Company, Extension of Common Carrier Operations, now assigned continued hearing January 15, 1974, at San Francisco, Calif., will be held in Room 13025, 450 Golden Gate Ave.

N035895, Inexco Oil Co., V. Belle Fourche Pipeline Co., et al., is continued to January 15, 1974, at the Offices of the Interstate Commerce Commission, Washington, D.C.

MC-119792, Sub 36, Chicago Southern Transportation Co., Inc., now assigned February 4, 1974, at St. Paul, Minn., is cancelled and reassigned February 4, 1974, on the 9th Floor, International Multifoods Building, 733 Marquette Ave., Minneapolis, Minn.

MC-FC 74065, Riteway Transport, Inc., Phoenix, Arizona, Transferee, and Padre Freight Lines, Long Beach, California, Transferor, MC-FC 74299, Riteway Transport, Inc., Phoenix, Arizona, Transferee, and Cibola Freight Lines, Phoenix, Arizona, Transferor, now assigned January 28, 1974, at Phoenix, Arizona, is postponed to February 25, 1974, in Room 2, Public Utilities Commission, 1688 West Adams, Phoenix, Arizona.

I&S No. 8875, Increased Fares, Port Authority, Trans-Hudson Corp., now being assigned hearing February 11, 1974 (3 days), in Freeholders Chambers, Hudson County Administration Bldg., 595 Newark Ave., Jersey City, N.J., and February 14, 1974 (2 days), in Tax Court Room No. 730, Federal Office Bldg., 970 Broad Street, Newark, N.J.

MC-C-8186, Allen S. Kraft, DBA Universal Travel Service, V. World Travel Service (Arthur A. Johnson, Owner), now being assigned February 19, 1974, at Kansas City, Mo., in a hearing room to be later designated.

MC 134229, Sub-5, Richmond Transfer, Inc., now being assigned February 20, 1974, at Kansas City, Mo., in a hearing room to be later designated.

MC 2900, Sub-208, Ryder Truck Lines, Inc., Extension—Dallas and Fort Worth, Tex., now assigned January 14, 1974, at Dallas, Tex., is cancelled and reassigned to Admiral Benbow Inn, 1470 Spring St. NW., Atlanta, Georgia (2 weeks).

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-83 Filed 1-2-74;8:45 am]

[Notice No. 411]

MOTOR CARRIER TRANSFER PROCEEDINGS

DECEMBER 26, 1973.

Application filed for temporary authority under section 210a(b) in connection with transfer application under section 212(b) and Transfer Rules (49 CFR Part 1132):

No. MC-FC-74900. By application filed December 13, 1973, REDMAN VAN & STORAGE COMPANY, 136 South 500 West St., Salt Lake City, UT 84101, seeks temporary authority to lease the operating rights of REDMAN VAN LINES AND REDMAN WAREHOUSING CORPORATION, also of Salt Lake City, UT 84101, under section 210a(b). The transfer to REDMAN VAN & STORAGE COMPANY, of the operating rights of REDMAN VAN LINES AND REDMAN WAREHOUSING CORPORATION, is presently pending.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74-81 Filed 1-2-74;8:45 am]

[Twelfth Revised Exemption No. 43; Ex Parte No. 241]

ATCHISON, TOPEKA AND SANTA FE RAILROAD CO. ET AL.

Exemption Under the Mandatory Car Service Rules

To: The Atchison, Topeka and Santa Fe Railway Co., Burlington Northern Inc., Chicago and North Western Transportation Co., Chicago, Milwaukee, St. Paul and Pacific Railroad Co., Chicago, Rock Island and Pacific Railroad Co., Fort Worth and Denver Railway Co., Illinois Central Gulf Railroad Co., Missouri Pacific Railroad Co., St. Louis-San Francisco Railway Co., St. Louis Southwestern Railway Co., Soo Line Railroad Co., Union Pacific Railroad Co.

It appearing, That there are massive movements of grain, including rice and soybeans, in progress in the states of Arkansas, Iowa, Kansas, Minnesota, Mississippi, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming; and of cotton in certain of the aforementioned states; that present supplies of plain boxcars owned by the railroads serving these states are inadequate to move the newly harvested grain and cotton to terminal facilities for safe storage; that use of available plain boxcars owned by other carriers for movements of this grain and cotton will substantially augment the car supplies of the railroads named herein.

It is ordered, That pursuant to the authority vested in me by Car Service Rule 19, the railroads named herein, and their short line connections, are hereby authorized to use and to accept from shippers shipments of grain and cotton originating at stations located in Arkansas, Iowa, Kansas, Minnesota, Mississippi, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wyoming, when loaded into plain 40-ft. narrow-door boxcars of various ownerships without regard to the requirements of Car Service Rule 2.

Exception: This exemption shall not apply to plain boxcars subject to Association of American Railroads' Car Relocation Directive No. 44.

Effective 11:59 p.m., December 15, 1973.

Expires 11:59 p.m., January 15, 1974.

Issued at Washington, D.C., December 10, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] LEWIS R. TEEPLE,
Agent.

[FR Doc.74-82 Filed 1-2-74;8:45 am]

[Third Revised Exemption No. 22; Ex Parte No. 241; Amdt. No. 5]

EXPIRATION OF EXEMPTION

Exemption Under the Mandatory Car Service Rules

Upon further consideration of Third Revised Exemption No. 22 issued January 12, 1973.

It is ordered, That, under authority vested in me by Car Service Rule 19, Third Revised Exemption No. 22 to the Mandatory Car Service Rules ordered in Ex Parte No. 241 be, and it is hereby, amended to expire February 15, 1974.

This amendment shall become effective December 15, 1973.

Issued at Washington, D.C., December 14, 1973.

INTERSTATE COMMERCE COMMISSION,
[SEAL] R. D. PFAHLER,
Agent.

[FR Doc.74-84 Filed 1-2-74;8:45 am]

[Notice No. 101]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

DECEMBER 21, 1973.

The following publications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by the new Special Rule 1100 247 of the Commission's rules of practice, published in the FEDERAL REGISTER, issue of December 3, 1963, which became effective January 1, 1964.

The publications hereinafter set forth reflect the scope of the applications as filed by applicant, and may include descriptions, restrictions, or limitations which are not in a form acceptable to the Commission. Authority which ultimately

may be granted as a result of the applications here noticed will not necessarily reflect the phraseology set forth in the application as filed, but also will eliminate any restrictions which are not acceptable by the Commission.

MOTOR CARRIERS OF PROPERTY

No. MC 118628 (Sub-No. 4) (REPUBLICATION) filed February 2, 1973, published in the FEDERAL REGISTER issue of of April 5, 1973, and republished this issue. Applicant: FLOYD HILL, doing business as DELTA TRANSFER LINES, 1100 West 14th Street, Jasper, Ala. 35501. Applicant's representative: Alan F. Wohlstetter, 1700 K Street, NW., Washington, D.C. 20006. An order of the Commission, Operating Rights Board, dated November 20, 1973, and served December 12, 1973, finds that the present and future public convenience and necessity require operation by applicant, in interstate or foreign commerce, as a *common carrier* by motor vehicle, over irregular routes, of *used household goods* between points in Bibb, Blount, Calhoun, Cullman, Cherokee, Clay, Cleburne, DeKalb, Etowah, Fayette, Jefferson, Lamar, Marion, Pickens, Randolph, Saint Clair, Shelby, Talladega, Tuscaloosa, Walker, and Winston Counties, Ala., restricted to the transportation of traffic having a prior or subsequent movement, in containers beyond the points authorized and further restricted to the performance of pickup and delivery service in connection with packing, crating and containerization or unpacking, uncrating and decontainerization of such traffic; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate that applicant also seeks to serve points in Cullman County, Ala. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a certificate in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 138163 (REPUBLICATION) filed October 24, 1972, published in the FEDERAL REGISTER issue of December 7, 1972, and republished this issue. Applicant: CONTAINER TRANSPORT, INC., Canterbury Road, Brooklyn, Conn. 06234. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. A Report of the Commission, Review Board Number 2, dated November 26, 1973, and served December 13, 1973, finds that operation by applicant, in interstate or foreign commerce, as a *contract carrier* by motor vehicle, over irregular routes, of *wearing apparel, cloth, piece goods* and *parts and accessories* used in the manufacture and distribution of wearing apparel, between Brockton, Fall River, and Springfield, Mass.; Woonsocket, R.I.; Long Island City and Brooklyn, N.Y.; Union City, N.J.; Christianburg, Dublin, Floyd, and Roanoke, Va.; Lumberton and Washington, N.C.; Allendale, Barnwell, and Beaufort, S.C.; Alley, Colbert, Pelham, and Warrenton, Ga., and St. Augustine and West Hollywood, Fla., under a continuing contract or contracts with Garland Corporation of Brockton, Mass., will be consistent with the public interest and the national transportation policy; that applicant is fit, willing, and able properly to perform such service and to conform to the requirements of the Interstate Commerce Act and the Commission's rules and regulations thereunder. The purpose of this republication is to indicate Union City, N.J. as an additional service point. Because it is possible that other parties who have relied upon the notice of the application as published, may have an interest in and would be prejudiced by the lack of proper notice of the authority described above, issuance of a permit in this proceeding will be withheld for a period of 30 days from the date of this publication of the authority actually granted, during which period any proper party in interest may file an appropriate petition for intervention or other relief in this proceeding setting forth in detail the precise manner in which it has been so prejudiced.

No. MC 29643 (Sub-No. 7) (NOTICE OF FILING OF PETITION FOR PARTIAL REMOVAL OF A RESTRICTION), filed December 3, 1973. Petitioner: WALSH TRUCKING SERVICE, INC., 50 Burney Avenue, Massena, N.Y. 13662. Petitioner's representative: Morton E. Kiel, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Petitioner presently holds a motor *common carrier* certificate in MC 29643 (Sub-No. 7) issued April 5, 1972, authorizing transportation, over irregular routes, of *general commodities* (except Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between points in St. Lawrence and Franklin Counties, N.Y., on the one hand, and, on the other, points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Rhode Island, Delaware, New Hampshire, Vermont, and points in that part of Pennsylvania lying on and east of U.S. Highway 11 beginning at the Pennsylvania-New York State line and extending along U.S. Highway 11 to junction U.S. Highway 15, thence on and east of U.S. Highway 15 to the Pennsylvania-Maryland State line, restricted against: (1) the transportation of shipments originating at or destined to points in Canada; (2) of milk and milk products, except those in hermetically sealed containers, from points in St. Lawrence and Franklin Counties, N.Y., to points in the New York, N.Y., and Providence, R.I., Commercial Zones as defined by the Commission, and points in Connecticut, Massachusetts, and New Jersey; (3) of food and food products, in vehicles equipped with mechanical refrigeration, between the plantsite of Sealtest Foods, Div. of Kraftco Corporation at North Lawrence, N.Y., on the one hand, and, on the other, points in the Philadelphia, Pa., and Baltimore, Md., Commercial Zones as defined by the Commission; and (4) of paper and paper products from points in St. Lawrence and Franklin Counties, N.Y. By the instant petition, petitioner seeks removal of the restriction in (1) above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 35045 (NOTICE OF FILING OF PETITION TO MODIFY A COMMODITY DESCRIPTION), filed December 10, 1973. Petitioner: HORNE HEAVY HAULING, INC., 1124 DeKalb Ave. NE., P.O. Box 5358, Atlanta, Ga. 30307. Petitioner's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Petitioner presently holds a motor *common carrier* certificate in No. MC 35045 issued December 21, 1967, authorizing transportation, over irregular routes, of *machinery, equipment and supplies* used in the maintenance and operation of industrial plants, between points within 175 miles of Chattanooga, Tenn., including Chattanooga, Tenn. By the instant petition, petitioner seeks to modity its commodity description to read: "(a) *Commodities*, the transportation of which because of their size or weight require special handling or special equipment and *related contractors' materials, supplies, and equipment*, when the transportation is incidental to the transportation by said carrier of commodities which by reason of size or weight require special handling or special equipment; and (b) *self-propelled articles*, each weighing 15,000 pounds or more, and *related machinery, tools, parts, and supplies* moving in connection therewith, restricted to commodities which are transported on trailers." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of the publication in the FEDERAL REGISTER.

No. MC 59655 (NOTICE OF FILING OF PETITION FOR PARTIAL MODIFICATION, CLARIFICATION AND AMENDMENT OF CERTIFICATE), filed December 3, 1973. Petitioner: SHEEHAN CARRIERS, INC., 62 Lime Kiln Road, Suffern, N.Y. 10901. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner presently holds a motor *common carrier* certificate in No. MC 59655 issued June 4, 1971, authorizing transportation, over irregular routes, of *General Commodities* (except those of unusual value, liquor, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other

lading), between points in Passaic, Bergen, Hudson, Essex, and Union Counties, N.J., on the one hand, and, on the other, New York, N.Y., and points in Winchester, Rockland, and Orange Counties, N.Y. By the instant petition, petitioner seeks either of the following alternatives: (a) that the Commission issue an appropriate order that the petitioner be empowered and permitted to designate its terminal area of New York, N.Y., as all points within which local operations may be conducted in the New York, N.Y., Commercial Zone as established by the Commission, or (b) to amend its certificate to modify its destination point New York, N.Y., in the above described authority to read: "points in the New York, N.Y., Commercial Zone." Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 96098 (Sub-No. 38) (NOTICE OF FILING OF PETITION TO MODIFY A COMMODITY DESCRIPTION), filed November 19, 1973. Petitioner: MILTON TRANSPORTATION, INC., R.D. #1, Box 207, Milton, Pa. 17847. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner presently holds a motor *contract carrier* permit in No. MC 96098 (Sub-No. 38), issued June 18, 1971, authorizing transportation, over irregular routes, of *salt*, from the facilities of the Morton Salt Company, Division of Morton International, Inc., at Milo, N.Y., to points in Virginia, Pennsylvania, Delaware, Maryland, New Jersey, and the District of Columbia, under a continuing contract or contracts with Morton Salt Company, Division of Morton International, Inc., of Chicago, Ill. By the instant petition, petitioner seeks to modify its commodity description to read: "Salt, salt products, calcium chloride, and mixtures thereof." Any person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 109478 (Sub-No. 122) (NOTICE OF FILING OF PETITION FOR MODIFICATION OF A VEHICLE RESTRICTION), filed November 15, 1973. Petitioner: WORSTER MOTOR LINES, INC., Gay Road, P.O. Box 110, North East, Pa. 16428. Petitioner's representative: Joseph F. MacKrell, 23 West 10th Street, Erie, Pa. 16501. Petitioner presently holds a motor *common carrier* certificate in No. MC 109478 (Sub-No. 122), issued February 12, 1973, authorizing transportation, over irregular routes, of *food and foodstuffs* (except commodities in bulk, in tank vehicles), in vehicles equipped with mechanical refrigeration, from the facilities of Kraft Foods Division of Kraftco Corporation at or near Fogelsville, Pa., to points in New York and Ohio, restricted to transportation of traffic originating at the named origin points and destined to the named destination points. By the instant petition, petitioner seeks to modify the vehicle restriction to read: "in vehicles equipped to protect such products from heat or cold." Any person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 115570 (NOTICE OF FILING OF PETITION TO ADD ADDITIONAL POINT OF ORIGIN UNDER A CONTRACT PERMIT), filed December 7, 1973. Petitioner: WALTER A. JUNGE, INC., P.O. Box 98, Antioch, Calif. 94509. Petitioner's representative: George A. LaBissoniere, 130 Andover Park E., Seattle, Wash. 98101. Petitioner presently holds a motor *contract carrier* permit in No. MC 115570 issued August 28, 1958, authorizing transportation, over irregular routes, of *paper and paper products*, from Port Angeles, Port Townsend, Seattle, Sumner, and Tacoma, Wash., and Portland, Oreg., to points in California. This permit was issued without specification as to those shippers who were to be served under the contract authority granted. Applicant indicates, however, that he is presently under contract with that shipper who would be serviced under the broadened scope of authority, Western Kraft Corporation. By the instant petition, petitioner seeks to add an additional point of origin, Albany, Oreg., to the authority described above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 124004 (Sub-No. 16) (NOTICE OF FILING OF PETITION TO MODIFY A COMMODITY DESCRIPTION), filed November 15, 1973. Petitioner: RICHARD DAHN, INC., 620 West Mountain Road, Sparta, N.J. 07871. Petitioner's representative: George A. Olsen, 69 Tonnele Avenue, Jersey City, N.J. 07306. Petitioner presently holds a motor *common carrier* certificate in No. MC 124004 (Sub-No. 16), issued June 28, 1971, authorizing transportation, over irregular routes, of *salt*, from the facilities of the Morton Salt Company, Division of Morton International, Inc., at Milo, N.Y., to points in Connecticut, Delaware, New York, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, and the District of Columbia. By the instant petition, petitioner seeks to modify its commodity description to read: "Salt, salt products, calcium chloride, and mixtures thereof". Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

No. MC 135787 (Sub-No. 1) (NOTICE OF FILING OF PETITION TO ADD A CONTRACTING SHIPPER), filed December 7, 1973. Petitioner: R. A. TENNANT TRUCKING, INC., Kirkland, Wash. 98033. Petitioner's representative: George A. LaBissoniere, 130 Andover Park E., Seattle, Wash. 98188. Petitioner presently holds a motor *contract carrier* permit in No. MC 135787 (Sub-No. 1), issued November 8, 1973, authorizing transportation over irregular routes, of *plumbing and heating fixtures, equipment, supplies and accessories*, from San Pablo, Stockton, Torrance, and City of Industry, Calif., to points in that part of Oregon on and west of U.S. Highway 97, and to points in Washington, under a continuing contract or contracts with American Standard, Inc., of New Brunswick, N.J. By the instant petition, petitioner seeks to add Norris Industries of City of Industry, Calif., as an additional contracting shipper to the authority described above. Any interested person or persons desiring to participate may file an original and six copies of his written representations, views or arguments in support of or against the petition within 30 days from the date of publication in the FEDERAL REGISTER.

APPLICATIONS UNDER SECTIONS 5 AND 210A(B)

The following appplications are governed by the Interstate Commerce Commission's Special Rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto. (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH AN APPLICATION UNDER SECTION 5 GOVERNED BY RULE 240 TO THE EXTENT APPLICABLE

No. MC 48022 (Sub-No. 9), filed November 15, 1973. Applicant: INLAND EXPRESS, INC., 441 West Kirkpatrick St., P.O. Box 255, Syracuse, N.Y. 13204. Applicant's representative: Francis E. Barrett, Jr., 10 Industrial Park Road, Hingham, Mass. 02043. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment for the transportation thereof), between points in Erie County, N.Y.

NOTE.—Applicant states that the requested authority can be tacked at Buffalo, N.Y. to serve points in New England. This application is a matter directly related to the section 5 purchase proceeding MC-F-12053, published in the FEDERAL REGISTER issue of December 5, 1973. The instant application seeks to convert the Certificate of Registration of Hamburg Delivery under No. MC 18691 (Sub-No. 2), to a Certificate of Public Convenience and Necessity. If a hearing is deemed necessary, applicant requests it be held at Syracuse, Albany, or Buffalo, N.Y.

No. MC 99798 (Sub-No. 17), filed November 19, 1973. Applicant: DODDS TRUCK LINE, INC., 623 Lincoln, West

Plains, Mo. 65775. Applicant's representative: Frank W. Taylor, Jr., 1221 Baltimore Avenue, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes and irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and those requiring special equipment). REGULAR ROUTES: (1) Between Colins, Mo., and Clinton, Mo., over Missouri Highway 13 serving all intermediate points and the off-route point of Boy Scout Camp at or near Osceola, Mo.; (2) Between El Dorado Spring, Mo., and junction Missouri Highways 82 and 83: From El Dorado Spring over Missouri Highway 82 to junction Missouri Highway 83, serving all intermediate points; (3) Between Clinton, Mo., and Warsaw, Mo., over Missouri Highway 7, serving all intermediate points; (4) Between Clinton, Mo., and Warsaw, Mo.; From Clinton over Missouri Highway 52 to junction U.S. Highway 65, thence over U.S. Highway 65 to Warsaw, Mo., serving all intermediate points; (5) Between Collins, Mo., and Weaubleau, Mo., over U.S. Highway 54, serving all intermediate points; (6) Between Springfield, Mo., and Collins, Mo., over Missouri Highway 13, serving all intermediate points; (7) Between Collins, Mo., and El Dorado Springs, Mo., over U.S. Highway 54, serving all intermediate points; (8) Between Cedar Springs, Mo., and Stockton, Mo., over Missouri Highway 39 serving all intermediate points; (10) Between Hupoint of Caplinger Mills, Mo.; (9) Between Stockton, Mo., and Fair Play, Mo., over Missouri Highway 32 serving all intermediate points.; (10) Between Humansville, Mo., and Weaubleau, Mo., over Missouri Highway 123 serving all intermediate points; (11) Between Collins, Mo., and Preston, Mo., over U.S. Highway 54 serving all intermediate points and the off-route point of Pomme de Terre State Park, Mo.; (12) Between junction of Missouri Highway 83 and U.S. Highway 54 and Warsaw, Mo.: From junction Missouri Highway 83 and U.S. Highway 54, over Missouri Highway 83 to junction U.S. Highway 65, thence over U.S. Highway 65 to junction Missouri Highway 7, thence over Missouri Highway 7 to Warsaw, Mo., serving all intermediate points; (13) Between Warsaw, Mo., and Springfield, Mo., over U.S. Highway 65 serving all intermediate points and the off-route points of Kaysinger Dam, Rondo, Sentinel, and Red Top, Mo.; (14) Between Warsaw, Mo., and Climax Springs, Mo., over Missouri Highway 7 serving all intermediate points; (15) Between Bolivar, Mo., and Buffalo, Mo., over Missouri Highway 32 serving all intermediate points; (16) Between Bolivar, Mo., and Wheatland, Mo., over Missouri Highway 83 serving all intermediate points; and (17) Between Louisburg, Mo., and Preston, Mo.: From Louisburg over Missouri Highway 64 to junction Hickory County Highway D, thence over Hickory County Highway D to Preston, Mo., serving all intermediate points. (1) through (17) and return over the same routes, restricted against traffic between Weaubleau, Mo., on the one hand, and, on the other, Bolivar, Mo., and Springfield, Mo. IRREGULAR ROUTES: (1) Between Humansville, Mo., on the one hand, and, on the other, points in Hickory, Benton, Cedar, Dallas, and Polk Counties, Mo.

NOTE.—Applicant states that the requested irregular route authority can be tacked with its requested regular route authority. The purpose of this application is to convert the Certificate of Registration issued to Humansville Truck Line, Inc. under MC 52642 Sub-Nos. 2 and 4 to a Certificate of Public Convenience and Necessity. This is a matter directly related to the Section 5 Purchase proceeding in MC-F-12020, published in the FEDERAL REGISTER issue of October 31, 1973. If a hearing is deemed necessary, applicant requests it be held at Springfield or Kansas City, Mo.

No. MC 111496 (Sub-No. 16), filed December 12, 1973. Applicant: TWIN CITY FREIGHT, INC., 2280 Ellis Avenue, St. Paul, Minn. 55114. Applicant's representative: James M. Sanden, 502 First National Bank Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), Between St. Cloud and Duluth, Minn.: From St. Cloud over Minnesota Highway 23 to junction U.S. Highway 61, thence over U.S. Highway 61 to Duluth, restricted against service to any point on U.S. Highway 61 except Duluth.

NOTE.—Common control may be involved. The purpose of this application is to convert the Certificate of Registration issued to Gerald H. Strating in MC 120469 (Sub-No. 1), to a Certificate of Public Convenience and Necessity. This is a matter directly related to a Section 5 purchase proceeding in MC-F-12067 published in the FEDERAL REGISTER issue of December 26, 1973. If a hearing is deemed necessary, applicant requests it be held at Fargo, N Dak., or Minneapolis, Minn.

No. MC-F-12049. (Correction) (BOND TRANSPORTATION, INC.—PURCHASE—STANDARD TRUCKING CO., THE INTERNAL REVENUE SERVICE, SUCCESSOR-IN-INTEREST), published in the November 28, 1973, issue of the FEDERAL REGISTER on page 32863. Prior notice should not have included *vendee is authorized to operate as a common carrier in Missouri and Kansas.*

No. MC-F-12063. Authority sought for purchase by ROADWAY EXPRESS, INC., P.O. Box 471, Akron, OH 44309, of the operating rights of SERVERAID MOTOR FREIGHT, INCORPORATED, 1104 Elm St., Story City, IA 50243, and for acquisition by GLEN J. ROUSH, also of Akron, OH 44309, of control of such rights through the purchase. Applicants' attorney and representative: William O. Turney, 2001 Massachusetts Ave., NW., Washington, D.C. 20036, and Douglas W. Faris, P.O. Box 471, Akron, OH 44309. Operating rights sought to be transferred: *General commodities*, excepting among others, livestock, Classes A and B explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Des Moines, Iowa, and Randall, Iowa, serving the intermediate points of Story City, Roland, McCallsburg, Garden City, Ankeny, Huxley, and Ames, Iowa. Vendee is authorized to operate as a *common carrier* in Ohio, Texas, Oklahoma, Connecticut, Michigan, Missouri, Indiana, Massachusetts, Pennsylvania, Kansas, Illinois, Kentucky, Rhode Island, Alabama, Georgia, North Carolina, Tennessee, South Carolina, New Jersey, New York, Virgina, Delaware, Maryland, West Virginia, Wisconsin, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-12064. Authority sought for purchase by NEHALEM VALLEY MOTOR FREIGHT, INC., 3641 NW. St. Helens Rd., Portland, OR 97210, of a portion of the operating rights of NORTHWESTERN TRANSFER COMPANY, 215 SE. Morrison St., Portland, OR 97214, and for acquisition by ROBERT P. HEESTAND, 14531 SW. Uplands Dr., Lake Oswego, OR 97034, of control of such rights through the purchase. Applicants' attorney: Robert R. Hollis, 400 Pacific Bldg., 520 SW. Yamhill, Portland, OR 97204. Operating rights sought to be transferred: *General commodities*, excepting among others, dangerous explosives, household goods and commodities in bulk, as a *common carrier* over regular routes, between Portland, Oreg., and Vancouver, Wash., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Oregon. Application has not been filed for temporary authority under section 210a(b).

No. MC-F-112065. Authority sought for purchase by RYAN FREIGHT LINES, INC., P.O. Box 17570, Oklahoma City, OK 73117, of the operating rights of ROBERTS TRUCKING CO., INC., Highway 271 South, P.O. Box Drawer "G", Poteau, OK 74953, and for acquisition by C. W. RYAN, also of Oklahoma City, OK 73117, of control of such rights through the purchase. Applicants' attorneys: Wilburn L. Williamson, 280 National Foundation Life Bldg., 3535 NW 58th St., Oklahoma City, OK 73112, and I. E. Chenoweth, 1012 Mayo Bldg., Tulsa, OK 74103. Operating rights sought to be transferred: *General commodities*, with exceptions, as a *common carrier* over regular routes, between Fort Smith, Ark., and Wilburton, Okla., serving the intermediate points of Red Oak, Fanshawe, and Panola, Okla., between Heavener, Okla., and Fort Smith, Ark., serving the intermediate points of Spiro, Okla., and those south of Spiro, without restriction; and those north of Spiro restricted to northbound traffic, between Wilburton, and McAlester, Okla., serving all intermediate points, between Ft. Towson and Poteau, Okla., serving all intermediate points with restriction, between junction U.S. Highway 271 and Oklahoma Highway 2 near Clayton, Okla., and Wilburton, Okla., serving no intermediate points. Vendee is authorized to operate as a *common carrier* in Texas and Oklahoma. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–12066. Authority sought for purchase by CENTRAL FREIGHT LINES, INC., P.O. Box 238, Waco, TX 76703, of the operating rights of ALLISON-LOGAN FREIGHT LINES, INC., P.O. Box 724, Terrell, TX 75169, and for acquisition by W. W. CALLAN, also of Waco, TX 76703, of control of such rights through the purchase. Applicants' attorney: Phillip Robinson, P.O. Box 2207, Austin, TX 78767. Operating rights sought to be transferred: Under certificates of registration in Docket No. MC–121659, MC 121659 (Sub-No. 1), MC–121659 (Sub-No. 2), and MC–121659 (Sub-No. 3), covering the transportation of general commodities, as common carriers, in interstate commerce, within the State of Texas. Vendee is authorized to operate as a common carrier in Texas. Application has not been filed for temporary under section 210a(b).

No. MC–F–12067. Authority sought for purchase by TWIN CITY FREIGHT, INC., 22800 Ellis Ave., St. Paul, MN 55114, of the operating rights and property of GERALD H. STRATING, doing business as ST. CLOUD-DULUTH TRUCK LINES, P.O. Box 931, St. Cloud, MN 56302, and for acquistion by ROBERT ELSHOLTZ and W. E. ELSHOLTZ, JR., both of St. Paul, MN 55114, of control of such rights and property through the purchase. Applicants' attorney: James M. Sanden, 502 First National Bank Bldg., Fargo, ND 58102. Operating rights sought to be transferred: Under a certificate of registration in Docket No. MC–120469 (Sub-No. 1), covering the transportation of general commodities, as a common carrier, in interstate commerce, within the State of Minnesota. Vendee is authorized to operate as a *common carrier* in Minnesota and North Dakota. Application has not been filed for temporary authority under section 210a(b).

NOTE.—MC–111496 (Sub-No. 16), is a matter directly related.

NOTICE

LOUISVILLE AND NASHVILLE RAILROAD COMPANY, Represented by Mr. Joseph L. Lenihan and Emried D. Cole, Jr., 908 West Broadway, Louisville, Kentucky 40201, hereby give notice that on the 6th day of December, 1973, it filed an application with the Interstate Commerce Commission in Finance Docket No. 27540, for authority to acquire trackage rights over the Evansville Connecting Railroad Company between the Chicago Sub-division of Applicant and the line of railroad operated by Applicant under Lease-Purchase Agreement, dated April 4, 1972, with the Trustees of Penn Central Transportation Company, a distance of approximately 2.6 miles, located north of Evansville, in Vanderburgh County, Indiana. Applicant presently owns and is operating over the above-described line of railroad. Applicant has carefully considered the potential effects on the human environment of the trackage rights sought in this Application and shows that the action requested of the Commission will not affect the human environment and that the decision of the Commission in this proceeding will not constitute a major Federal action which will significantly affect the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation - Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra Part (b)(1)–(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

NOTICE

SOUTHERN RAILWAY COMPANY, P.O. Box 1808, Washington, D.C. 30013 (Applicant), hereby gives notice that on 10th day of December, 1973, it filed with the Interstate Commerce Commission at Washington, D.C., an application under Section 5(2) of the Interstate Commerce Act, which was assigned Finance Docket No. 27542. The name and address of Applicant's attorneys are Earl M. Schramm and Lawrence A. Huff, Post Office Box 1808, Washington, D.C. 20013. The nature of the proposed transaction is for Applicant to acquire control of the Algers, Winslow and Western Railway Company (AWW) initially through the purchase for a cash consideration of 50% of the outstanding capital stock of that company. Applicant is a corporation engaging in transportation as a carrier by railroad and operating in ten states. Algers, Winslow and Western Railway Company, a railroad whose principal commodity is coal, is 16.0 miles long, with its main line beginning at Enosville and running northwesterly to Oakland City Junction, and thence northeasterly, crossing the Patoka River near Ayrshire, to Cato, all in Pike County, Indiana, and including all further spur tracks and other extensions of said main line in any direction. Applicant maintains that the subject matter of this application does not appear to present, environmental issues. Applicant further maintains that the Commission action requested herein will have no effect on the quality of the human environment. In accordance with the Commission's regulations (49 CFR 1100.250) in Ex Parte No. 55 (Sub-No. 4), *Implementation - Nat'l Environmental Policy Act, 1969*, 340 I.C.C. 431 (1972), any protests may include a statement indicating the presence or absence of any effect of the requested Commission action on the quality of the human environment. If any such effect is alleged to be present, the statement shall include information relating to the relevant factors set forth in Ex Parte No. 55 (Sub-No. 4), supra, Part (b)(1)–(5), 340 I.C.C. 431, 461. The proceeding will be handled without public hearings unless protests are received which contain information indicating a need for such hearings. Any protests submitted shall be filed with the Commission no later than 30 days from the date of first publication in the FEDERAL REGISTER.

SOUTHERN RAILWAY COMPANY

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74–4 Filed 1–2–74;8:45 am]

[Notice No. 104]

MOTOR CARRIER, BROKER, WATER CARRIER AND FREIGHT FORWARDER APPLICATIONS

DECEMBER 21, 1973.

The following applications (except as otherwise specifically noted, each applicant (on applications filed after March 27, 1972) states that there will be no significant effect on the quality of the human environment resulting from approval of its application), are governed by Special Rule 1100.247[1] of the Commission's general rules of practice (49 CFR, as amended), published in the FEDERAL REGISTER issue of April 20, 1966, effective May 20, 1966. These rules provide, among other things, that a protest to the granting of an application must be filed with the Commission within 30 days after date of notice of filing of the application is published in the FEDERAL REGISTER. Failure seasonably to file a protest will be construed as a waiver of opposition and participation in the proceeding. A protest under these rules should comply with section 247(d)(3) of the rules of practice which requires that it set forth specifically the grounds upon which it is made, contain a detailed statement of protestant's interest in the proceeding (including a copy of the specific portions of its authority which protestant believes to be in conflict with that sought in the application, and describing in detail the method—whether by joinder, interline, or other means—by which protestant would use such authority to provide all or part of the service proposed), and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests not in reasonable compliance with the requirements of the rules may be rejected. The original and one (1) copy of the protest shall be filed with the Commission, and a copy shall be served concurrently upon applicant's representative, or applicant if no representative is named. If the protest includes a request for oral hearing, such requests shall meet the requirements of section 247(d)(4) of the special rules, and shall include the certification required therein.

Section 247(f) of the Commission's rules of practice further provides that each applicant shall, if protests to its application have been filed, and within

[1] Copies of Special Rule 247 (as amended) can be obtained by writing to the Secretary, Interstate Commerce Commission, Washington, D.C. 20423.

60 days of the date of this publication, notify the Commission in writing (1) that it is ready to proceed and prosecute the application, or (2) that it wishes to withdraw the application, failure in which the application will be dismissed by the Commission.

Further processing steps (whether modified procedure, oral hearing, or other procedures) will be determined generally in accordance with the Commission's general policy statement concerning motor carrier licensing procedures, published in the FEDERAL REGISTER issue of May 3, 1966. This assignment will be by Commission order which will be served on each party of record. Broadening amendments will not be accepted after the date of this publication except for good cause shown, and restrictive amendments will not be entertained following publication in the FEDERAL REGISTER of a notice that the proceeding has been assigned for oral hearing.

No. MC 647 (Sub-No. 10), filed November 11, 1973. Applicant: EXHIBITORS SERVICE COMPANY, 85 Helen Street, McKees Rocks, Pa. 15136. Applicant's representative: William J. Lavelle, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods and foodstuffs*, in vehicles equipped with mechanical refrigeration between points in Allegheny County, Pa., on the one hand, and, on the other, Batavia, Bath, Buffalo, and Canandaigua, N.Y.

NOTE.—Applicant states that the requested authority can be tacked by MC 647 lead docket at points in Allegheny County, Pa., to provide a service between points in eastern Ohio, West Virginia, and western Pennsylvania and those destination points named above. If a hearing is deemed necessary, the applicant requests it be held at Pittsburgh, Pa.

No. MC 730 (Sub-No. 356) (CORRECTION), filed October 5, 1973, published in the FEDERAL REGISTER issue of December 6, 1973, and republished as corrected this issue. Applicant: PACIFIC INTERMOUNTAIN EXPRESS CO., a Corporation, 1417 Clay Street, P.O. Box 958, Oakland, Calif. 94612. Applicant's representative: R. N. Cooledge (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Waste solvent*, in bulk, in tank vehicles, from Phoenix, Ariz., to Reedley, Calif.; (2) *petroleum and petroleum products*, in bulk, in tank vehicles, from points in Duchesne County, Utah, to points in Nevada and Idaho; and (3) *petroleum and petroleum products*, and *lubricating oil additives*, in bulk, in tank vehicles, from Good Hope and Oak Point, La., to points in California, Oregon, and Washington.

NOTE.—The purpose of this republication is to correctly indicate the location of the origin in (2) above at Duchesne County, Utah. Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco or Los Angeles, Calif.

No. MC 1872 (Sub-No. 81), filed October 29, 1973. Applicant: ASHWORTH TRANSFER, INC., 1526 South 700 West, Salt Lake City, Utah 84104. Applicant's representative: Keith E. Taylor, P.O. Box 11898, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Commodities* which, by reason of size or weight, require special handling or the use of special equipment, and *commodities* which do not require special handling or the use of special equipment when moving in the same shipment on the same bill of lading as commodities which by reason of size or weight require special handling or the use of special equipment; (2) *self-propelled articles*, transported on trailers, and *related machinery, tools, parts, and supplies* moving in connection therewith; (3) *iron and steel articles* as described in Appendix 5 to the Commission's Report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; and (4) *pipe*, other than iron or steel, together with *fittings*, between points in California.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked at points in California to serve points in Arizona, Colorado, Idaho, Montana, Nevada, Utah, Washington, and Wyoming. If a hearing is deemed necessary, the applicant requests it be held at Los Angeles or San Francisco, Calif.

No. MC 4761 (Sub-No. 28), filed November 21, 1973. Applicant: LOCK CITY TRANSPORTATION COMPANY, a Corporation, 3213 10th Street, Menominee, Mich. 49858. Applicant's representative: Edward Solie, Executive Bldg., Suite 100, 4513 Vernon Blvd., Madison, Wis. 53705. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as described in Appendix XIII to the report in *Descriptions in Motor Carrier's Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from points in Delta and Marquette Counties, Mich., to points in Alger and Marquette Counties, Mich.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Madison, Wis.

No. MC 8535 (Sub-No. 46), filed October 29, 1973. Applicant: GEORGE TRANSFER AND RIGGING COMPANY, INCORPORATED, Interstate 83 at Route 439, Parkton, Md. 21120. Applicant's representative: John Guandolo, 1000 16th St. NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum and aluminum products, and equipment, materials and supplies used in the manufacture and processing of aluminum and aluminum products* (except commodities in bulk), from points in Hancock County, Ky., to points in Connecticut, Massachusetts, Rhode Island, and Vermont.

NOTE.—Applicant states that the requested authority can be tacked at Hancock County, Ky., with its lead Certificate, MC 8535, to provide a through service from points in Delaware, Kentucky, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia, Ohio, and the District of Columbia, to the destination points named above. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 21491 (Sub-No. 2), filed November 19, 1973. Applicant: WILLIAM VOLLRATH, Cease Street, Harvey's Lake, Pa. 18618. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are manufactured, sold or distributed by Union Corporation, its divisions or subsidiaries* (except commodities in bulk), from the facilities of Union Corporation, its divisions or subsidiaries, at Old Forge, Pa., to points in the United States (except Alaska and Hawaii), restricted to shipments having an origin as noted above.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 29886 (Sub-No. 302), filed November 23, 1973. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. 46627. Applicant's representative: Charles Pieroni (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles, and motor vehicle chassis*, in initial movements, in driveaway and truckaway service, *and bodies, cabs, and parts of, and accessories for* such motor vehicles, from the plantsite of the White Truck Division of the White Motor Corporation near Ogden, Utah, in Weber County, to points in the United States including Alaska, but excluding Hawaii.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Cleveland, Ohio.

No. MC 30374 (Sub-No. 21), filed November 19, 1973. Applicant: TRI-STATE TRANSPORTATION CO., INC., West and Railroad Avenues, Vineland, N.J. 08360. Applicant's representative: A. David Millner, 744 Broad Street, Newark, N.J. 07102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between New York, N.Y., and Philadelphia, Pa.; and (2) *wearing apparel* and *materials and supplies and equipment* used in the manufacture of wearing apparel, between points in Hudson, Passaic, Bergen, and Essex Counties, N.J., on the one hand, and, on the other, Philadelphia, Pa.

NOTE.—Common control was approved in MC-F-10884. Applicant presently holds authority for the operations sought within the scope of this application via the gateways of Vineland, N.J. (for 1 above), and points in Cumberland, Atlantic, Camden, and Glouster Counties, N.J. (for 2 above). The purpose of this application is to eliminate the necessity for traffic moving between the points indicated in (1) and (2) above to utilize the respective gateways. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y., Washington, D.C., or Philadelphia, Pa.

No. MC 35045 (Sub-No. 11), filed November 19, 1973. Applicant: HORNE HEAVY HAULING, INC., 1124 DeKalb Avenue NE., Atlanta, Ga. 30307. Applicant's representative: K. Edward Wolcott, 1600 First Federal Building, 40 Marietta Street, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment and supplies* used in the maintenance and operation of industrial plants, between points within 175 miles of Chattanooga, Tenn., including Chattanooga, Tenn., on the one hand, and, on the other, Bristol, Va., restricted to the transportation of traffic which is interchanged at Bristol, Va.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at the origin points named above to provide service between points within 175 miles of Chattanooga, Tenn., including Chattanooga, Tenn., and Bristol, Va. The purpose of this application is to relocate the interchange point for reasons of efficiency and increased safety. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 38092 (Sub-No. 3), filed November 20, 1973. Applicant: EARLE W. NOYES & SONS, a Corporation, 127 Oxford Street, Portland, Maine 04111. Applicant's representative: Lester W. Noyes (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, between Portland, Maine, on the one hand, and, on the other, points in Maine, restricted to traffic originating at and destined to the named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Portland, Maine.

No. MC 42487 (Sub-No. 817), filed December 7, 1973. Applicant: CONSOLIDATED FREIGHTWAYS CORPORATION OF DELAWARE, 175 Linfield Drive, Menlo Park, Calif. 94025. Applicant's representative: Eugene T. Liipfert, 1660 L Street, NW., Suite 1100, Washington, D.C. 20036. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, in tank vehicles, and those requiring special equipment): (1) Between Benson, Ariz. and Baton Rouge, La.: From Benson over Interstate Highway 10 to Baton Rouge, and return over the same route, serving San Antonio, Houston, Beaumont and Orange, Tex., and Lake Charles, La., as intermediate points, and Port Arthur, Tex., as an off-route point, with service at the junction of Interstate Highways 10 and 20 as a point of joinder only; (2) Between the junction of Interstate Highways 10 and 20 and Jackson, Miss.: From the junction of Interstate Highways 10 and 20 over Interstate Highway 20 to Jackson, Miss., and return over the same route, serving Fort Worth and Dallas, Tex., and Shreveport, La., as intermediate points; (3) Between Flagstaff, Ariz., and Fort Worth, Tex.: From Flagstaff over Interstate Highway 40 to Amarillo, Tex., thence over U.S. Highway 287 to Fort Worth and return over the same route, serving Amarillo, Tex., as a point of joinder only; (4) Between Denver, Colo., and Amarillo, Tex.: From Denver over Interstate Highway 25 to Raton, N. Mex., thence over U.S. Highway 87 to Amarillo, Tex., and return over the same route, with service at Amarillo as a point of joinder only; (5) Between Shreveport and Baton Rouge, La.: From Shreveport over U.S. Highway 71 to its junction with U.S. Highway 190 (near Krotz Springs, La.), thence over U.S. Highway 190 to Baton Rouge (also from Shreveport over Louisiana Highway 1 to Baton Rouge) and return over the same routes; (6) Between Baton Rouge and New Orleans, La.: From Baton Rouge over U.S. Highway 61 to New Orleans, and return over the same route, serving LaPlace, La., as a point of joinder only; (7) Between Jackson, Miss., and LaPlace, La.: From Jackson over Interstate Highway 55 to junction U.S. Highway 51, thence over U.S. Highway 51 to LaPlace, La., and return over the same route, with service at LaPlace as a point of joinder only; (8) Between Baton Rouge, La., and junction U.S. Highways 190 and 90 (near Pearlington, Miss.): From Baton Rouge over U.S. Highway 190 to its junction with U.S. Highway 90, and return over the same route, serving the junction of U.S. Highways 190 and 90 for purposes of joinder only; (9) Between New Orleans, La., and Mobile, Ala.: From New Orleans over U.S. Highway 90 to Mobile, and return over the same route, serving the junction of U.S. Highways 190 and 90 (near Pearlington, Miss.) as a point of joinder only; and (10) Between Jackson, Miss., and Mobile, Ala.: From Jackson over U.S. Highway 49 to Hattiesburg, Miss., thence over U.S. Highway 98 to Mobile, and return over the same route.

NOTE.—Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at New Orleans, La.; Los Angeles or San Francisco, Calif.; Dallas, Tex.; or Seattle, Wash.

No. MC 52510 (Sub-No. 3), filed November 9, 1973. Applicant: VALLEY TRUCKING COMPANY, a Corporation, 1000 East North Street, Morris, Ill. 60450. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (a) *Such commodities as are dealt in by manufacturers of paper and paper products;* (b) *such commodities as are used in the manufacture of paper and paper products*, and (c) *matches, match boxes, wooden clothespins, and wooden toothpicks*, (1) between Morris, Ill., on the one hand, and, on the other, points in Indiana, Missouri, and Iowa; points in Michigan on and south of Interstate Highway 96; points in Wisconsin on and south of a line beginning at Port Washington, Wis., thence extending southwesterly over Wisconsin Highway 32 to junction Wisconsin Highway 60 at or near Grafton, Wis., thence westerly over Wisconsin Highway 60 to junction U.S. Highway 18 near Prairie du Chien, Wis., thence over U.S. Highway 18 to the Wisconsin-Iowa State line, and Louisville, Ky., and Kansas City, Kans.; and (2) from Middletown and Lockland, Ohio, to Morris, Ill., under continuing contracts with Federal Paper Board Company, Inc., and Diamond International Corporation.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 52869 (Sub-No. 94), filed November 19, 1973. Applicant: NORTHERN TANK LINE, P.O. Box 970, Miles City, Mont. 59301. Applicant's representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sugarbeet pulp and molasses*, in bulk, in tank vehicles, from Billings and Sidney, Mont., to points in North Dakota.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Billings, Mont., or Minneapolis, Minn.

No. MC 59367 (Sub-No. 90), filed November 19, 1973. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, Fort Dodge, Iowa 50501. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen prepared foods*, from the plantsite and storage facilities of Kitchens of Sara Lee, at Deerfield and Chicago, Ill., to points in Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to traffic originating at the named plantsite and storage facilities and destined to points in the above named states.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 59367 (Sub-No. 91), filed November 19, 1973. Applicant: DECKER TRUCK LINE, INC., P.O. Box 915, Fort Dodge, Iowa 50501. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits*, from points in Michigan on and west of U.S. Highway 131, to Deerfield, Ill., and points in Iowa.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 61592 (Sub-No. 312), filed October 31, 1973. Applicant: JENKINS TRUCK LINE, INC., 3708 Elm Street, Bettendorf, Iowa 52722. Applicant's representative: E. A. DeVine (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron and steel and iron and steel articles*, from Chicago Heights, Ill., points in Porter County, Ind., and points in Michigan and Ohio, to points in Idaho, Montana, Oregon, Washington, and California; and (2) *iron and steel and iron and steel articles* when transported together with nonferrous articles, from Chicago, Ill., to points in Washington and California.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 63562 (Sub-No. 52) (CORRECTION), filed September 13, 1973, published in the FEDERAL REGISTER issue of November 23, 1973, and republished, as corrected, this issue. Applicant: BN TRANSPORT INC., 796 South Pearl Street, Galesburg, Ill. 61401. Applicant's representative: Larry J. Schwarz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the facilities of French & Hecht Division of Kelsey-Hayes, at or near Walcott, Iowa, as an off-route point in connection with carrier's otherwise authorized regular route operations to and from Davenport, Iowa.

NOTE.—The purpose of this republication is to correctly indicate applicant seeks to operate over regular routes, previously published in error. Applicant holds contract carrier authority in MC 135764 Sub-No. 2, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Des Moines, Iowa.

No. MC 69116 (Sub-No. 162), filed November 12, 1973. Applicant: SPECTOR FREIGHT SYSTEM, INC., 205 West Wacker Drive, Chicago, Ill. 60606. Applicant's representative: Edward G. Bazelon, 39 South LaSalle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Pipe, conduit, cement containing asbestos fiber*, and *accessories*, from the plant site and warehouse facilities of Certain-Teed Products Corporation located at St. Louis, Mo., to points in Connecticut, Illinois, Indiana, Kentucky, Louisiana, the Lower Penninsula of Michigan, Mississippi, New Jersey, Ohio, Pennsylvania, Rhode Island, Tennessee, and Wisconsin.

NOTE.—Applicant states that the requested authority can be tacked at all points in the destination states named above which serve as terminal, intermediate, and off-route points within the existing scope of its regular route authority, to serve points in Arkansas, Delaware, Iowa, Kansas, Maine, Maryland, Massachusetts, Minnesota, Missouri, New York, Oklahoma, Texas, Virginia, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo., or Chicago, Ill.

No. MC 71459 (Sub-No. 38), filed November 2, 1973. Applicant: O.N.C. FREIGHT SYSTEMS, a Corporation, 2800 West Bayshore Road, Palo Alto, Calif. 94303. Applicant's representative: Roland Rice, 1111 E Street NW., Suite 618, Perpetual Building, Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectioneries* and *materials and supplies* used in the distribution thereof, from the plantsites of Russell Stover Candies, Inc., located at or near Montrose, Colo., to points in Arizona, California, Idaho, Nevada, New Mexico, Oregon, Texas, Utah, and Washington.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo., or San Francisco, Calif.

No. MC 75320 (Sub-No. 167), filed November 16, 1973. Applicant: CAMPBELL SIXTY-SIX EXPRESS, INC., P.O. Box 807, Springfield, Mo. 65801. Applicant's representative: Phineas Stevens, Suite 700, Petroleum Bldg., P.O. Box 22567, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, tranporting: *General commodities* (except those of unusual value, household goods as defined by the Commission, commodities in bulk and commodities requiring special equipment), over alternate routes, for operating convenience only, in connection with carrier's authorized regular-route operations: (1) Between Pryor, Okla., and Siloam Springs, Ark.: From Pryor over U.S. Highway 69 to Junction Oklahoma Highway 33, at or near Chouteau, Okla., thence over Oklahoma Highway 33 to the Oklahoma-Arkansas state line, thence over Arkansas Highway 68 to Siloam Springs, and return over the same route, serving no intermediate points. (2) Between junction Oklahoma Highway 33 and U.S. Highway 66, east of Tulsa, Okla., and Siloam Springs, Ark.: From junction Oklahoma Highway 33 and U.S. Highway 66, east of Tulsa, over Oklahoma Highway 33 to the Oklahoma-Arkansas state line, thence over Arkansas Highway 68 to Siloam Springs, Ark., and return over the same route, serving no intermediate points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark., or Tulsa, Okla.

No. MC 78228 (Sub-No. 45), filed November 14, 1973. Applicant: J MILLER EXPRESS, INC., 152 Wabash Street, Pittsburgh, Pa. 15220. Applicant's representative: Henry M. Wick, Jr., 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobile parts, including steering gear parts and iron and steel suspension parts*, from Ellicottville, N.Y., to points in Cleveland, Ohio, Louisville, Ky. (except those points in the Louisville, Ky. Commercial Zone in Indiana), and Detroit, Mich.

NOTE.—Common control was approved in MC-F-11070. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant does not specify a location.

No. MC 81412 (Sub-No. 32), filed November 19, 1973. Applicant: VALLEY TRANSFER & STORAGE COMPANY, INC., 4754 James Street, Philadelphia, Pa. 19137. Applicant's representative: Arnold Machles, 1315, 2 Penn Center Plaza, Philadelphia, Pa. 19102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Steel transmission poles, transmission pole anchor bolt clusters, transmission pole arms, and transmission pole hardware*, from the plantsite of Meyer Industries, Inc., Borough of West Hazelton, Pa., to points in New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Delaware, Maryland, Virginia, West Virginia, New Hampshire, North Carolina, Ohio, and Vermont.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Philadelphia, Pa.

No. MC 82079 (Sub-No. 35), filed November 15, 1973. Applicant: KELLER TRANSFER LINE, INC., 1239 Randolph Avenue SW., Grand Rapids, Mich. 49507. Applicant's representative: Edward Malinzak, 900 Old Kent Building, Grand Rapids, Mich. 49502. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Frozen foods* and (2) *food products requiring transportation in mechanically refrigerated equipment*, from the plant and warehouse sites of Kitchens of Sara Lee, at Deerfield and Chicago, Ill., to points in Indiana and Ohio, with the return of damaged or rejected merchandise.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Lansing, Mich., or Chicago, Ill.

No. MC 83217 (Sub-No. 63), filed November 5, 1973. Applicant: DAKOTA EXPRESS, INC., 1614 North Cliff, P.O. Box 1252, Sioux Falls, S. Dak. 57101. Applicant's representative: Henry J. Schuette (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Confectionery chocolate, chocolate products, fruit syrup, flavoring syrup, cocoa, and cocoa butter*, from points in Derry Township, Pa., to points in Iowa, Illinois, Kansas, Missouri, Minnesota, Nebraska, North Dakota, South Dakota, and Wisconsin, restricted to traffic originating at the named origin and destined to the points named above.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Harrisburg, Pa., or Chicago, Ill.

No. MC 87720 (Sub-No. 159), filed November 19, 1973. Applicant: BASS TRANSPORTATION CO., INC., P.O. Box 391, Flemington, N.J. 08822. Applicant's representative: Bert Collins, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Rubber and plastic hose*, from Tullahoma, Tenn., to Boston, Mass.; New York, N.Y.; Richmond, Va.; Columbus, Ohio; Chicago, Ill.; St. Louis, Mo.; Dallas, Tex.; Los Angeles, Calif.; Portland, Oreg.; Denver, Colo.; Minneapolis, Minn.; Detroit, Mich.; Charlotte, N.C.; Miami, Fla.; Little Rock, Ark.; and their respective Commercial Zones; and (2) *synthetic rubber and resins*, from Louisville, Ky., to Tullahoma, Tenn., (1) and (2) under a continuing contract or contracts with American Biltrite, Inc.

NOTE.—Applicant presently holds common carrier authority under MC 135684 Sub-No. 1, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 101075 (Sub-No. 117), filed November 19, 1973. Applicant: TRANSPORT, INC., P.O. Box 396, Moorhead, Minn. 56560. Applicant's representative: Ronald B. Pitsenbarger (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, from the ports of entry on the International Boundary Line between the United States and Canada located in Minnesota, and those in North Dakota on and east of U.S. Highway 281, to points in Minnesota, North Dakota, South Dakota, Iowa, Wisconsin, Illinois, and Nebraska.

NOTE.—Common control was approved in MC–F–6863 and 8640. Applicant states that the requested authority can be tacked with its existing authority in Sub-No. 16 at Mandan, Williston, and Dickinson, N. Dak., to serve specified points in Montana; and in Sub-Nos. 46, 76, and 108 at Duluth and Mentor, Minn., and Superior, Wis., to serve points in the Upper Peninsula of Michigan. If a hearing is deemed necessary, applicant requests it be held at Minneapolis or St. Paul, Minn.

No. MC 104654 (Sub-No. 153), filed November 14, 1973. Applicant: COMMERCIAL TRANSPORT, INC., P.O. Box 469, Belleville, Ill. 62222. Applicant's representative: Edward G. Villalon, 1032 Pennsylvania Building, Pennsylvania Ave. & 13th St. NW., Washington, D.C. 20004. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer solutions*, in bulk, in tank vehicles, (1) from Valmeyer, Breese, and West York, Ill., to points in Kentucky, Missouri, and Indiana; and (2) from Jordan and Dublin, Ind., to points in Ohio, Kentucky, Illinois, and Michigan.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Louis, Mo.

No. MC 105045 (Sub-No. 47), filed November 14, 1973. Applicant: R. L. JEFFRIES TRUCKING CO., INC., P.O. Box 3277, Evansville, Ind. 47701. Applicant's representative: Paul F. Sullivan, 711 Washington Building, Washington, D.C. 20005. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Aluminum billets, blooms, ingots, pigs, and slabs, and non-ferrous metals* for recycling purposes, from the plantsite of Culp Smelting & Refining Co. at or near Steele, Ala., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Mississippi, Iowa, Kansas, Kentucky, Louisiana, Michigan, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Virginia, Tennessee, Texas, West Virginia, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 105269 (Sub-No. 54), filed June 28, 1973. Applicant: GRAFF TRUCKING COMPANY, INC., 2110 Lake Street, Kalamazoo, Mich. 49005. Applicant's representative: John M. Veale, Suite 1700–One Woodward Avenue, Detroit, Mich. 48226. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Siding*, from South Bend, Ind., and Franklin Park, Ill., to points in the lower Peninsula of Michigan.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Washington, D.C.

No. MC 105886 (Sub-No. 16), filed November 9, 1973. Applicant: MARTIN TRUCKING, INC., East Poland Avenue, Bessemer, Pa. 16112. Applicant's representative: John A. Pillar, 2310 Grant Building, Pittsburgh, Pa. 15219. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from Bessemer, Pa., to points in Ohio.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority in the lead certificate (such commodities * * *) at Bessemer, Pa., to provide a through service from points in Beaver, Lawrence, Allegheny, Washington, and Green Counties, Pa., and points in that part of West Virginia on and north of U.S. Highway 50 to points in Ohio. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Cleveland, Ohio.

No. MC 106497 (Sub-No. 88), filed November 1, 1973. Applicant: PARKHILL TRUCK COMPANY, P.O. Box 912 (Business Rte. I–44 East), Joplin, Mo. 64801. Applicant's representative: A. N. Jacobs, P.O. Box 113, Joplin, Mo. 64801. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phenolic laminated kiln stickers*, from Portland, Oreg., to points in the United States (except Alaska and Hawaii).

NOTE.—Common control was approved in MC–F–10006. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg., or San Francisco, Calif.

No. MC 106644 (Sub-No. 162) filed November 14, 1973. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., P.O. Box 916, Atlanta, Ga. 30318. Applicant's representative: W. Randall Tye, 1500 Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic pipe and fittings and connections*, (1) from Newman and Elsinore, Calif., to points in Arizona, New Mexico, Texas, Oklahoma, Louisiana, Mississippi, and Arkansas; (2) from Grinnell, Iowa, to points in Illinois, Indiana, Ohio, Kentucky, and Tennessee; and (3) from West Palm Beach, Fla., to points in Alabama, Georgia, Mississippi, North Carolina, South Carolina and Tennessee.

NOTE.—Applicant states that the requested authority can be tacked with its existing authority as follows; for (1) in Sub-No. 97 at Van Buren, Ark., to serve points in Alabama, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia; for (2) no tacking possibilities; and for (3) in Sub-No. 98 at Lincoln, Ala., to serve points in Connecticut, Delaware, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, Wisconsin, and the District of Columbia. If a hearing is deemed necessary, applicant requests it be held at Dallas, Tex., or Washington, D.C.

No. MC 106644 (Sub-No. 165), filed November 12, 1973. Applicant: SUPERIOR TRUCKING COMPANY, INC., P.O. Box 916, Atlanta, Ga. 30301. Applicant's representative: W. Randall Tye, 1500 Candler Bldg., Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Material handling equipment and compactors*; (2) *materials, machinery, equipment, parts, attachments, accessories and supplies* (except commodities in bulk), for material handling equipment and compactors; and (3) *commodities* (except commodities in bulk) *used in the manufacture, installation, and distribution of commodities named in (1) and (2) above*; (a) between Enterprise, Ala., Newark, Ohio, Exeter, Pa., and Minden, La.; and (b) between Enterprise, Ala., Newark, Ohio, Exeter, Pa., and Minden, La., on the one hand, and, on the other, points in the United States (including Alaska but excluding Hawaii).

NOTE.—Applicant states that the requested authority can be tacked with the lead Certificate MC 106644 at Enterprise, Ala., and Minden, La., to provide service between points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee, on the one hand, and, on the other, points in the United States, including Alaska; and with Sub-No. 106 at Newark, Ohio, to provide service between points in Missouri, Illinois, Arkansas, Indiana, Iowa, Kentucky, and Tennessee, on the one hand, and, on the other, points in the United

States, including Alaska. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Atlanta, Ga.

No. MC 106644 (Sub-No. 166), filed November 11, 1973. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: Hubert Johnson, P.O. Box 916, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fire hydrants* from Athens, Ala., to points in the United States (including Alaska but excluding Hawaii).

NOTE.—Applicant states that the requested authority can be tacked at Athens, Ala., to provide a through service from points in Brooke and Marshall Counties, W. Va., in Sub-No. 53, and from the facilities of Clow Corp., Oskaloosa, Iowa, in Sub-No. 139, to those destination points named above. If a hearing is deemed necessary, the applicant requests it be held at Birmingham, Ala., or Washington, D.C.

MC 106644 (Sub-No. 168), filed November 21, 1973. Applicant: SUPERIOR TRUCKING COMPANY, INC., 2770 Peyton Road NW., Atlanta, Ga. 30318. Applicant's representative: W. Randall Tye, 1500 Candler Building, Atlanta, Ga. 30303. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transportating: *Source, special nuclear, by-product materials, radioactive materials, related radioactive equipment, component parts, and associated materials*, (1) between points in Alabama, Tennessee, Mississippi, Kentucky, Louisiana, Georgia, North Carolina, South Carolina, and Virginia, and (2) between points in the territory named in (1) above, on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 107064 (Sub-No. 101), filed November 16, 1973. Applicant: STEERE TANK LINES, INC., P.O. Box 2998, 2808 Fairmont Street, Dallas, Tex. 75221. Applicant's representative: Hugh T. Matthews, 630 Fidelity Union Tower, Dallas, Tex. 75201. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer ingredients, and materials, equipment, and supplies* utilized in the manufacture and distribution thereof, between the plant site and storage facilities of Goodpasture, Inc., in Terry and Castro Counties, Tex., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority can be tacked in lead Docket and Sub-No. 68 at Terry and Castro Counties, Tex., to provide a through service from points in New Mexico to those destination points mentioned above. If a hearing is deemed necessary, the applicant requests it be held at Dallas or Lubbock, Tex.

No. MC 107496 (Sub-No. 915), filed October 15, 1973. Applicant: RUAN TRANSPORT CORPORATION, Third at Keosauqua, P.O. Box 855, Des Moines, Iowa 50309. Applicant's representative: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid sugar*, from Grimes, Iowa, and Muncie, Kans., to points in Missouri, Nebraska, and Kansas; (2) *fly ash*, from Sioux City, Iowa, to points in Nebraska, South Dakota, and Minnesota; (3) *resins*, in bulk, from Virginia, Minn., to points in Wisconsin; (4) *naptha*, in bulk, from Wynnewood, Okla., to points in Nebraska; (5) *liquid feed and liquid feed ingredients*, in bulk, from Conrad, Iowa, to points in Minnesota and Wisconsin; (6) *lead oxide*, in bulk, from Indianapolis, Ind., to points in Kentucky, Indiana, and Ohio; and (7) *dry phosphate*, in bulk, in tank vehicles, from Lawrence, Kans., to Frisco, Pa.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked: In part (2) above with its Sub-No. 785 at Sioux City, Iowa, to provide a through service from Chicago and Waukegan, Ill., to points in Nebraska, South Dakota, and Minnesota; In part (2) above with its Sub-No. 314 at Burnsville Township (Dakota County), Minneapolis, and St. Paul, Minn., to serve points in North Dakota and Wisconsin; In part (4) above with its Sub-No. 110 at Omaha, Nebr., to serve points in Iowa and South Dakota; In part (4) above with its Sub-No. 251 at Omaha, Nebr., to serve points in Colorado and Wyoming; In part (5) above in MC-107496 and Sub-No. 110 on petroleum products at Conrad, Iowa, to provide a through service from points in Iowa to points in Minnesota and Wisconsin; In part (5) above in Sub-No. 110 on molasses at Conrad, Iowa, to provide a through service from points in Colorado, Kansas, Missouri, Nebraska, and South Dakota to points in Minnesota and Wisconsin; In part (5) above in Sub-No. 79 on vegetable, fish and nonedible oils at Minneapolis, Minn., to serve points in Michigan; In part (5) above in Sub-No. 289 on animal fats and blends with vegetable oils at Austin, Minn., to serve points in North Dakota and South Dakota; In part (5) above in Sub-No. 289 on animal fats and oils at Marshall, Minn., to serve points in South Dakota; In part (5) above in Sub-No. 289 on phosphoric acid at St. Paul, Minn., to serve points in North Dakota and South Dakota; In part (5) above in Sub-No. 308 on phosphatic feed ingredients at Conrad, Iowa, to provide a through service from Omaha and Nebraska City, Nebr., to points in Minnesota and Wisconsin; In part (5) above in Sub-No. 319 on chemicals at Conrad, Iowa, to provide a through service from Fremont, Nebr., to points in Minnesota and Wisconsin; In part (5) above in Sub-No. 378 on urea at Conrad, Iowa, to provide a through service from Nebraska City, Nebr., to points in Minnesota and Wisconsin; In part (5) above in Sub-No. 593 on liquid animal food and supplements at Conrad, Iowa, to provide a through service from the Allied Chemical facilities at La Platte and Omaha, Nebr., to points in Minnesota and Wisconsin; In part (5) above in Sub-No. 648 on urea at Conrad, Iowa, to provide a through service from Omaha, Nebr., to points in Minnesota and Wisconsin; In part (5) above in Sub-No. 664 on petroleum products at Conrad, Iowa, to provide a through service from Williams Bros. pipeline terminal at points in Doniphan County, Kans., to points in Minnesota and Wisconsin; In part (5) above in Sub-No. 675 on petroleum products at Conrad, Iowa, to provide a through service from Alexandria, Iowa, to points in Minnesota and Wisconsin; In part (5) above in Sub-No. 826 on phosphoric acid at Conrad, Iowa, to provide a through service from Lawrence, Kans., to points in Minnesota and Wisconsin; and In part (5) above in Sub-No. 837(4)(a) on liquid feed and liquid feed ingredients at Conrad, Iowa, to provide a through service from Lewiston, Mo., and Cameron and Shannon, Ill., to points in Minnesota and Wisconsin. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Des Moines, Iowa.

No. MC 107515 (Sub-No. 883), filed November 2, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen potatoes and potato products*, from Grand Forks, N. Dak., to points in North Carolina, South Carolina, Tennessee, Georgia, Kentucky, Florida, and Alabama, restricted to traffic originating at the plantsite and/or warehouse facilities utilized by Western Potato Service, Inc.

NOTE.—Common control and dual operations may involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requested it be held at Minneapolis, Minn.; Fargo, N. Dak.; or Atlanta, Ga.

No. MC 107515 (Sub-No. 884), filed November 14, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk) in vehicles euipped with mechanical refrigeration, from the plantsite and warehouse facilities utilized by J. H. Filbert, Inc., located at Atlanta, Ga., to points in Kentucky, West Virginia, Ohio, Indiana, Illinois, Wisconsin, and Michigan, restricted to traffic originating at and destined to the points named.

NOTE.—Common control and dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.; Washington, D.C., or Baltimore, Md.

No. MC 107515 (Sub-No. 885), filed November 14, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk) in vehicles equipped with mechanical refrigeration, from the plant site and warehouse facilities utilized by J. H. Filbert, Inc., located at Baltimore, Md., and points in Prince Georges County, Md., to points in the United States in and west of Minnesota, Iowa, Missouri, Arkansas, and Texas (except Alaska and Hawaii), restricted to traffic originating at and destined to the points named above.

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.; Washington, D.C.; or Baltimore, Md.

No. MC 107515 (Sub-No. 886), filed November 16, 1973. Applicant: REFRIGERATED TRANSPORT CO., INC., P.O. Box 308, Forest Park, Ga. 30050. Applicant's representative: Alan E. Serby, P.O. Box 872, Atlanta, Ga. 30301. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food, food ingredients, food preparations, and foodstuffs* (except in bulk) in vehicles equipped with mechanical refrigeration, from points in Fulton, Cobb, Clayton, DeKalb, Fayette, Henry, Gwinnett, Douglas, and Rockdale Counties, Ga., to Jacksonville, Fla., and points in Kentucky, North Carolina, South Carolina, Virginia, and West Virginia, restricted to traffic destined to the named states.

NOTE.—Dual operations and common control may be involved. Applicant states that the requested authority can be tacked at specific points in the above named counties to provide a through service from specific points and states throughout the Eastern half of the United States to the destination territory named herein. If a hearing is deemed necessary, applicant requests it be held at Atlanta, Ga.

No. MC 107743 (Sub-No. 25), filed November 19, 1973. Applicant: SYSTEM TRANSPORT, INC., E. 6523 Broadway, Spokane, Wash. 99206. Applicant's representative: S. J. Cully, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plywood, vinyl coated plywood, wood products, and millwork*, from the plantsite and warehouse facilities of Pan American Gyro-Tex Div. of Humboldt Flake Board, at Chicago, Ill., to points in Montana, Idaho, Utah, Washington, Oregon, California, Nevada, and Wyoming.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 108676 (Sub-No. 55), filed November 16, 1973. Applicant: A. J. METLER HAULING & RIGGING, INC., 117 Chicamauga Avenue NE., Knoxville, Tenn. 37917. Applicant's representative: Carl U. Hurst, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flat glass*, from Cinnaminson, N.J., Floreffe, Pa., and Erwin, Tenn., to points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary applicant requests it be held at either Knoxville, or Memphis, Tenn.

No. MC 109124 (Sub-No. 18), filed November 2, 1973. Applicant: SENTLE TRUCKING CORPORATION, 210 Alexis Road, P.O. Box 6538, Toledo, Ohio 43612. Applicant's representative: Steven L. Weiman, Suite 501, 1730 M Street NW., Washington, D.C. 20036. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from the plant site of Bethlehem Steel Corporation at Lackawanna, N.Y., to points in Illinois, Indiana, Michigan (Lower Peninsula), and Ohio.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 109612 (Sub-No. 36), filed November 19, 1973. Applicant: LEE MOTOR LINES, INC., 4319 S. Madison, Muncie, Ind. 47305. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Scrap paper for recycling purposes*, between points in Illinois, Indiana, Kentucky, Michigan, and Ohio.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind.

No. MC 109689 (Sub-No. 259), filed November 5, 1973. Applicant: W. S. HATCH CO., a Corporation, 643 South 800 West, Woods Cross, Utah 84087. Applicant's representative: Mark K. Boyle, 345 South State Street, Salt Lake City, Utah 84111. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquid gilsonite asphalt sealer*, in bulk, from Fruita, Colo. and points within 5 miles thereof, to points in Minnesota, Iowa, Missouri, Arkansas, Louisiana, Wisconsin, and Illinois; (2) *diatomaceous earth*, from Colado and Clark, Nev., to points in Arizona, California, Idaho, Oregon, Utah, Washington, and Wyoming; (3) *silica gel catalyst*, from points in California, to points in Texas, Oklahoma, Kansas, Colorado, Oregon, Washington, Montana, Louisiana, Ohio, and Maryland; and (4) *liquid fertilizers*, from Buhl, Idaho to points in Oregon and Washington.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Salt Lake City, Utah, or Los Angeles, Calif.

No. MC 109692 (Sub-No. 25), filed October 1, 1973. Applicant: GRAIN BELT TRANSPORTATION CO., a Corporation, 625 Livestock Exchange Building, Kansas City, Mo. 64105. Applicant's representative: Tom B. Kretsinger, Suite 910 Fairfax Building, 101 West 11th Street, Kansas City, Mo. 64105. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, clay products and fittings*, and other *clay articles*, from Pittsburgh, Kans., to points in Arkansas, Colorado, Iowa, Minnesota, Missouri, Oklahoma, South Dakota, and Wyoming.

NOTE.—Common control was approved in MC-F-11110, MC-F-11170 and MC-FC-73362. Applicant states that the requested authority can be tacked with its existing authority at Pittsburgh, Kans., to provide a through service from points in Nebraska and Kansas City and St. Joseph, Mo., to the destination points named above. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 111289 (Sub-No. 4), filed November 14, 1973. Applicant: RICHARD D. FOLTZ, 806 North Warren Street, Orwigsburg, Pa. 17961. Applicant's representative: S. Berne Smith, 100 Pine Street, P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs* (except in bulk) in vehicles equipped with mechanical refrigeration, from Derry Township (Dauphin County), and the City of Lebanon,, Pa., to points in the commercial zones of Baltimore, Md., and the District of Columbia, those points in Montgomery and Howard Counties, Md., on and east of Maryland Highway Route 97, and those points in Anne Arundel and Prince Georges Counties, Md., on and west of Maryland Highway Route 3, and on and north of Maryland Highway Route 4; and (2) *materials and supplies* used in the productions of foodstuffs (except in bulk) and shipping pallets, from points in the commercial zones of Baltimore, Md., and the District of Columbia, those points in Montgomery and Howard Counties, Md., on and east of Maryland Highway Route 97, and those points in Anne Arundel and Prince Georges Counties, Md., on and west of Maryland Highway Route 3, and on and north of Maryland Highway Route 4, to Derry Township (Dauphin County), and the City of Lebanon, Pa., under continuing contracts with Hershey Foods Corporation, H. B. Reese Candy Co., Inc., and San Giorgio Macaroni.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa., or Washington, D.C.

No. MC 111401 (Sub-No. 402), filed November 1, 1973. Applicant: GROENDYKE TRANSPORT, INC., 2510 Rock Island Boulevard, P.O. Box 632, Enid, Okla. 73701. Applicant's representative: Alvin J. Meiklejohn, Jr., Suite 1600 Lincoln Center, 1660 Lincoln Street, Denver, Colo. 80203. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Borger, Tex., to points in the United States (except Alaska, Colorado, Hawaii, Kansas, Oklahoma, and points in New Mexico on and north of U.S. Highway 66).

NOTE.—Applicant states that the requested authority can be tacked with its existing authority at Borger, Tex.; in the lead certificate to provide a through service from points in Oklahoma, Kansas, Colorado, and specified points in Texas to points in the United States; and in Sub-Nos. 140 and 254 to provide a through service from Tulsa and Oklahoma City, Okla., and Franklin, Pa., respectively, to points in the United States. If a hearing is deemed necessary, applicant requests it be held at Houston, Tex., or New Orleans, La.

No. MC 112963 (Sub-No. 49), filed November 19, 1973. Applicant: ROY BROS., INC., 764 Boston Road, Pinehurst, Mass. 01866. Applicant's representative: Leonard E. Murphy (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal feed ingredients*, in bulk, in tank vehicles, from Reedville, Va., Harmony, N.C., Cambridge and Salisbury, Md., and Wilmington, Del., to Woburn, Mass.; (2) *zircon sand*, in bulk, from Braintree, Mass., to Bow, N.H.; and (3) *caustic soda*, in bulk, in tank vehicles, from Providence, R.I., to Rumford, Me.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Concord, N.H.

No. MC 113024 (Sub-No. 128), filed October 23, 1973. Applicant: ARLINGTON J. WILLIAMS, INC., R.D. #2, South DuPont Highway, Smyrna, Del. 19977. Applicant's representative: Samuel W. Earnshaw, 833 Washington Bldg., Washington, D.C. 20423. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Garden and industrial hose, and materials and supplies* used in the production thereof, between Elmhurst, Ill., Wilmington, Del., and points in Box Butte and Red Willow Counties, Nebr., in nonradial movements, under contract with Electric Hose & Rubber Company, located at Wilmington, Del.

NOTE.—Applicant holds motor common carrier authority in MC-135046 and subs thereunder, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 113495 (Sub-No. 60), filed November 20, 1973. Applicant: GREGORY HEAVY HAULERS, INC., 51 Oldham Street, P.O. Box 60628, Nashville, Tenn. 37206. Applicant's representative: Wilmer B. Hill, 805 McLachlen Bank Building, 666 Eleventh Street, Washington, D.C. 20001. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Castings*, from Camden, Tenn., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, North Carolina, Ohio, Virginia, West Virginia, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Nashville, Tenn., or Washington, D.C.

No. MC 113974 (Sub-No. 49), filed November 14, 1973. Applicant: PITTSBURGH & NEW ENGLAND TRUCKING CO., a Corporation, 211 Washington Avenue, Dravosburg, Pa. 15034. Applicant's representative: F. R. Hiller (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel, roof deck, flooring, bridge deck*, and *accessories*, from Heidelberg, Pa., to points in Michigan north of Interstate Highway 94.

NOTE.—Common control may be involved. Applicant states that the requested authority can be tacked at Heidelberg, Pa. to provide a through service from points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, restricted points in New York, those points in Maryland within 150 miles of Norristown, Pa., and points in West Virginia within 125 miles of Wheeling, W. Va., to points in Michigan north of Interstate Highway 94. If a hearing is deemed necessary, applicant requests it be held at Pittsburgh, Pa., or Washington, D.C.

No. MC 113855 (Sub-No. 285), filed November 15, 1973. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Michael E. Miller, 502 First National Bank Bldg., Fargo, N. Dak. 58901. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Enameled steel, silos, loading and unloading devices, waste storage tanks, livestock scales, livestock feed bunkers, forage metering devices, animal waste spreader tanks, livestock feeding systems, and parts and accessories* for the above, from the plant sites of A. O. Smith Corporation at DeKalb and Eureka, Ill., and Elkhorn, Wis., to points in Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and Wisconsin, restricted to traffic originating at the above-named plant sites.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 113855 (Sub-No. 286), filed November 12, 1973. Applicant: INTERNATIONAL TRANSPORT, INC., 2450 Marion Road SE., Rochester, Minn. 55901. Applicant's representative: Alan Foss, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferrous and non-ferrous metal and metal articles* when aggregated into bundles, and *lifts, skids, pallets*, and other *packages*, which because of size or weight in excess of 500 pounds require the use of special handling or special equipment, (1) between Minot, N. Dak., and points in Minnesota and those in that part of North Dakota south and west of a line beginning at the Montana-North Dakota State line and extending along U.S. Highway 2 to Lakota, N. Dak., thence along North Dakota Highway 1 to the United States-Canada Boundary line, not including points on the indicated portions of the highways specified other than Minot, N. Dak. (2) between Escanaba, Mich., and points in Wisconsin, on the one hand, and, on the other, points in Idaho, Oregon, and Washington, restricted against the transportation (a) of aircraft and missiles and parts thereof and (b) further restricted against service to or from those points in Wisconsin on and south of U.S. Highway 12, on and west of U.S. Highway 53, and on and north of U.S. Highway 8, and further restricted on shipments to Escanaba, Mich., and to points in the above-described service area in Wisconsin on those commodities as are being transported for rebuilding or repair; (3) between Davenport, Iowa, on the one hand, and, on the other, points in that part of Illinois on, north and west of a line beginning at Quincy, Ill., and extending along Illinois Highway 104 to junction U.S. Highway 66, thence northward along U.S. Highway 66 to junction Illinois Highway 53 (formerly Alternate U.S. Highway 66), at or near Gardner, Ill., thence along Illinois Highway 53 to junction U.S. Highway 66 at a point approximately 10 miles northeast of Plainfield, Ill., and thence along U.S. Highway 66 to Chicago, Ill.; (4) between Elgin, Ill., on the one hand, and, on the other, Scranton, Reading, Allentown, Harrisburg, Lancaster, and Hazleton, Pa., and mines in that part of Pennsylvania south and west of a line beginning at the Pennsylvania-Ohio State line and extending along U.S. Highway 224 to junction U.S. Highway 422, thence along U.S. Highway 422 to junction U.S. Highway 19 near Rose Point, Pa., thence along U.S. Highway 19 to junction unnumbered highway near Portersville, Pa., thence along unnumbered highway via Prospect, Pa., to junction U.S. Highway 422, thence along U.S. Highway 422 to Ebensburg, Pa., thence along U.S. Highway 22 to junction U.S. Highway 522, thence along U.S. Highway 522 to junction Pennsylvania Highway 641 (formerly Pennsylvania Highway 433), thence along Pennsylvania Highway 641 to junction Pennsylvania Highway 997, and thence along Pennsylvania Highway 997 to the Pennsylvania-Maryland State line, including points on the indicated portions of the highways specified, and points in West Virginia, Kentucky, Indiana, and Ohio; (5) between points in Pennsylvania on and east of a line beginning at the Maryland-Pennsylvania State line and extending along unnumbered highway (formerly portion U.S. Highway 15) to junction Business U.S. Highway 15, near Fairplay, Pa., thence along Business U.S. Highway 15 through Gettysburg, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to junction unnumbered highway (formerly portion U.S. Highway 15), thence along unnumbered highway through Clear Spring, Pa., to junction U.S. Highway 15, thence along U.S. Highway 15 to the Pennsylvania-New York State line (except points in Berks, Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and points in Pennsylvania on and east of the above described line in Adams, York, Cumberland, Perry, Dauphin, Lebanon, and Lancaster Counties, Pa., and points in Pennsylvania on and east of U.S. Highway 15 and north of the East Branch of the Susquehanna River in Tioga, Bradford, Lycoming, Sullivan, Union, Snyder, Northumberland, Montour and Columbia Counties, Pa.), on the one hand, and, on the other, points in Rhode Island, Massachusetts, Connecticut, New York, New Jersey, Dela-

ware, Maryland, Virginia, North Carolina, Ohio, and the District of Columbia; (6) between points in South Dakota, and those in Minnesota and Iowa within 50 miles of Sioux Falls, S. Dak., on the one hand, and, on the other, points in Iowa, Nebraska, and North Dakota, and those in Minnesota on or south of U.S. Highway 12 and on or west of a line beginning at Minneapolis, Minn., and extending along U.S. Highway 65 to junction Minnesota Highway 50 (formerly portion U.S. Highway 65), and thence along Minnesota Highway 50 to Farmington, Minn., thence along Minnesota Highway 3 (formerly portion U.S. Highway 65), via Northfield, Minn., to Fairbault, Minn., thence along U.S. Highway 65 to junction Minnesota Highway 30 (formerly portion U.S. Highway 65), thence along Minnesota Highway 30 to junction unnumbered highway east of Ellendale, Minn., thence along unnumbered highway to Geneva, Minn., and thence along U.S. Highway 65 via Albert Lea, Minn., to the Minnesota-Iowa State line; (7) between points in South Dakota, and those in Minnesota and Iowa within 50 miles of Sioux Falls, S. Dak., on the one hand, and, on the other, points in Colorado, Wisconsin, Illinois, Michigan, Indiana, Kansas, and Missouri; (8) between points in that part of South Dakota east of the Missouri River, and those in Minnesota and Iowa within 50 miles of Sioux Falls, S. Dak., on the one hand, and, on the other, points in Montana and Wyoming; (9) between points in South Dakota, on the one hand, and, on the other, points in Ohio, Pennsylvania, and Utah; (10) from Bersford, Sioux Falls, Dell Rapids, and Hawarden, S. Dak., to points in California, Oregon, and Washington; (11) between points in California, on the one hand, and, on the other, points in Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming; (12) between points in Oregon and Washington, on the one hand, and, on the other, points in Montana, Nevada, Utah, and Wyoming; (13) between points in Idaho and Nevada, on the one hand, and, on the other, points in Montana, Wyoming, and Utah, restricted to service at points in Montana, Wyoming, and Utah for purposes of joinder only; (14) from points in Michigan and Ohio to points in California, Nevada, and Utah; (15) between points in California and Utah, on the one hand, and, on the other, points in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Wisconsin, and the District of Columbia; (16) from points in California and Utah to points in Maine, New Hampshire, and Vermont; (17) from points in California to points in North Dakota, South Dakota, Tennessee and Mississippi; and (18) between points in Wisconsin, those in that part of Illinois, on and north of U.S. Highway 6, those in that part of Iowa on and north of a line beginning at the Iowa-Illinois State line and extending along U.S. Highway 6 to junction unnumbered highway (formerly portion of U.S. Highway 6), thence along unnumbered highway through Victor and Brooklyn, Iowa, to junction U.S. Highway 6, thence along U.S. Highway 6 to junction Iowa Highway 90 (formerly portion of U.S. Highway 6), thence along Iowa Highway 90 through Colfax, Iowa, to Des Moines, Iowa, and, on and east of U.S. Highway 65 from Des Moines to the Iowa-Minnesota State line, and those in part of Minnesota within 25 miles of the Minnesota-Iowa State line and of the Minnesota-Wisconsin State line.

NOTE.—Common control was approved in MC-F-11308. Tacking possibilities exist within the scope of the requested authority. Applicant also indicates that the requested authority can be tacked with its existing authority when the specific commodity description allows: in Sub-No. 38 on 3, 6, 7, and 15 above at Rock Island, Ill., Racine, Wis., and Burlington, Iowa, to serve points in New Mexico, and on 18 at Rock Island and Racine, Wis., to provide a through service from points in Minnesota and Iowa to New Mexico; in Sub-No. 71 on 6, 7, and 15 above at Cedar Rapids, Iowa, points in Illinois and Milwaukee, Wis., (a) to serve points in Arizona, Nevada, Utah, California, Oregon, Washington, Idaho, and Montana, and (b) to provide a through service from points in Minnesota to those points named in (a) above; and in Sub-No. 39 at points in Illinois and points in Waukesha and Milwaukee Counties, Wis., on 3 and 7 above to serve points in California, Arizona, Nevada, Utah, Oregon, Washington, Idaho, Montana, North Dakota, and South Dakota; on 15 above at points in Illinois and Iowa, and these points in Waukesha and Milwaukee Counties, Wis., to serve points in Arizona, Nevada, Oregon, Washington, Idaho, Montana, North Dakota, and South Dakota; on 6 above at points in Iowa on and east of U.S. Highway 69 to serve points in California, Arizona, Nevada, Utah, Oergon, Washington, Idaho, and Montana; on 18 above at points in Illinois and Iowa and points in Waukesha and Milwaukee Counties, Wis., to provide a through service from points in Minnesota to points in California, Arizona, Nevada, Utah, Oregon, Washington, Idaho, Montana, North Dakota, and South Dakota. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Minneapolis, Minn.

No. MC 114019 (Sub-No. 252), filed November 15, 1973. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago, Ill. 60629. Applicant's representative: Arnold L. Burke, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt syrup, grain syrup, liquid malt, and corn syrup*, in bulk, from Maywood, N.J., to Downington, Pa., Louisville, Ky., South Bend, Ind., Bluffton, Ind., Fort Smith, Ark., Kansas City, Mo., and Milwaukee, Wis., restricted to the transportation of traffic originating at the above-named origin and destined to the above points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

No. MC 114211 (Sub-No. 213), filed November 20, 1973. Applicant: WARREN TRANSPORT, INC., 324 Manhard Street, P.O. Box 420, Waterloo, Iowa 50704. Applicant's representative: Daniel Sullivan, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Electrical substations, circuit breakers, switches, bolts, nuts, angles, beams, channels*, and *parts, attachments, and accessories* from Springdale, Ark., to points in Illinois, Wisconsin, Missouri, Michigan, Ohio, Indiana, Kentucky, Tennessee, North Carolina, Virginia, West Virginia, Delaware, Maryland, Pennsylvania, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Iowa, Minnesota, Colorado, Nebraska, and the District of Columbia; and (2) *equipment, materials and supplies* (except commodities in bulk) used in the manufacture and assembly of articles named in (1) above, from points in the destination states named in (1) above to Springdale, Ark.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Little Rock, Ark.; Chicago, Ill.; or Oklahoma City, Okla.

No. MC 114457 (Sub-No. 173), filed November 15, 1973. Applicant: DART TRANSIT COMPANY, a Corporation, 780 North Prior Avenue, St. Paul, Minn. 55104. Applicant's representative: Michael P. Zell (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal briquettes, charcoal, charcoal products, lignite, char logs, and outdoor cooking supplies*, (1) from Dickinson, N. Dak., to points in Colorado, Illinois, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Oklahoma, South Dakota, Wisconsin, and Wyoming, and (2) from Branson, Mo., to points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Ohio, Pennsylvania, West Virginia, and Wisconsin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at St. Paul, Minn.

No. MC 116645 (Sub-No. 16), filed November 5, 1973. Applicant: DAVIS TRANSPORT CO., a Corporation, P.O. Box 56, Gilcrest, Colo. 80623. Applicant's representative: Marion F. Jones, 1600 Lincoln Center, Denver, Colo. 80623. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Animal and vegetable oils, and blends thereof*, in bulk, from Denver, Colo., to points in Arizona, California, Colorado, Idaho, Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, Wyoming, North Dakota, and South Dakota; and (2) *vegetable oils*, in bulk, from points in California, Illinois, Minnesota, Oregon, and Texas, to points in Denver, Colo.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Denver, Colo.

No. MC 116763 (Sub-No. 269), field November 16, 1973. Applicant: CARL SUBLER TRUCKING, INC., North West Street, Versailles, Ohio 45380. Applicant's repersentative: H. M. Richters (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned goods*, (1) from Geneva, Ind., to Baltimore, Md., the District of Columbia, and points in New Jersey, New York (on and east of New York Highway 12), and Pennsylvania (on and east of U.S. Highway 220); and (2) from Portland and Geneva, Ind., to points in Alabama, Arkansas, Louisiana, Mississippi, Oklahoma, and Texas, restricted to traffic originating at the named origins and destined to the named territory.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Columbus, Ohio.

No. MC 117574 (Sub-No. 233), filed November 15, 1973. Applicant: DAILY EXPRESS, INC., P.O. Box 39, Carisle, Pa. 17013. Applicant's representative: James W. Hagar, 100 Pine St., P.O. Box 1166, Harrisburg, Pa. 17108. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Agricultural machinery and implements;* (2) *attachments for agricultural machinery and implements* (other than hand); and (3) *such merchanise as is dealt in by lawn and garden dealers* (except chemicals and commodities in bulk), from Louisville, Ky., to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Pennsylvania, and Accomack, Clark, Fairfax, Frederick, Loudoun, Northampton, and Prince William Counties, Va.; Barbour, Berkeley, Braxton, Brooke, Calhoun, Doddridge, Gilmer, Grant, Hampshire, Hancock, Hardy, Harrison, Jefferson, Lewis, Marion, Marshall, Mineral, Morgan, Monongalia, Ohio, Pleasants, Preston, Randolph, Ritchie, Taylor, Tucker, Tyler, Upshur, Webster, Wetzel, Wirt, and Wood Counties, W. Va.; Ashtabula, Belmont, Carroll, Columbiana, Harrison, Jefferson, Mahoning, and Trumbull Counties, Ohio, and the District of Columbia, restricted to the transportation of traffic originating at the plants, shipping facilities and warehouses of International Harvester Company, Inc., at Louisville, Ky.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 118959 (Sub-No. 107), filed October 15, 1973. Applicant: JERRY LIPPS, INC., 130 South Frederick Street, Cape Girardeau, Mo. 63701. Applicant's representative: Paul C. Gartzke, 121 W. Doty Street, Madison, Wis. 53703. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and supplies* (except commodities in bulk), from Louisville, Ky., and its Commercial Zone, and Bardstown, Ky., and its Commercial Zone, to Springfield, Ky., restricted to traffic from the plantsite of American Standard, Inc., at Louisville, Ky., and further restricted against service to points in the United States on and west of U.S. Highway 83.

NOTE.—Applicant states that the requested authority can be tacked with its Sub 85 at the plantsite of Tech-Panel Corporation, at or near Springfield, Ky., to serve points in the United States (except Alaska and Hawaii). If a hearing is deemed necessary, applicant requests it be held at Louisville, Ky., or Chicago, Ill.

No. MC 118989 (Sub-No. 100), filed November 5, 1973. Applicant: CONTAINER TRANSIT, INC., 5223 South 9th Street, Milwaukee, Wis. 53221. Applicant's representative: Albert A. Andrin, 29 La Salle Street, Chicago, Ill. 60603. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal containers, metal container ends, and accessories* therefor, from the plant and warehouse sites of the Heekin Can Company located at or near Cincinnati, Ohio and Anderson Township (Hamilton County), Ohio, to points in Illinois, Indiana, Michigan; and points in Kenosha, Racine, Milwaukee, and Waukesha Counties, Wis.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 119634 (Sub-No. 10), filed November 2, 1973. Applicant: DICK IRVIN, INC., 218 12th Ave. North, P.O. Box F, Shelby, Mont. 59474. Applicant's representative: Joe Gerbase, 100 Transwestern Life Building, 404 North 31st Street, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bleached kraft sulphate wood pulp*, from the port of entry on the International Boundary line between the United States and Canada at Sweetgrass, Mont., to Shelby, Mont.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Billings or Great Falls, Mont.

No. MC 119634 (Sub-No. 10), filed November 2, 1973. Applicant: DICK IRVIN, INC., 218 12th Ave. North, P.O. Box F, Shelby, Mont. 59474. Applicant's representative: Joe Gerbase, 100 Transwestern Life Building, 404 North 31st Street, Billings, Mont. 59101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bleached kraft sulphate wood pulp*, from the port of entry on the International Boundary line between the United States and Canada at Sweetgrass, Mont., to Shelby, Mont.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Billings or Great Falls, Mont.

No. MC 119789 (Sub-No. 188), filed November 13, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, 1612 East Irving Blvd., Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flourescent lighting fixtures and parts*, from Wilmington, Mass., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, Oregon, Texas, Utah, Washington, and Wyoming.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Boston, Mass., or Washington, D.C.

No. MC 119789 (Sub-No. 189), filed November 13, 1973. Applicant: CARAVAN REFRIGERATED CARGO, INC., P.O. Box 6188, 1612 East Irving Blvd., Dallas, Tex. 75222. Applicant's representative: James K. Newbold, Jr. (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Air cleaners, dehumidifiers or heaters; air coolers or air conditioners (with or without heating apparatus); furnaces, house heating; heaters, electric; and parts*, from Trenton, N.J., to points in Arizona, Arkansas, California, Louisiana, New Mexico, Oklahoma, and Texas.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Trenton, N.J., or Washington, D.C.

No. MC 121658 (Sub-No. 4), filed October 23, 1973. Applicant: STEVE D. THOMPSON, P.O. Drawer 149, Winnsboro, La. 71295. Applicant's representative: Donald B. Morrison, 717 Deposit Guaranty Bank Bldg., P.O. Box 22628, Jackson, Miss. 39205. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment): (1) Between Jackson, Miss., and Delta, La., serving all intermediate points: From Jackson, Miss., over U.S. Highway 80 (also over Interstate Highway 20 for operating convenience only) to Delta, La., and return over the same route; (2) Between Tallulah and Ruston, La., serving all intermediate points: From Tallulah over U.S. Highway 65 to Lake Providence, thence over U.S. Highway 65 to junction Louisiana Highway 2, thence over Louisiana Highway 2 to Bernice, thence over U.S. Highway 167 to Ruston, and return over the same route; (3) Between Monroe, La., and junction Louisiana Highway 2 and U.S. Highway 165, serving all intermediate points: From Monroe, La., over U.S. Highway 165 to junction Louisiana Highway 2, and return over the same route; and (4) Between Delhi, and Oak Grove, La., serving all intermediate points: From Delhi over Louisiana Highway 17 to Oak Grove, and return over the same route.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jackson, Miss., or Monroe, La.

No. MC 123405 (Sub-No. 35), filed November 1, 1973. Applicant: FOOD TRANSPORT, INC., R.D. #1, Thomasville, Pa. 17364. Applicant's representative: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. 17101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from the plant and warehouse facilities of Heinz U.S.A. at Henderson, N.C., to the distribution facilities of Heinz U.S.A. at Greenville, S.C., restricted to traffic originating at and destined to the points and territories indicated.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C., or Pittsburgh, Pa.

No. MC 124211 (Sub-No. 239), filed November 12, 1973. Applicant: HILT TRUCK LINE, INC., P.O. Box 988, Downtown Station, Omaha, Nebr. 68101. Applicant's representative: Thomas L. Hilt (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Accelerators, chemicals, latex, plastics, plastic materials, and products, preservatives, rubber, rubber materials, and products*, and (2) *commodities* used in the production, distribution and sale of those commodities described in (1) above, between points in Dade County, Fla., Jefferson and Marshall Counties, Ky., Baltimore and Towson Counties, Md., Essex and Worcester Counties, Mass., Salem County, N.J., Catawba and Mecklenburg Counties, N.C., Davidson County, Tenn., and Kanawha County, W. Va., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii).

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124692 (Sub-No. 127), filed November 12, 1973. Applicant: SAMMONS TRUCKING, a Corporation, P.O. Box 1447, Missoula, Mont. 59801. Applicant's representative: Donald W. Smith, Suite 2465, One Indiana Square, Indianapolis, Ind. 46204. Authority sought to operate a a *common carrier*, by motor vehicle, over irregular routes, transporting: *Phenolic laminated kiln stickers*, from Portland, Oreg., to points in Ilinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, Wisconsin, Kentucky, Michigan, Ohio, Pennsylvania, West Virginia, and Wyoming.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Seattle, Wash., or Portland, Oreg.

No. MC 124692 (Sub-No. 128), filed November 16, 1973. Applicant: SAMMONS TRUCKING, a Corporation, P.O. Box 1447, Missoula, Mont. 59801. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Asbestos cement pipe*, from the plantsite of Johns-Manville Products Corporation at or near Waukegan, Ill., to points in North Dakota, South Dakota, Minnesota, Montana, Wyoming, and Colorado, and (2) *building materials*, from the plantsite of Johns-Manville Perlite Corporation located at or near Joliet, Ill., to points in North Dakota, South Dakota, Minnesota, Kansas, and Nebraska.

NOTE.—Applicant states that the requested authority can be tacked in Part (1) at Big Horn County, Wyo., to serve points in Oregon, Washington, and Idaho with Sub-No. 41, and in Part (2) at Minneapolis or Duluth, Minn., to serve points in Montana with Sub-No. 12. If a hearing is deemed necessary, the applicant requests it be held at Denver, Colo., or Chicago, Ill.

No. MC 124692 (Sub-No. 129), filed November 16, 1972. Applicant: SAMMONS TRUCKING, a Corporation, P.O. Box 1447, Missoula, Mont. 59801. Applicant's representative: Gene P. Johnson, 425 Gate City Building, Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Wood fibreboard*, faced or unfinished with decorative or protective material, from Bloomington, Minn., to points in North Dakota, South Dakota, Wisconsin, and the Upper Peninsula of Michigan, restricted to traffic originating at the facilities of Masonite Corporation located at Bloomington, Minn.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or St. Paul Minn.

No. MC 124816 (Sub-No. 6), filed November 5, 1973. Applicant: N & N TRANSPORTATION CO., INC., 827 Ridgewood Avenue, North Brunswick, N.J. 08902. Applicant's representative: William J. Augello, 120 Main Street, Huntington, N.Y. 11743. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cast iron pipe, fittings and accessories*, from Florence (Burlington County), N.J., to points in Maine, Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New Jersey, New York, Pennsylvania, Delaware, Maryland, District of Columbia, Ohio, Michigan, Indiana, Illinois, Virginia, and West Virginia.

NOTE.—Common control was approved in MC-F-11115. Applicant presently holds contract carrier authority in MC 116843 and subs thereunder, therefor dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 124887 (Sub-No. 5) (AMENDMENT), filed October 25, 1973, published in the FEDERAL REGISTER issue of December 13, 1973, and republished as amended this issue. Applicant: ELBERT GRADY SHELTON, doing business as SHELTON TRUCKING, Route One, Box 230, Altha, Fla. 32421. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Charcoal, charcoal products, charcoal pellets, vermiculite, charcoal lighter fluid, woodchips, fireplace logs, sawdust and wax impregnated* (except commodities in bulk), (1) from points in Houston County, Ala., to points in Florida, Georgia, Kentucky, North Carolina, South Carolina, Tennessee, and Virginia; and (2) from the above named destination states to points in Houston County, Ala.

NOTE.—The purpose of this republication is to indicate applicant's request to extend its territorial request as described above. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Tallahassee, Fla., or Atlanta, Ga.

No. MC 125551 (Sub-No. 6), filed November 16, 1973. Applicant: K & W TRUCKING CO., INC., 101 Cooper Avenue North, P.O. Box 1415, St. Cloud, Minn. 56301. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wood pulp, wood chips, lumber*, and *lumber products*, from points on the International Boundary line between the United States and Canada located in Montana, North Dakota and Minnesota, to Cloquet and Brainerd, Minn.

NOTE.—Common control was approved in Docket No. MC-F-10457. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necesary, applicant requests it be held at Minneapolis-St. Paul, Minn.

No. MC 126346 (Sub-No. 14), filed November 21, 1973. Applicant: HAUPT CONTRACT CARRIERS, INC., P.O. Box 1023, Wausau, Wis. 54401. Applicant's representative: Charles W. Singer, Suite 1000, 327 South LaSalle Street, Chicago, Ill. 60604. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, knocked down or in sections, *parts and attachments* thereof, and *materials, equipment and supplies* for the manufacture, sale, distribution and installation of buildings (except commodities in bulk), between points in Marathon County, Wis., and Newnan, Ga., on the one hand, and, on the other, points in the United States (except Alaska and Hawaii), under contract with Weston Homes, Inc., located at Rothschild, Wis.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill., or Madison, Wis.

No. MC 127355 (Sub-No. 13), filed October 15, 1973. Applicant: M & N GRAIN COMPANY, a Corporation, P.O. Box P, Nevada, Mo. 64772. Applicant's representative: Donald J. Quinn, Suite 900, 1012 Baltimore, Kansas City, Mo. 64105. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular

routes, transporting: *Pipeline skids*, between points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Wisconsin, and Wyoming, under continuing contract or contracts with Pipeline Skid Service, Inc., Chanute, Kans.

NOTE.—Applicant holds motor common carrier authority in MC-138533, therefore dual operations may be involved. Applicant presently holds duplicating authority in its Sub-No. 4 to serve those states generally described as being west of the Mississippi River. No duplicating authority is sought herein. If a hearing is deemed necessary, applicant requests it be held at Kansas City, Mo.

No. MC 127834 (Sub-No. 95), filed November 19, 1973. Applicant: CHEROKEE HAULING & RIGGING, INC., 540-42 Merritt Avenue, Nashville, Tenn. 37203. Applicant's representative: Robert M. Pearce, P.O. Box E, Bowling Green, Ky. 42101. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferroalloys, silicon and manganese metal, chrome and manganese ore, and lithum chemicals*, (except commodities in bulk), from points in Mason County, W. Va., and Guernsey County, Ohio, to points in Texas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, and all points east thereof.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 127840 (Sub-No. 37), filed November 21, 1973. Applicant: MONTGOMERY TANK LINES, INC., P.O. Box 382, 17730 South Chicago Avenue, Lansing, Ill. 60438. Applicant's representative: William H. Towle, 127 North Dearborn Street, Chicago, Ill. 60602. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Insecticides*, in bulk, in tank vehicles, from the facilities of Abbott Laboratories at North Chicago, Ill., to points in the United States (except Alaska and Hawaii), restricted to traffic originating at the named origin.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

No. MC 128862 (Sub-No. 19), filed November 2, 1973. Applicant: B. J. CECIL TRUCKING, INC., Box C, Claypool, Ariz. 85532. Applicant's representative: Earl H. Carroll, 363 North First Avenue, Phoenix, Ariz. 85003. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed ore* in bulk, in end-dump trailers, with tarping required, from points in Arizona to San Francisco, Calif.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Phoenix or Tucson, Ariz.

No. MC 133119 (Sub-No. 32), filed November 19, 1973. Applicant: HEYL TRUCK LINES, INC., 235 Mill St., Akron, Iowa 51001. Applicant's representative: A. J. Swanson, P.O. Box 81849, Lincoln, Nebr. 68501. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, and *agricultural commodities* exempt from economic regulation under section 203(b)(6) of the Interstate Commerce Act, when transported in mixed shipments with bananas, from Tampa, Fla., to ports of entry on the International Boundary line between the United States and Canada located in Minnesota and North Dakota, restricted to traffic moving in foreign commerce.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr., or Miami, Fla.

No. MC 133576 (Sub-No. 2), filed November 15, 1973. Applicant: BUSBOOM TRUCKING, INC., Route No. 1, Filley, Nebr. 68357. Applicant's representative: James E. Ryan, 214 Sharp Building, Lincoln, Nebr. 68508. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Calcium chloride*, in containers, from Ludington, Midland, Detroit, and St. Louis, Mich.; and Toledo, Ohio, to points in Nebraska, Iowa, Kansas, Missouri, Colorado, and South Dakota, under contract with Oldfather's O.K. Tire Company, at Beatrice, Nebr.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Omaha or Lincoln, Nebr.

No. MC 133655 (Sub-No. 63), filed November 12, 1973. Applicant: TRANSNATIONAL TRUCK, INC., P.O. Box 4168, Amarillo, Tex. 79105. Applicant's representative: Charles Singer, Suite 1000, 327 South LaSalle St., Chicago, Ill. 60604. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cellulose materials and products, and paper and paper products* (except commodities in bulk) and (2) *materials and supplies* (except commodities in bulk) used in the manufacture or distribution of cellulose materials and products and paper and paper products, between Oskaloosa, Iowa on the one hand, and, on the other, points in Missouri, Arkansas, Oklahoma, Kansas, Nebraska, South Dakota, North Dakota, and those points in Illinois on and south of Highway 460; those in Colorado east of State Highway 71; and those in Wyoming on and east of U.S. Highway 85; and Memphis, Tenn.; Evansville, Ind.; and East St. Louis, Ill.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Des Moines, Iowa.

No. MC 134783 (Sub-No. 16), filed November 19, 1973. Applicant: DIRECT SERVICE, INC., P.O. Box 786, Plainview, Tex. 79072. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved foodstuffs*, from Martinsburg, W. Va.; Winchester, Va.; and Kent City, Mich. to points in Texas, Tennessee, Oklahoma, Arkansas, Louisiana, Mississippi, Alabama, Georgia, South Carolina, and Florida.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 134922 (Sub-No. 57), filed November 21, 1973. Applicant: B. J. McADAMS, INC., Route 6, Box 15, North Little Rock, Ark. 72118. Applicant's representative: L. C. Cypert (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs, in containers*, from the plantsite and warehouse facilities of Stanislaus Food Products Company, at or near Modesto, Calif., to points in Illinois, Indiana, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Ohio, Oklahoma, Tennessee, and Texas.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at San Francisco, Calif., or Little Rock, Ark.

No. MC 135007 (Sub-No. 37) (AMENDMENT), filed October 5, 1973. Applicant: AMERICAN TRANSPORT, INC., P.O. Box 37406 Millard Station, Millard, Nebr. 68137. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Bldg., 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and articles distributed by meat packinghouses*, as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766 (except commodities in bulk) (1) from the plantsites and storage facilities utilized by Spencer Foods, Inc., at or near Spencer, Hartley, and Cherokee, Iowa, and Fremont, Nebr., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, Vermont, New Hampshire, Maine, and the District of Columbia; and (2) from points in Colorado, Kansas, Texas, and Iowa, to the plantsites and storage facilities utilized by Spencer Foods, Inc., at or near Schuyler, Nebr., and Hartley and Spencer, Iowa, under contract with Spencer Foods, Inc.

NOTE.—The purpose of this republication is to include the plant site and storage facilities of Spencer Foods, Inc., at or near Spencer, Iowa, as an additional destination in part (2) above. If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 136247 (Sub-No. 8), filed November 15, 1973. Applicant: WRIGHT TRUCKING, INC., 1303 10th St. SE., Jamestown, N. Dak. 58401. Applicant's representative: Thomas J. Van Osdel, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Malt beverages and malt beverage containers and cartons, bottle and can openers, advertising matter, and brewery products when moving therewith*, from Olympia, Wash., to points in South Dakota; (2) *empty containers and cartons, advertising matter, spoiled or rejected malt beverages, pallets and brewery materials, supplies, and ingredients*, from points in South Dakota, to Olympia, Wash.; and (3) *cans, flattened, loose in bags or cartons, for recycling purposes only*, from points in South Dakota, to points in various collection, recycling or reclaiming centers in Montana.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Fargo, N. Dak., or St. Paul, Minn.

No. MC 136380 (Sub-No. 1), filed November 5, 1973. Applicant: SOUTHERN CARTAGE, INC., P.O. Box 3117, 401 Jackson Avenue West, Knoxville, Tenn. 37917. Applicant's representative: Blaine Buchanan, 1024 James Building, Chattanooga, Tenn. 37402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except articles of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Bristol, Va. (and its Commercial Zone), Green County, Tenn., and points in Hawkins, Sullivan, Johnson, Carter, Washington, and Unicoi Counties, Tenn., restricted to the transportation of traffic having a prior or subsequent movement by rail.

NOTE.—Applicant states that the requested authority can be tacked at Hawkins, Sullivan, Johnson, Carter, Washington, and Unicoi Counties, Tenn., with its lead Certificate MC 136380, to provide a through service to those destination points named above. Common control may be involved. If a hearing is deemed necessary, applicant requests it be held at Knoxville, Tenn.

No. MC 136386 (Sub-No. 12), filed November 7, 1973. Applicant: GO LINES, INC., 8023 E. Slauson Avenue, Suite 6, Montebello, Calif. 90640. Applicant's representative: Thomas F. Kilroy, P.O. Box 624, Springfield, Va. 22150. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foodstuffs*, (1) from Prosser, Wash., to points in Oregon, Idaho, Montana, Utah, Wyoming, Colorado, Nevada, California, Arizona, New Mexico, and Texas; (2) from Longshot (Lyon County), Nev., to points in Oregon, Idaho, Montana, Wyoming, Colorado, Utah, Nevada, California, Arizona, New Mexico, Texas, and Washington; and (3) from the plantsites and warehouse facilities of Independent Food Processors Corporation, located in Yakima County, Wash., to points in Oregon, Idaho, Montana, Wyoming, Colorado, Utah, Nevada, Arizona, California, New Mexico, and Texas.

NOTE.—Applicant states that the requested authority in (1) and (3) can be tacked at Longshot, Nev., to serve additional points in Washington. If a hearing is deemed necessary, applicant requests it be held at Portland, Oreg.

No. MC 136766 (Sub-No. 1), filed November 1, 1973. Applicant: CARL DITTFIELD, 33 Drake Street, Pittston, Pa. 18640. Applicant's representative: Kenneth R. Davis, 999 Union Street, Taylor, Pa. 18517. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise* as is dealt in by retail department stores, from New York, N.Y.; Bridgeport and Hartford, Conn.; Springfield, Holyoke, and Boston, Mass.; Baltimore, Md.; District of Columbia; and points in Bergen, Essex, Hudson, and Union Counties, N.J., to Exeter, Pa., under a continuing contract or contracts with Jewelcor, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Harrisburg, Pa.

No. MC 136786 (Sub-No. 38), filed November 1, 1973. Applicant: ROBCO TRANSPORTATION, INC., 3033 Excelsior Boulevard, Rm. 205, Minneapolis, Minn. 55416. Applicant's representative: Val M. Higgins, 1000 First National Bank Building, Minneapolis, Minn. 55402. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat byproducts*, and *articles* distributed by meat packinghouses (except hides and commodities in bulk in tank vehicles), from the plantsite of Madison Foods Co., located at or near Madison, Nebr., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia; restricted to traffic originating at and destined to the above named points.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Omaha, Nebr.

No. MC 138498 (Sub-No. 3), filed November 5, 1973. Applicant: ASI, INC., P.O. Box 10444, Jacksonville, Fla. 32207. Applicant's representative: Sol H. Proctor, 2501 Gulf Life Tower, Jacksonville, Fla. 32207. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment) between the Jacksonville International Airport, Jacksonville, Fla. on the one hand, and, on the other, points in Georgia on and east of Interstate Highway 75 and on and south of Georgia Highway 32 and all points in Glynn and McIntosh Counties, and those in Florida on and east of Interstate Highway 75 and on and north of Florida Highway 40 and all points in Volusia County, restricted to traffic having a prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville, Fla.

No. MC 138617 (Sub-No. 3), filed November 19, 1973. Applicant: JIM'S TRUCK SERVICE, INC., 607 Dearborn Avenue, Waterloo, Iowa 50703. Applicant's representative: William L. Fairbank, 900 Hubbell Building, Des Moines, Iowa 50309. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *General commodities* (except commodities in bulk), between Waterloo and Iowa Falls, Iowa, on the one hand, and, on the other, points in Iowa, restricted to traffic having a prior or subsequent movement in rail trailer-on-flatcar service, and (2) *automobiles*, from Cedar Rapids, Council Bluffs, Des Moines, and Mason City, Iowa, to Waterloo, Iowa.

NOTE.—Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Des Moines, Iowa.

No. MC 138826 (Sub-No. 1), filed November 16, 1973. Applicant: JERALD HEDRICK, doing business as HEDRICK & SON TRUCKING R.R. 1, Warren, Ind. 46792. Applicant's representative: Alki E. Scopelitis, 815 Merchants Bank Building, Indianapolis, Ind. 46204. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer materials*, from Lima, Ohio, to points in Indiana and Michigan.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Chicago, Ill.

No. MC 138880 (Sub-No. 2), filed November 13, 1973. Applicant: RED RIVER TRANSPORT AND DEVELOPMENT CO., INC., doing business as AIR FREIGHT EXPRESS, P.O. Box 66, Hawley, Minn. 56549. Applicant's representative: Richard P. Anderson, 502 First National Bank Bldg., Fargo, N. Dak. 58102. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, (except those of unusual value, classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those that require special equipment), between Minneapolis-St. Paul International Airport in or near Minneapolis, Minn., on the one hand, and, on the other, Superior, Wis., and points in St. Louis and Carlton Counties, Minn., restricted to the transportation of shipments having an immediate prior or subsequent movement by air.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Hibbing, Minn.; Duluth, Minn.; Superior, Wis.; or Minneapolis, Minn.

No. MC 139043 (Sub-No. 1), filed November 5, 1973. Applicant: JOSEPH F. SACCOMANNO, doing business as JFS TRANSPORTATION, East 428 14th, Spokane, Wash. 99208. Applicant's representative: Donald A. Ericson, 708 Old National Bank Building, Spokane, Wash. 99201. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages, wine, and related advertising material* moving therewith, from points in Napa, San Francisco, Alameda, Santa Clara, San Joaquin, Kern, and San Mateo Counties, Calif., to points in Spokane County, Wash., under a continuing contract with B and B Distributors, Inc.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Spokane, Wash., Seattle, Wash., or Portland, Oreg.

No. MC 139066 (Sub-No. 1), filed November 19, 1973. Applicant: VAN BUS DELIVERY COMPANY, a Corporation, 2601 32d Avenue South, Minneapolis, Minn. 55406. Applicant's representative: Warren A. Goff, 2008 Clark Tower, 5100 Poplar Ave., Memphis, Tenn. 38137. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities* as are dealt in by mail order houses and retail stores and in connection therewith, *such equipment, material and supplies* as are used in the conduct of such business, between points in Minnesota, Wisconsin, Iowa, Fargo and Grand Forks, N. Dak., and Sioux Falls, S. Dak. in non-radial movements, under contract with Sears Roebuck and Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill. or Washington, D.C.

No. MC 139139 (Sub-No. 1), filed November 14, 1973. Applicant: LESTER GRAY, Box 372, Bemidji, Minn. 56601. Applicant's representative: F. H. Kroeger, 2288 University Avenue, St. Paul, Minn. 55114. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fencing and rails*, (1) from Redby, Minn., to Dallas and Fort Worth, Tex.; Fowler, Ohio; Oklahoma City, Okla.; West Des Moines, Iowa; and points in Maryland; and (2) from Kelliher, Minn., to Chicago, Ill.; Des Moines, Dubuque, Fort Madison, Mason City, and Waterloo, Iowa; Bismarck, Fargo, and Grand Forks, N. Dak.; and Aberdeen and Sioux Falls, S. Dak.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Minneapolis, Minn.

No. MC 139224, filed October 30, 1973. Applicant: ROBERT J. CHAMBERS AND MRS. JOAN BELL, a Partnership doing business as CITY CAR TERMINAL COMPANY, 11700 Freud, Detroit, Mich. 48214. Applicant's representative: William B. Elmer, 21635 East Nine Mile Road, St. Clair Shores, Mich. 48080. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks, and buses* as described in *Descriptions Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in initial and secondary movements, in truckaway and driveaway service, between the facilities of the Chesapeake and Ohio Railway Company, located at or near Plymouth, Mich., on the one hand, and, on the other, points in Livingston, Macomb, Oakland, Washtenaw, Monroe, and Wayne Counties, Mich.; restricted to traffic having a prior or subsequent movement by rail.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Detroit or Lansing, Mich.

No. MC 139234 (Sub-No. 1), filed November 5, 1973. Applicant: BRUCE's TRANSPORT SERVICE, INC., 2176 North Ventura Avenue, Ventura, Calif. 93001. Applicant's representative: David P. Christianson, City National Bank Bldg., Suite 825, 606 S. Olive Street, Los Angeles, Calif. 90014. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Oilfield equipment, materials and supplies* used in the drilling, exploration and production of oil, between points in Ventura County, Calif., on the one hand, and, on the other, the Los Angeles International Airport and the Los Angeles Harbor Commercial Zone, restricted to traffic having a prior or subsequent movement by air or water, under contract with Vetco Offshore, Inc., Otis Engineering Corporation, National Supply Division/Armco Steel Corporation, and Schlumberger Well Services.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Los Angeles, Calif.

No. MC 139263 (Sub-No. 2), filed November 14, 1973. Applicant: MINUTEMAN EXPRESS, INC., P.O. Box 458, Lexington, Nebr. 68850. Applicant's representative: Patrick E. Quinn, 605 South 14th Street, P.O. Box 82028, Lincoln, Nebr. 68501. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products, and meat byproducts and articles distributed by meat packinghouses* as described in Sections A and C of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (1) from Lexington, Nebr., to points in Minnesota, Iowa, Missouri, Wisconsin, Illinois (except Chicago and Rockford), Tennessee, Indiana, Michigan, Ohio, Virginia, Pennsylvania, New York, Massachusetts, Connecticut, New Jersey, District of Columbia, Maryland, North Carolina, South Carolina, Georgia, Florida, and Colorado, restricted against the transportation of hides and commodities in bulk; and (2) *returned shipments, materials, supplies and equipment* utilized in the manufacture, sale and distribution of the commodities specified in (1) above in reverse direction, restricted against the transportation of hides and commodities in bulk and those requiring special equipment and further restricted in (1) and (2) above to traffic originating or terminating at the plantsite or warehouse facilities utilized by Cornland Dressed Beef Co. and in (1) and (2) above limited to a transportation service to be performed under a continuing contract with Cornland Dressed Beef Co.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Lincoln or Omaha, Nebr.

No. MC 139267, filed November 15, 1973. Applicant: WALTER W. DONNELLY AND PAUL C. CASEY, a Partnership, doing business as GRAND AVENUE VAN & STORAGE, 2200 Adeline Street, Oakland, Calif. 94607. Applicant's representative: George R. LaBissoniere, 130 Andover Park East, Seattle, Wash. 98188. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used household goods, as defined by the Commission, personal effects, baggage, office furniture, equipment and supplies*, between points in Sonoma, Napa, Solano, Sacramento, San Joaquin, Contra Costa, San Francisco, Alameda, San Mateo, Santa Clara, Stanislaus, Santa Cruz, Merced, San Benito, Monterey, Fresno, Kings, and Tulare Counties, Calif.; restricted to the transportation of traffic having a prior or subsequent movement beyond said points, in containers, and further restricted to the performance of pickup and delivery service in connection with packing, crating, and containerization or unpacking, uncrating, and decontainerization of such traffic.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at either Oakland or San Francisco, Calif.

No. MC 139271, filed November 5, 1973. Applicant: YUTANA BARGE LINES, INC., P.O. Box 238, Nenana, Alaska 99760. Applicant's representative: Alan F. Wohlstetter, 1700 K Street NW., Washington, D.C. 20006. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, between points within a 25 miles radius of Galena, Tana, Fort Yukon, Bear Creek, St. Mary's, Mountain Village, and Pitkas Point, Alaska.

NOTE.—Common control was approval in MC-F-24593. If a hearing is deemed necessary, applicant requests it be held at Fairbanks, Alaska.

No. MC 139282, filed November 19, 1973. Applicant: LEESYL TRANSPORT INC., 515 River Road, Edgewater, N.J. 07020. Applicant's representative: Bert Collins, 5 World Trade Center, Suite 6193, New York, N.Y. 10048. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Ornamental iron products and accessories*, from the plantsite or other facilities of Leslie-Locke Building Products Co., Lodi, Ohio, to points in Connecticut, Delaware, Indiana, Ilinois, Kentucky, Maine, Michigan, Maryland, Massachusetts, New Hampshire, New York, New Jersey, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia, and (2) *materials and supplies* used in the production, sale or distribution of the commodities described in (1) above, from the destination points specified in (1)

above to the shipper specified above at Lodi, Ohio.

NOTE.—Applicant holds contract carrier under MC 135665, therefore dual operations may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Washington, D.C.

No. MC 139293, filed November 23, 1973. Applicant: MALCOLM RAY, 4225 Bedford Drive, Lawton, Okla. 73501. Applicant's representative: G. Timothy Armstrong, 280 National Foundation Life Building, 3535 NW. 58th, Oklahoma City, Okla. 73112. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Crushed limestone*, in bulk, in dump vehicles, from points in Comanche County, Okla., to points in Wichita County, Tex.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Oklahoma City, Okla. or Wichita Falls, Tex.

No. MC 139294, filed November 16, 1973. Applicant: H. T. L., INC., P.O. Box 558, Fairfield, Ala. 35064. Applicant's representative: Robert E. Tate, P.O. Box 517, Evergreen, Ala. 36401. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt* (except in bulk), from points in Fort Bend and Harris Counties, Tex., to points in Alabama, Florida, Georgia, Mississippi, and Tennessee.

NOTE.—Applicant holds contract carrier authority in MC 135867 Sub-No. 1, therefore dual operations may be involved. Common control may also be involved. If a hearing is deemed necessary, applicant requests it be held at Birmingham, Ala. or Atlanta, Ga.

No. MC 139295, filed November 12, 1973. Applicant: WILLIAM R. BREES, doing business as EATON TRANSFER CO., 528 S. Pennsylvania St., Greenfield, Ind. 46140. Applicant's representative: Walter F. Jones, Jr., 601 Chamber of Commerce Bldg., Indianapolis, Ind. 46204. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquor, vermouth and wine*, from Bardstown, Clermont, Frankfort, and Louisville, Ky., Pekin, Ill., Cincinnati, Ohio, and Allen Park, Mich., to plantsite or warehouses of Kiefer-Stewart Co. at Indianapolis, Ind., under contract with Kiefer-Stewart Co., Indianapolis, Ind.

NOTE.—Applicant holds common carrier authority in MC 81346, therefore, dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Indianapolis, Ind., or Louisville, Ky.

No. MC 139299 (Sub-No. 1), filed November 14, 1973. Applicant: LESLIE J. UNRUH, doing business as UNRUH GRAIN COMPANY, P.O. Box 95, Copeland, Kans. 67837. Applicant's representative: Duane E. West, P.O. Box 712, 319 N. 8th Street, Garden City, Kans. 67846. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed feed and feed ingredients, processed seed*, and *dry fertilizer*, between those points in Kansas and Oklahoma on and west of U.S. Highway 183 and those points in Texas on, west and north of a line beginning at the junction of U.S. Highway 183 and the Texas-Oklahoma State line, thence south along U.S. Highway 183 to its junction with U.S. Highway 82, thence west along U.S. Highway 82 to Lubbock, Tex., thence northwest along U.S. Highway 84 to the Texas-New Mexico State Line.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Garden City, Dodge City, or Wichita, Kans.

No. MC 139309, filed November 14, 1973. Applicant: DIRECT SERVICE, INC., P.O. Box 786, Plainview, Tex. 79072. Applicant's representative: Charles J. Kimball, 2310 Colorado State Bank Building, 1600 Broadway, Denver, Colo. 80202. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* dealt in by farm and home supply stores, from points in Ohio, Indiana, Iowa, Missouri, Minnesota, Wisconsin, Illinois, Oklahoma, Tennessee, Kansas, Colorado, and Mississippi, to points in Hale, Randall, Potter, Deaf Smith, Lamb, Terry, Dawson, Ellis, Hill, and Lubbock Counties, Tex., and Curry County, N. Mex., under continuing contract with Gebos Distribution Company, Inc., located at Plainview, Tex.

NOTE.—Applicant holds common carrier authority in MC 134783, therefore dual operations may be involved. If a hearing is deemed necessary, applicant requests it be held at Amarillo, Tex.

MOTOR CARRIER OF PASSENGERS

No. MC 48501 (Sub-No. 17), filed November 13, 1973. Applicant: INDIANA MOTOR BUS COMPANY, a corporation, 715 South Michigan Street, South Bend, Ind. 46624. Applicant's representative: Harry J. Harman, 8130 South Meridian Street, Indianapolis, Ind. 46217. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special and charter bus operations, in round trip movements, from points in Allen, Defiance, Mercer, Paulding, Van Wert, and Williams Counties, Ohio, to points in the United States including Alaska, but excluding Hawaii, and return; restricted to the transportation of passengers originating at those points in Ohio named above.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Van Wert, Ohio, or Fort Wayne, Ind.

No. MC 111662 (Sub-No. 1), filed November 29, 1973. Applicant: SPACE WORLD U.S.A. TOURS, INC., 120 West Madison Street, Suite 618, Chicago, Ill. 60602. Applicant's representative: Philip A. Lee (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, from points in Kendall, La Salle, Grundy, Kankakee, Will, Livingston, Coles, Winnebago, De Kalb, Du Page, Henderson, Warren, Knox, Kane, Montgomery, and Christian Counties, Ill., to points in Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin and return.

NOTE.—Common control may be involved. Applicant states that the requested authority cannot be tacked with its existing authority. If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

BROKER APPLICATION OF PASSENGERS

No. MC 130016 (Sub-No. 2), filed November 20, 1973. Applicant: MTS COMPANY, doing business as JEFFERSON TRAVEL SERVICE, 503 6th Avenue North, Minneapolis, Minn. 55405. Applicant's representative: J. G. Dail, Jr., 1111 E Street NW., Washington, D.C. 20004. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at points in Dade, Hillsborough, and Pinellas Counties, Fla., to sell or offer to sell the transportation of *passengers*, individually and in groups, in special and charter operations in one-way and round-trip tours, between points in the United States, including Alaska and Hawaii.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Jacksonville or Miami, Fla.

No. MC 130213 (AMENDMENT), filed October 4, 1973, published in the FEDERAL REGISTER issue of November 15, 1973, and republished, as amended, this issue. Applicant: TRAVELERS INTERNATIONAL TOUR OPERATORS, INC., 530 Fifth Avenue, New York, N.Y. 10036. Applicant's representative: Robert E. Goldstein, 8 West 40th Street, New York, N.Y. 10018. Authority sought to engage in operation, in interstate or foreign commerce, as a *broker* at New York, N.Y., to sell or offer to sell the transportation of *passengers and groups of passengers*, in charter and special operations, in round-trip service, from New York, N.Y., San Francisco and Los Angeles, Calif., and Miami, Fla., to points in the United States (except Alaska and Hawaii), and return; restricted to the transportation of passengers having a prior movement in foreign commerce by air or ship.

NOTE.—The purpose of this republication is to indicate that applicant seeks to arrange round-trip services by the instant application. If a hearing is deemed necessary, applicant requests it be held at New York, N.Y.

FREIGHT FORWARDER APPLICATION

No. FF-252, Sub 3, filed December 12, 1973. Applicant: CHI-CAN FREIGHT FORWARDING, LTD., 4956 South Kedzie Avenue, Chicago, Ill. 60632. Applicant's representative: Paul J. Maguire, 3800 North Lawndale Avenue, Chicago, Ill. 60618. Authority sought to engage in operation, in interstate commerce, as a *freight forwarder*, through use of the facilities of common carriers by rail, motor carrier and express, in the transportation of *general commodities* (except commodities in bulk), between points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, and Wisconsin, including points on the International Boundary line between the United States and Canada in the above-named States.

NOTE.—If a hearing is deemed necessary, applicant requests it be held at Chicago, Ill.

By the Commission.

[SEAL] ROBERT L. OSWALD, *Secretary.*

[FR Doc.74-5 Filed 1-2-74;8:45 am]

FOURTH SECTION APPLICATION FOR RELIEF

DECEMBER 27, 1973.

An application, as summarized below, has been filed requesting relief from the requirements of section 4 of the Interstate Commerce Act to permit common carriers named or described in the application to maintain higher rates and charges at intermediate points than those sought to be established at more distant points.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1100.40) and filed by January 18, 1973.

FSA No. 42785—*Newsprint paper From St. John, N.B., Canada.* Filed by Traffic Executive Association-Eastern Railroads, Agent, (E.R. No 3041), for interested rail carriers. Rates on newsprint paper, in carloads, as described in the application, from Saint John, New Brunswick, Canada, to stations in Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Virginia. Grounds for relief—Barge competition.

Tariff—Supplement 79 to Canadian Freight Association tariff No. 660-A, ICC 341. Rates are published to become effective on January 23, 1974.

By the Commission.

[SEAL] JOSEPH M. HARRINGTON, *Acting Secretary.*

[FR Doc.74-193 Filed 1-2-74;8:45 am]

[Notice No. 410]

MOTOR CARRIER BOARD TRANSFER PROCEEDINGS

Synopses of orders entered by the Motor Carrier Board of the Commission pursuant to sections 212(b), 206(a), 211, 312(b), and 410(g) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 1132), appear below:

Each application (except as otherwise specifically noted) filed after March 27, 1972, contains a statement by applicants that there will be no significant effect on the quality of the human environment resulting from approval of the application. As provided in the Commission's Special Rules of Practice any interested person may file a petition seeking reconsideration of the following numbered proceedings on or before January 22, 1974. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

F. D. No. 27544. By order of December 20, 1973, the Motor Carrier Board approved the transfer to Central States Forwarding Corporation, New York, N.Y., of the Second Amended Permit in No. FF-38 issued December 20, 1949, to ABC Freight Forwarding Corporation, New York, N.Y., authorizing operations as a freight forwarder of commodities generally, between Baltimore, Md., Wilmington, Del., Philadelphia, Pa., the District of Columbia, and points in Bronx, Kings, Nassau, New York, Queens, Richmond, and Westchester Counties, N.Y., Bergen, Essex, Hudson, Middlesex, Passaic, and Union Counties, N.J., Cook, DuPage, Kane, Lake, and Will Counties, Ill., and Lake County, Ind., on the one hand, and, on the other, points in Colorado, Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, and Wisconsin. Sheldon M. Krupnick, 201 11th Avenue, New York, N.Y. 10001, Attorney for applicants.

No. MC-FC-74605. By order December 14, 1973, the Motor Carrier Board approved the transfer to H & H Moving & Storage, Inc., Oakland, Calif., of Certificate No. MC-25828 (Sub-No. 2), issued October 16, 1969, to Thomas R. Travers, D/B/A Western Van & Storage Company, Berkeley, Calif., authorizing the transportation of used household goods, between specified points in California. Edward J. Hegarty, Loughran, Berol & Hegarty, 100 Bush Street, San Francisco, California 94104, attorney for applicants.

No. MC-FC-74638. By order of December 20, 1973, the Motor Carrier Board on reconsideration approved the transfer to Daniel C. Haffner, doing business as Haffner Trucking Service, Farmington, Iowa, of the operating rights in Certificate No. MC-134790 (Sub-No. 2) issued August 13, 1971, to John N. Hofmann, doing business as Hofmann Truck Line, Farmington, Iowa, authorizing the transportation of steel grain bins and livestock buildings, steel grain handling equipment, steel buildings, steel trusses and building frames, and lumber, and parts and accessories for each of the described commodities, from the plant site and facilities of Conrad, Inc., at or near Houghton, Iowa, to points in the United States (except Alaska and Hawaii), and materials, equipment, and supplies (except in bulk) used in the manufacturing, processing, sale, and distribution of the above-specified commodities, from points in the United States (except Alaska and Hawaii) to the plant site and facilities of Conrad, Inc., at or near Houghton, Iowa. H. Eugene Anderson, Mississippi Valley Savings Building, 321 N. 3rd Street, Burlington, Iowa 52601, Attorney for applicants.

No. MC-FC-74679. By order of December 26, 1973, the Motor Carrier Board, on reconsideration, approved the transfer to D & R Moving & Trucking, Inc., Oceanside, N.Y., of a portion of Certificate No. MC-108914 (Sub No. 2) issued to Rugby Vans, Inc., Brooklyn, N.Y., authorizing the transportation of: Household goods, as defined by the Commission, between New York, N.Y., and 100 miles of Columbus Circle, N.Y., on the one hand, and, on the other, points in Connecticut, New Jersey, New York, and Pennsylvania, within the 100 mile radius above. Arthur J. Piken, Attorney, One Lefrak Plaza, Flushing, N.Y. 11368.

No. MC-FC-74762. By order of December 20, 1973, the Motor Carrier Board approved the transfer to Richard C. Noerr, Jr., doing business as Metal Transport, Lewistown, Pennsylvania, of the operating rights in Permit No. MC-82506 (Sub-No. 2) and Certificates No. MC-8957 and MC-8957 (Sub-No. 4), issued December 24, 1969, February 16, 1953 and July 19, 1960, respectively to Glenn H. Brower, Lewistown, Pennsylvania, authorizing the transportation of various commodities from, to and between points and areas in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. John E. Fullerton, 407 No. Front St., Harrisburg, Pa. 17101, John M. Musselman, 410 N. Third St., Harrisburg, Pa. 17108, Attorneys for applicants.

No. MC-FC-74820. By order of December 20, 1973, the Motor Carrier Board approved the transfer to Henry H. R. Coe, Jr., and Martha S. Coe, doing business as Best West Tours, Inc., Cody, Wyo., of the licenses in Nos. MC-12828 and MC-12828 (Sub-No. 2), issued November 5, 1970, and December 10, 1970, respectively, to Best West Tours, Inc., Billings, Mont., authorizing operations as a broker in connection with the transportation of passengers and their baggage (1) in charter operations, beginning and ending at Billings, Mont., Denver, Colo., and points in Wyoming, and extending to points in Alaska, and beginning and ending at points in Wyoming, Billings, Mont., and Denver, Colo., and extending to points in the United States, excluding Alaska and Hawaii, and (2) between points in Montana and Wyoming. Robert D. Olson, P.O. Box 871, Cody, Wyo. 82414, Attorney for Applicants.

No. MC-FC-74829. By order of December 21, 1973, the Motor Carrier Board approved the transfer to Freeman Transfer, Inc., Omaha, Nebr., of Certificates Nos. MC-127171 and MC-127171 (Sub-No. 1) issued August 9, 1965, and May 8, 1969, respectively, to Great Northern Cartage Co., Omaha, Nebr., authorizing the transportation of general commodities between Jackson, Nebr., on the one hand, and, on the other, Sioux City, Iowa; and between Omaha, Nebr., and Blair, Nebr. Mr. Frederick J. Coffman, Attorney at Law, 521 S. 14th Street, P.O. Box 81849, Lincoln, Nebr. 68501.

No. MC-FC-74848. By order of December 14, 1973, the Motor Carrier Board approved the transfer to Decatur Transit, Inc., Decatur, Ala., of the operating

rights in Permits No. MC–114087, MC–114087 (Sub-No. 5), MC–114087 (Sub-No. 6), MC–114087 (Sub-No. 7), MC–114087 (Sub-No. 9), MC–114087 (Sub-No. 10), MC–114087 (Sub-No. 11), and MC–114087 (Sub-No. 12) issued June 21, 1954, October 28, 1966, April 10, 1972, October 6, 1967, January 11, 1968, October 28, 1969, January 2, 1970, and April 10, 1972, respectively to Decatur Petroleum Haulers, Inc., Decatur, Ala., authorizing the transportation of various commodities from and to specified points and areas in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, Virginia, and West Virginia. D. H. Markstein, Jr., 512 Massey Bldg., Birmingham, Ala., 35203, A. Alvis Layne, 915 Pennsylvania Bldg., Washington, D.C., 20004, Attorneys for applicants.

No. MC–FC–74890. By order of December 20, 1973, the Motor Carrier Board approved the transfer to Air-Way Transport, Inc., Greenville, Tenn., Permit No. MC–127888 (Sub-No. 1), issued March 20, 1967, to Mrs. Louise S. Frye, Johnson City, Tenn., authorizing the transportation of: Radios, audio and video equipment, parts, etc., between specified points and areas in Tennessee. R. Cameron Rollins, 321 E. Center St., Kingsport, Tenn. 37660, Attorney at Law.

[SEAL] JOSEPH M. HARRINGTON,
Acting Secretary.

[FR Doc.74–194 Filed 1–2–74;8:45 am]

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WASHINGTON, D.C.

Volume 39 ■ Number 2

PART II

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Social and Rehabilitation Service

■

VOCATIONAL REHABILITATION PROGRAMS and ACTIVITIES

Interim Regulations Implementing the Rehabilitation Act of 1973

Title 45—Public Welfare

CHAPTER IV—SOCIAL AND REHABILITATION SERVICE (REHABILITATION PROGRAMS) DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

VOCATIONAL REHABILITATION PROGRAMS AND ACTIVITIES

Interim Requirements

The following Parts 401, 403, 404, 405, 406, 407 and 408 have been revised on an interim basis to implement the Rehabilitation Act of 1973.

Regulations previously in effect under the Vocational Rehabilitation Act have been revised in a limited manner to enable State compliance with new statutory provisions essential to the continuing operation of State vocational rehabilitation programs and other ongoing activities under the Act. Technical revisions to previous regulations have also been made to provide consistency with the Act.

These regulations are not intended to reflect a full implementation of the Rehabilitation Act of 1973. Certain statutory requirements are not detailed in these regulations even though such statutory requirements are necessary for an approvable State plan. In addition, discretionary activities, newly authorized under the Act, are not included. A complete revision of regulations covering all vocational rehabilitation programs and activities under the Act will be published at a later date as a notice of proposed rule making.

As revised on an interim basis at the present time, Part 401 covers grants made to State vocational rehabilitation agencies under the State plans for vocational rehabilitation services. Required changes in the format of the State plans have been identified to include an annual submittal of certain State plan material. Service priorities for severely handicapped individuals and a requirement for an annual evaluation activity within State programs have been established.

As required by the Act, changes affecting the scope and content of the extended evaluation of handicapped individuals and the consideration of similar benefits have also been included.

To conform with new statutory requirements, changes have been made in the definitions of "construction of a rehabilitation facility," "handicapped individual," "physical and mental restoration services," "rehabilitation facility," "State," "State agency," "vocational rehabilitation services," and "workshop." The definition of "physical or mental disability" has been revised to remove the separately identifiable behavioral disorder category.

Subpart E, covering the Supplemental Security Income program under the Social Security Act, is being published separately in the FEDERAL REGISTER.

Subpart F covers the new Grants to States for Innovation and Expansion of Vocational Rehabilitation Services and includes new regulatory material.

Parts 403, 404, 405, 406, 407, and 408 cover special purpose rehabilitation programs and activities and have been revised at this time only to reflect technical adjustments to authority continuing in the Rehabilitation Act of 1973.

Part 402 which previously covered the State Vocational Evaluation and Work Adjustment Program has been deleted. (Part 409 covering programs under the Randolph-Sheppard Vending Stand Act has not been revised and is still in effect.)

Federal financial assistance extended under this chapter is subject to the regulations in 45 CFR Part 80, issued by the Secretary of Health, Education, and Welfare, and approved by the President, to effectuate the provisions of section 601 of the Civil Rights Act of 1964 (42 U.S.C. 2000d).

Opportunity to comment. As required under section 400(b) of the Act, these regulations are being published on an interim basis. A notice of proposed rule making fully implementing all new and revised provisions of the Act, will be published in the FEDERAL REGISTER at a later date. At that time there will be extended opportunity for comments and full consideration will be given to all comments and suggestions received concerning the notice of proposed rule making prior to the time final regulations are put into effect.

Chapter IV of Title 45 of the Code of Federal Regulations is amended by revising Parts 401, 403, 404, 405, 406, 407 and 408 and deleting Part 402, as follows:

PART 401—THE STATE VOCATIONAL REHABILITATION PROGRAM

Subpart A—Definitions

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401.1 Terms.

Subpart B—State Plans for Vocational Rehabilitation Services

STATE PLAN CONTENT: ADMINISTRATION

401.2 The State plan: general requirements.
401.3 Approval of State plans and amendments.
401.4 Withholding of funds.
401.5 State agency for administration.
401.6 Organization for administration.
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401.9 Shared funding and administration of joint projects.
401.10 Waiver of Statewideness.
401.11 Cooperative programs utilizing third-party funds for vocational rehabilitation services.
401.12 Standards of personnel administration.
401.13 Medical consultation.
401.14 State agency facility staff.
401.15 State agency studies and evaluations.
401.16 Staff development.
401.17 Political activity.
401.18 Fiscal administration.
401.19 Custody of funds.
401.20 Reports.
401.21 Cooperation with other agencies.
401.22 Nondiscrimination in employment under construction contracts.
401.23 Funds made available to private nonprofit agencies for establishment or construction of rehabilitation facilities.

STATE PLAN CONTENT: CASEWORK PRACTICE

401.30 Eligibility.
401.31 Extended evaluation to determine rehabilitation potential.
401.32 Case study and diagnosis.
401.33 Extended evaluation plan.
401.34 Vocational rehabilitation plan for the individual.
401.35 Processing referrals and applications.
401.36 Order of selection for services.
401.37 Participation by handicapped individuals in the costs of vocational rehabilitation services.
401.38 Administrative review of agency action, and fair hearings.
401.39 Confidential information.
401.40 Recording of case data.

STATE PLAN CONTENT: SERVICES

401.41 Scope of agency program.
401.42 Standards for facilities and personnel.
401.43 Rates of payment.
401.44 Evaluation, of rehabilitation potential, including diagnostic services.
401.45 Counseling and guidance.
401.46 Physical and mental restoration services.
401.47 Training.
401.48 Maintenance.
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401.50 Followup services.
401.51 Transportation.
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401.53 Services to family members.
401.54 Recruitment and training services for new employment opportunities.
401.55 Tools, equipment, initial stocks and supplies, occupational licenses.
401.56 Other goods and services.
401.57 Small business enterprises for the severely handicapped.
401.58 Establishment of rehabilitation facilities.
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401.60 Facilities and services for groups of handicapped individuals.
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401.62 Authorization of services.

Subpart C—Financing of State Vocational Rehabilitation Programs

FEDERAL FINANCIAL PARTICIPATION

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401.77 Purchase of goods, facilities, or services from other agencies of the State.
401.78 Insurance and taxes.
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ALLOTMENT AND PAYMENT

401.85 Allotment of Federal funds for vocational rehabilitation services.
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401.88 Effect of payments.
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Subpart D—Payment of Costs of Vocational Rehabilitation Services to Disabilitly Beneficiaries from the Social Security Trust Funds

Sec.
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Subpart F—Grants to States for Innovation and Expansion of Vocational Rehabilitation Services

401.150 Purpose.
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AUTHORITY: Sec. 400(b), 87 Stat. 386 (29 U.S.C. 780(b)) and Sec. 1102, 49 Stat. 647 (42 U.S.C. 1302).

Subpart A—Definitions

§ 401.1 Terms.

Unless otherwise indicated in the regulation in this part, the terms below are defined as follows:

(a) "Act" means the Rehabilitation Act of 1973 (29 U.S.C. ch. 16).

(b) [Reserved]

(c) "Blind" means persons who are blind within the meaning of the law relating to vocational rehabilitation in each State.

(d) "Construction of a rehabilitation facility" means (1) the construction of new buildings, the acquisition of existing buildings, or the expansion of existing buildings, which are to be utilized for rehabilitation facility purposes; and (2) the acquisition of initial equipment of such new, newly acquired, or newly expanded buildings.

(e) "Eligible" or "eligibility," when used in relation to an individual's qualification for vocational rehabilitation services, refers to a certification that (1) a physical or mental disability is present; (2) a substantial handicap to employment exists; and (3) vocational rehabilitation services may reasonably be expected to render the individual fit to engage in a gainful occupation.

(f) "Establishment of a rehabilitation facility" means (1) the expansion, remodeling, or alteration of existing buildings, necessary to adapt or to increase the effectiveness of such buildings for rehabilitation facility purposes; (2) the acquisition of initial equipment for such purposes; or (3) the initial staffing of a rehabilitation facility, for a period not to exceed 4 years and 3 months.

(g) "Family members" or "members of the family" means any relative by blood or marriage of a handicapped individual and other individuals living in the same household with whom the handicapped individual has a close interpersonal relationship.

(h) "Gainful occupation" includes employment in the competitive labor market; practice of a profession; self-employment; homemaking; farm or family work (including work for which payment is in kind rather than in cash); sheltered employment; and home industries or other gainful homebound work.

(i)(1) "Handicapped individual" means any individual

(i) Who has a physical or mental disability;

(ii) Who has a substantial handicap to employment; and

(iii) Who is expected to benefit in terms of employability from the provision of vocational rehabilitation services.

(2) "Handicapped individual" also means any individual

(i) Who has a physical or mental disability;

(ii) Who has a substantial handicap to employment; and

(iii) For whom an extended evaluation of rehabilitation potential is necessary for the purpose of determining whether he might benefit in terms of employability from the provision of vocational rehabilitation services.

(j) "Local rehabilitation agency" means the public agency of a political subdivision of a State which has sole responsibility for administering the vocational rehabilitation program in the locality, under the supervision of the State agency.

(k) "Maintenance" means payments to cover the handicapped individual's basic living expenses, such as food, shelter, clothing, health maintenance, and other subsistence expenses essential to determination of the individual's rehabilitation potential or to achievement of his vocational rehabilitation objective.

(l) "Management services and supervision" for small business enterprises includes inspection, quality control, consultation, accounting, regulating, in-service training, and other related services provided on a systematic basis to support and improve small business enterprises operated by blind or other severely handicapped persons under a State agency's small business enterprise program. "Management services and supervision" does not include those services or costs which pertain to the operation of the individual business enterprise, such as employment of substitute workers, rent, advertising and other operating costs.

(m) "Nonprofit," when used with respect to a rehabilitation facility means a rehabilitation facility which is owned and operated by a corporation or association, no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual, and the income of which is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1954.

(n) "Occupational license" means any license, permit, or other written authority required by a State, city, or other governmental unit to be obtained in order to enter an occupation.

(o) "Physical or mental disability" means a physical or mental condition which materially limits, contributes to limiting or, if not corrected, will probably result in limiting an individual's activities or functioning.

(p) "Physical and mental restoration services" means services which are necessary to correct or substantially modify within a reasonable period of time a physical or mental condition which is stable or slowly progressive, and includes:

(1) Medical or corrective surgical treatment by general practitioners or medical specialists;

(2) Diagnosis and treatment for mental or emotional disorders by a physician or psychologist licensed in accordance with State licensure laws:

(3) Dentistry;

(4) Nursing services;

(5) Necessary hospitalization (either inpatient or outpatient care) in connection with surgery or treatment and clinic services;

(6) Convalescent or nursing home care;

(7) Drugs and supplies;

(8) Prosthetic, orthotic or other assistive devices essential to obtaining or retaining employment;

(9) Eye glasses and visual services;

(10) Physical therapy;

(11) Occupational therapy;

(12) Speech or hearing therapy;

(13) Psychological services;

(14) Treatment of either acute or chronic medical complications and emergencies which are associated with or arise out of the provision of physical and mental restoration services, or are inherent in the condition under treatment;

(15) Special services for the treatment of individuals suffering from endstage renal disease; including transplantation, dialysis, artificial kidneys, and supplies; and

(16) Other medical or medically related rehabilitation services. (The provision that the condition is stable or slowly progressive does not apply when physical and mental restoration services are provided under an extended evaluation of rehabilitation potential.)

(q) [Reserved]

(r) "Rehabilitation facility" means a facility which is operated for the primary purpose of providing vocational rehabilitation services to or gainful employment for handicapped individuals, and which provides singly or in combination one or more of the following services for handicapped individuals: (1) Comprehensive rehabilitation services which include, under one management, medical, psychological, social, and vocational services; (2) testing, fitting, or training in the use of prosthetic and orthotic devices; (3) prevocational conditioning or recreational therapy; (4) physical and occupational therapy; (5) speech and hearing therapy; (6) psychological and social services; (7) evaluation; (8) personal and work adjustment; (9) vocational training (in combination with other rehabilitation services); (10) evaluation or control of special disabilities; and (11) transitional or long-term employment for the severely handicapped who cannot be readily absorbed in the competitive labor market: *Provided*, That all medical and related health services must be pre-

scribed by, or under the formal supervision of, persons licensed to practice medicine or surgery in the State.

(s) "Secretary" means the Secretary of Health, Education, and Welfare.

(t) "Small business enterprise" means a small business operated by blind or other severely handicapped persons under the management and supervision of the State agency or its nominee. Such businesses include only those selling, manufacturing, processing, servicing, agricultural, and other activities which are suitable and practical for the most effective utilization of the skills and aptitudes of blind or other severely handicapped persons and provide substantial gainful employment or self-employment commensurate with the time devoted by the operator or operators to the business, the cost of establishing the business and other factors of an economic nature.

(u) "State" means the several States, the District of Columbia, the Virgin Islands, Puerto Rico, Guam, American Samoa, and the Trust Territory of the Pacific Islands.

(v) "State agency" or "State vocational rehabilitation agency" means the sole State agency designated to administer (or supervise local administration of) the State plan for vocational rehabilitation services. The term includes the State agency for the blind, if designated as the sole State agency with respect to that part of the plan relating to the vocational rehabilitation of the blind. For purpose of American Samoa, the term means the Governor of American Samoa and for the purpose of the Trust Territory of the Pacific Islands, the term means the High Commissioner of the Trust Territory of the Pacific Islands.

(w) "State plan" means the State plan for vocational rehabilitation services.

(x) "Substantial handicap to employment" means that a physical or mental disability (in the light of attendant medical, psychological, vocational, educational, cultural, social, or environmental factors) impedes an individual's occupation performance, by preventing his obtaining, retaining, or preparing for a gainful occupation consistent with his capacities and abilities.

(y) "Visual services" means visual training, and the examination and services necessary for the prescription and provision of eyeglasses, contact lenses, microscopic lenses, telescopic lenses, and other special visual aids, as prescribed by a physician skilled in diseases of the eye or by an optometrist.

(z) (1) "Vocational rehabilitation services" means:

(i) Evaluation of rehabilitation potential, including diagnostic and related services, incidental to the determination of eligibility for, and the nature and scope of, services to be provided and including, where appropriate, examination by a physician skilled in the diagnosis and treatment of emotional disorders, or by a licensed psychologist in accordance with State laws and regulations, or both;

(ii) Counseling, guidance, and referral services;

(iii) Physical and mental restoration services;

(iv) Vocational and other training services, including personal and vocational adjustment, books, and other materials;

(v) Maintenance during rehabilitation, not exceeding the estimated cost of subsistence;

(vi) Transportation in connection with the rendering of any vocational rehabilitation service;

(vii) Interpreter services for the deaf;

(viii) Reader services, rehabilitation teaching services, and orientation and mobility services for the blind;

(ix) Telecommunications, sensory, and other technological aids and devices;

(x) Recruitment and training services for handicapped individuals to provide them with new employment opportunities in the fields of rehabilitation, health, welfare, public safety, and law enforcement, and other appropriate public service employment;

(xi) Services to members of a handicapped individual's family when such services are necessary to the adjustment or rehabilitation of the handicapped individual;

(xii) Placement and followup prior to case closure;

(xiii) Post-employment services, including follow-along;

(xiv) Occupational licenses, tools, equipment, and initial stocks and supplies; and

(xv) Such other goods and services which can reasonably be expected to benefit a handicapped individual in terms of his employability.

(2) "Vocational rehabilitation services" also covers the establishment of a rehabilitation facility and the construction of a rehabilitation facility;

(3) The term also covers the provision of other facilities and services which promise to contribute substantially to the rehabilitation of a group of individuals but which are not related directly to the rehabilitation plan of any one handicapped individual, and in the case of any type of small business enterprise operated by individuals with the most severe handicaps under the supervision of the State agency, management services, and supervision and acquisition of vending facilities or other equipment and initial stocks and supplies.

(aa) "Workshop" means a rehabilitation facility, or that part of a rehabilitation facility, where any manufacture or handiwork is carried on and which is operated for the primary purpose of providing gainful employment or professional services to the handicapped as an interim step in the rehabilitation process for those who cannot be readily absorbed in the competitive labor market or during such time as employment opportunities for them in the competitive labor market do not exist.

(bb) "Department" means the Department of Health, Education, and Welfare.

Subpart B—State Plans for Vocational Rehabilitation Services

STATE PLAN CONTENT: ADMINISTRATION

§ 401.2 The State plan: general requirements.

(a) *Purpose.* A basic condition to the certification of Federal funds to a State for vocational rehabilitation services is a State plan found to meet Federal requirements. This plan shall constitute a description of the State's vocational rehabilitation program. The State plan shall meet the requirements as to content hereinafter stated. It shall provide for financial participation by the State, and shall provide that it will be in effect in all political subdivisions of the State except as specifically provided in §§ 401.9 and 401.10. The Secretary shall approve any plan meeting the requirements of the act and of this part. Upon designation of a new State agency (see § 401.5), a new State plan must be submitted.

(b) *Form and content.* The State plan shall contain, in the form prescribed by the Secretary, a description of the State's vocational rehabilitation program and the plans and policies to be followed in carrying out the program. The State plan shall consist of:

(1) A part providing detailed commitments appropriate to the requirements of the act and all regulations, policies and procedures established by the Secretary; and

(2) A part containing a fiscal year programming description, which shall be submitted annually and which shall be based as a minimum on the findings of the continuing Statewide studies, the annual evaluation of the effectiveness of the State's program in meeting established goals and priorities. Such annual programming description shall include:

(i) Changes in policy and procedure resulting from the continuing Statewide studies and the annual evaluation of the effectiveness of the program;

(ii) Estimates of the number of handicapped individuals who will be served with funds provided under the act;

(iii) A description of the methods used to expand and improve services to the most severely handicapped;

(iv) A description of the order of selection of individuals to whom vocational rehabilitation services will be provided (unless the State agency demonstrates that it is serving all eligible handicapped individuals who apply); and

(v) A statement of the general outcome and service goals to be achieved for handicapped individuals in each priority category within the order of selection in effect in the State and the time within which such goals may be achieved.

(c) *Amendment.* The plan shall provide that it will be amended whenever necessary to reflect a material change in any applicable phase of State law, organization, policy, or agency operations and that such amendments will be submitted to the Department before it is put into effect, or within a reasonable time thereafter.

(d) *Separate part relating to rehabilitation of the blind.* If, as hereinafter provided for, a State agency for the blind

administers or supervises the administration of that part of the State plan relating to the rehabilitation of the blind, such part of the State plan shall meet all requirements as to submission, amendment, and content prescribed by the act and this part, as though it were a separate State plan.

§ 401.3 Approval of State plans and amendments.

Both the original plan and all amendments thereto shall be submitted to the Secretary.

§ 401.4 Withholding of funds.

(a) *When withheld.* When after reasonable notice and opportunity for hearing to the State agency it is found that (1) the plan has been so changed that it no longer complies with the requirements of section 101(a) of the act, or (2) in the administration of the plan there is a failure to comply substantially with any such provisions, further payments under section 110 or 120 may be withheld or limited as provided by section 101(c) of the act. The State agency is notified of the action taken.

(b) *Judicial review.* The decision to withhold payments described in paragraph (a) of this section may be appealed to the U.S. district court for the district in which the capital of the State is located. The court will review the action on the record in accordance with the provisions of the Administrative Procedure Act.

(c) *Informal discussions.* Hearings described in paragraph (a) of this section are generally not called until after reasonable effort has been made by the Department to resolve the questions involved by conference and discussion with State officials. Formal notification of the date and place of a hearing does not foreclose further negotiations with State officials.

§ 401.5 State agency for administration.

(a) *Designation of sole State agency.* The State plan shall designate a sole State agency to administer the State plan for vocational rehabilitation services in the State or to supervise its administration in a political subdivision of the State by a sole local agency of such political subdivison. This agency shall be one of the agencies specified in paragraph (b) of this section, except that the State agency for the blind, as specified in paragraph (c) of this section, may be designated as the sole State agency with respect to that part of the program relating to the vocational rehabilitation of the blind.

(b) *Designated State agency.* The designated State agency, except for a designated State agency for the blind as specified in paragraph (c) of this section, shall be:

(1) A State agency primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of disabled individuals; such agency must be an independent State commission, board, or other agency whose major function is vocational rehabilitation, or vocational and other rehabilitation, of disabled individuals, with authorty, subject to the supervsion which derives from the office of the Governor, to define the scope of the program within the provisions of State and Federal law, and to direct its administration without external administrative controls;

(2) The State agency administering or supervising the administration of education or vocational education in the State; or

(3) A State agency which includes at least two other major organizational units each of which administers one or more of the State's major programs of public education, public health, public welfare, or labor.

(c) *Designated State agency for the blind.* Where the State commission for the blind, or other agency which provides assistance or services to the adult blind, is authorized under State law to administer or supervise the administration of vocational rehabilitation services to the blind, such commission or agency may be designated as the sole State agency to administer the part of the plan under which vocational rehabilitation services are provided for the blind or to supervise the administration of such part in a political subdivision of the State by a sole local agency of such political subdivision.

(d) *Authority.* The State plan shall set forth the authority under State law for the administration or supervision of the administration of the program by the State agency, and the legal basis for administration by local rehabilitation agencies, if applicable. In this connection, copies of all laws and interpretations thereof by appropriate State officials, directly pertinent to the administration or supervision of the vocational rehabilitation program, shall be submitted as a part of the plan.

(e) *Responsibility for administration.* The State plan shall provide that all decisions affecting eligibility for vocational rehabilitation services, including the acceptability for extended evaluation and the nature and scope of vocational rehabilitation services to be provided, will be made by the State agency through its organizational unit, or by a local rehabilitation agency under its supervision, and that this responsibility will not be delegated to any other agency or individual.

§ 401.6 Organization for administration.

(a) *Organization.* The State plan shall describe the organizational structure of the State agency, including descriptions of organizational units, the functions assigned to each, and the relationships among units in the vocational rehabilitation program. Such descriptions shall be accompanied by organizational charts reflecting (1) the relationship of the State agency to the Governor and his office and to other agencies administering major programs of public education, public health, public welfare, or labor of parallel stature within the State government, and (2) the internal structure of the State agency. The organizational structure shall provide for all the vocational rehabilitation functions for which the State agency is responsible, for clear lines of administrative and supervisory authority, and shall be suited to the size of the vocational rehabilitation program and the geographic areas in which the program must operate. The State plan shall also describe methods of administration which will provide for the coordination and integration of activities, adequate controls over operations, channels for the development and interpretation of policies and standards, and effective supervision of staff under the vocational rehabilitation program. The organizational structure and the methods of administration shall facilitate program operations, and shall ensure the provision of all necessary vocational rehabilitation services available under the State plan to rehabilitation clients, including services necessary to determine rehabilitation potential.

(b) *Organizational unit.* Where the designated State agency is of the type specified in § 401.5(b) (2) or (3), or § 401.5(c), the State plan shall provide that the agency (or each agency, where two such agencies are designated) shall include a vocational rehabilitation organizational unit which: (1) Is primarily concerned with vocational rehabilitation, or vocational and other rehabilitation, of disabled individuals, and is responsible for the administration of such State agency's vocational rehabilitation program, which must include the determination of eligibility for and the provision of services under the State plan; (2) has a full-time administrator in accordance with § 401.7; and (3) has a staff employed on such rehabilitation work of such organizational unit all or substantially all of whom are employed full time on such work.

(c) *Location of organizational unit.* (1) The State plan shall provide that the organizational unit, specified in paragraph (b) of this section, shall be located at an organizational level and shall have an organizational status within the State agency comparable to that of other major organizational units of such agency or, in the case of an agency described in § 401.5(b)(2), the unit shall be so located and have such status, or the administrator of such unit shall be the executive officer of such State agency. In evaluating the comparability of the organizational level and the organizational status of the unit, the Secretary will give consideration to such factors as the directness of the reporting line from the administrator of the organizational unit for vocational rehabilitation to the chief officer of the designated State agency; the title, status and grade of the administrator of the organizational unit for vocational rehabilitation as compared with those of the heads of other organizational units of the State agency; the extent to which the administrator of the organizational unit for vocational rehabilitation can determine the scope and policies of the vocational rehabilitation program; and the kind and degree of authority delegated to the administrator of the organizational unit for the administration of

the vocational rehabilitation program. (2) In the case of a State which has not designated a separate State agency for the blind as provided for in § 401.5, such State may, if it so desires, assign responsibility for the part of the plan under which vocational rehabilitation services are provided for the blind to one organizational unit of the State agency and assign responsibility for the rest of the plan to another organizational unit of such agency, with the provision of paragraphs (b) and (c)(1) of this section applying separately to each of such units.

§ 401.7 State administrator.

The State plan shall provide that there shall be a State administrator or other named official who shall direct the State agency specified in § 401.5(b)(1) or the organizational unit specified in § 401.6 (b), and who shall be required to devote his full time and efforts to the vocational rehabilitation program, or the vocational and other rehabilitation of disabled individuals, with the following exception: Upon the request of a State agency, the Secretary may approve arrangements whereby the State administrator is also responsible for the direction of other programs primarily concerned with handicapped persons, if he finds in view of all the circumstances in the particular case that such arrangements will not impair the effective administration of the State plan.

§ 401.8 Local administration.

The State plan may provide for administration of the plan through a sole local rehabilitation agency of a political subdivision of the State, under the supervision of the State agency and in compliance with statewide standards established by the State agency (except to the extent that there is a waiver of statewideness, § 401.10). If the plan provides for local administration, the local rehabilitation agency shall be responsible for the administration of all aspects of the program within the political subdivision which it serves: *Provided, however,* That a separate local rehabilitation agency serving the blind may administer that part of the plan relating to the rehabilitation of the blind, under the supervision of the State agency for the blind. If the State plan provides for the administration of the program by local rehabilitation agencies, the State plan shall set forth the standards governing their organization and methods of administration and shall describe the nature and extent of the supervision exercised by the State agency in order to assure observance in the application of State standards and the effective achievement of the objectives of the State plan throughout the State except to the extent that the requirement for statewideness is waived in accordance with § 401.10.

§ 401.9 Shared funding and administration of joint projects.

If the State plan so provides, the State agency may request the Secretary to authorize the State agency to share funding and administrative responsibility for an identifiable joint project with another agency or agencies of the State in order to provide services to handicapped individuals. The Secretary will approve a request for a joint project which it has been determined will more effectively accomplish the purposes of the act. Upon approval of a request, the Secretary may waive the sole State agency provision of § 401.5(a) (except in cases of cooperative programs utilizing third-party funds for vocational rehabilitation services under § 401.11) and the provision of § 401.2(a) that the State plan be in effect in all political subdivisions of the State. The State plan shall further provide that each joint project shall be based on a written agreement which: (a) Describes the nature and scope of the joint project, the services to be provided to handicapped individuals, and the respective roles of each participating agency both in the provision of services and in the administration of such services, and in the share of the costs to be assumed by each; (b) specifies the initial term of the project and plans for anticipated continuation; (c) provides a budget showing for each fiscal year the financial participation by the State agency and each participating agency; (d) provides written assurance that funds will be legally available for purposes of the joint project; (e) provides that the State agency shall annually evaluate the effectiveness of each project with special attention to its vocational rehabilitation objectives; and (f) assures that the State agency and each participating agency will furnish such information and reports as the Secretary may from time to time require to determine whether the activities are achieving the purposes of the project and warrant continuation.

§ 401.10 Waiver of Statewideness.

If the State agency desires to carry out activities in one or more political subdivisions through local financing to promote the vocational rehabilitation of substantially larger numbers of handicapped individuals or the vocational rehabilitation of individuals with particular types of disabilities, the State plan shall (a) describe the types of activities which will be carried out for these purposes; (b) provide that the State agency will obtain a full written description of any such activity to be carried out in a particular political subdivision and will obtain written assurance from the political subdivision that the non-Federal share of funds is available to the State agency; (c) provide that the State agency will require that its approval be given to each individual proposal before the proposal is put into effect in a political subdivision; (d) provide that the State agency will furnish such information and reports as the Secretary may from time to time require to ascertain whether the activities are within the purposes of this section; (e) provide that the State agency will have sole responsibility for administration (or supervision if the vocational rehabilitation program is administered by local rehabilitation agencies) of the program in the particular local political subdivision in accordance with § 401.5 except to the extent that the sole State agency provision has been waived with respect to a joint project (§ 401.9); and (f) provide that all requirements of the State plan shall apply to such activities, except the requirement that the program shall be in effect in all political subsidivisions of the State, and except that the provision of § 401.82 may be applicable for Federal financial participation in expenditures for carrying out such activities.

§ 401.11 Cooperative programs utilizing third-party funds for vocational rehabilitation services.

(a) The State plan shall provide that when the State's share of the cost of a cooperative program is made available in whole or in part by a State or local public agency other than the State vocational rehabilitation agency, such cooperative program shall be based on a written agreement which (1) describes the activities to be undertaken; (2) provides for an annual budget; (3) provides that expenditures for vocational rehabilitation services and administration for which Federal financial participation is claimed will be under the control and at the discretion of the State agency; (4) provides that only individuals in need of evaluation to determine eligibility or handicapped individuals who have either been certified as eligible pursuant to § 401.30(b) or have been determined to be in need of extended evaluation to determine eligibility shall be served by the cooperative program; (5) provides for periodic evaluation of the cooperative program; and (6) provides that the State agency and the cooperating agency will furnish such other information and reports as the Secretary may require.

(b) The State plan shall assure that services provided in such a cooperative program are vocational rehabilitation services (1) which are not services to which the handicapped individual would be entitled if he were not an applicant or client of the State agency and (2) which represent new services or new patterns of services of the cooperating agency.

§ 401.12 Standards of personnel administration.

(a) The State plan shall set forth the State agency's standards of personnel administration applicable to its own employees and those of local rehabilitation agencies operating under its supervision. The State plan shall specify that rates of compensation and minimum qualifications will be established for each class of position which are commensurate with the duties and responsibilities of that class; and shall set forth the policies of the State agency with respect to the selection, appointment, promotion, career development, and tenure of qualified personnel, including its policies against discrimination on the basis of sex, race, creed, color, or national origin.

(b) The State plan shall provide for the maintenance of such written personnel policies, records, and other information as are necessary to permit an evaluation of the operations of the system of personnel administration in relation to the standards of the State agency.

(c) Where personnel administration is conducted under a State merit system approved by the Department of Health, Education, and Welfare (or a constituent unit thereof) as meeting the "Standards for a Merit System of Personnel Administration," Part 70 of this title, the State plan may make reference to such fact, and the information required above with respect to "Standards of personnel administration" need not be submitted, except that the responsibility for the appointment of personnel shall be described.

(d) The Secretary shall exercise no authority with respect to the selection, method of selection, tenure of office, or compensation of any individual employed in accordance with the provisions of the approved State plan.

§ 401.13 Medical consultation.

The State plan shall provide for and describe the arrangements made to secure adequate medical consultation and to assure the availability of medical consultative services of high quality on all medical aspects of the vocational rehabilitation program, as needed in all State, district, or local offices of the agency.

§ 401.14 State agency facility staff.

The State plan shall provide for adequate staff to carry out the functions of the State agency pertaining to rehabilitation facilities in such areas as: (a) The setting of standards for rehabilitation facilities utilized in providing services to handicapped individuals under the State plan; (b) the effective utilization of existing rehabilitation facilities in the rehabiltiation process; (c) the establishment and construction of rehabilitation facilities under §§ 401.58 and 401.59; (d) the coordination between the State agency and the State agency or agencies administering the programs pursuant to any other act concerned with the development, establishment, or construction of rehabilitation facilities, in order to prevent duplication of the rehabilitation facility effort and impairment of the State vocational rehabilitation program; (e) the functions of the State agency in the administration of grants and services for rehabilitation facilities under this part and under Part 404 of this chapter; (f) the updating and maintenance of the State rehabilitation facilities plan; and (g) other activities under the State plan involving rehabilitation facilities.

§ 401.15 State agency studies and evaluations.

(a) The State plan shall provide for the conduct of continuing Statewide studies of the needs of handicapped individuals within the State, including the State's need for rehabilitation facilities, and the methods by which these needs may be most effectively met. As a minimum, such studies shall:

(1) Determine the relative needs for vocational rehabilitation services of different significant segments of the population of handicapped individuals, with special reference to the need for expansion of service to the most severely handicapped individuals;

(2) Determine the means and methods by which vocational rehabilitation services to the most severely handicapped individuals and other handicapped individuals will be provided, expanded and improved, after full consideration and study of a broad variety of means and methods possible;

(b) The State plan shall provide that an evaluation of the effectiveness of the State's vocational rehabilitation program in meeting the goals and priorities set forth in the plan will be conducted annually.

§ 401.16 Staff development.

The State plan shall provide for a program of staff development in order to improve the operation of the State vocational rehabilitation program and to promote the provision of a high quality of vocational rehabilitation services to increasing numbers of handicapped individuals. The State plan shall describe the scope of the training program which shall include as a minimum: (a) A systematic approach to the determination of training needs, periodic reassessment of these needs and a system for evaluating the effectiveness of the training activities provided; (b) an orientation program for new staff; and (c) a plan for continuing training opportunities and career development for all classes of positions held under expert leadership at suitable intervals. If the staff development program includes leaves of absence for institutional or other organized training such as full-time study, released time, or work-study or worker-in-training programs, the State plan shall specify the policies governing the granting of such leave. The State plan shall provide for adequate staff to direct the staff development program.

§ 401.17 Political activity.

The State plan shall prohibit any employee engaged in the day-to-day administration and operation of the program from engaging in any political activity prohibited by the Hatch Act (5 U.S.C. Chapter 15 and with regard to the District of Columbia, 5 U.S.C. Chapter 73). Any employee shall have the right to express his views as a citizen and to cast his vote.

§ 401.18 Fiscal administration.

The State plan shall set forth the policies and methods pertinent to the fiscal administration and control of the vocational rehabilitation program, including sources of funds, incurrence and payment of obligations, disbursements, accounting, and auditing. The State plan shall provide for the maintenance by the State agency (or, where applicable, by the local rehabilitation agency) of such accounts and supporting documents as will serve to permit an accurate and expeditious determination to be made at any time of the status of the Federal grants, including the disposition of all moneys received and the nature and amount of all charges claimed against such grants.

§ 401.19 Custody of funds.

The State plan shall designate the State official who will receive and provide for the custody of all funds paid to the State under the act, subject to requisition or disbursement by the State agency.

§ 401.20 Reports.

(a) The State plan shall provide that the State agency will make such reports in such form and containing such information as the Secretary may reasonably require, and will comply with such provisions as he may find necessary to assure the correctness and verification of such reports. This provision applies to reports in all areas of program operation and administration and to various methods of reporting, including written and oral reports, and inspection and review of fiscal, statistical, casework, and other records and operations.

(b) From time to time the Department reviews, with the States' cooperation, administrative, fiscal, and program methods and practices and makes suggestions for the improvement of such methods and practices.

§ 401.21 Cooperation with other agencies.

(a) The State plan shall provide that the State agency will establish and maintain cooperative working relationships with the Bureau of Employees' Compensation of the Department of Labor, the Social Security Administration of the Department, the State agencies responsible for the programs of public assistance and workmen's compensation and the system of public employment offices. The basis for the cooperative working arrangement with the system of public employment offices shall be a written agreement which shall provide, among other things, for reciprocal referral services, exchange of reports of service, joint service programs, continuous liaison and maximum utilization of the job placement and employment counseling services and other services and facilities of the public employment offices.

(b) The State plan shall further provide that the State agency will establish and maintain working relationships with other public and private agencies and institutions, such as crippled children's agencies, Veterans Administration facilities, hospitals, health and mental health departments, State and Federal agencies administering wage and hour laws applicable to handicapped individuals, State and other agencies administering special education, vocational education, economic opportunity and manpower development and training programs, the State Selective Service System and voluntary social and health agencies furnishing services relating to vocational

rehabilitation, so as to assure maximum utilization on a coordinated basis of the services which all agencies in the State have to offer for the vocational rehabilitation of handicapped individuals.

(c) Where there is a separate State agency for the blind, the State plan shall also provide that the two State agencies will establish reciprocal referral services, utilize each other's services and facilities to the extent practicable and feasible, jointly plan activities which will improve services to handicapped individuals in the State, and otherwise cooperate in the interest of providing more effective services.

§ 401.22 Nondiscrimination in employment under construction contracts.

The State plan shall provide that the State agency will incorporate, or cause to be incorporated, into construction contracts (including construction contracts related to the establishment or construction of rehabilitation facilities) paid for in whole or in part with funds obtained from the Federal Government under the vocational rehabilitation program, such provisions on nondiscrimination in employment as are required by and pursuant to Executive Order No. 11246, and will otherwise comply with requirements prescribed by and pursuant to such order.

§ 401.23 Funds made available to private nonprofit agencies for establishment or construction of rehabilitation facilities.

The State plan shall provide that funds made available to a private nonprofit agency for the establishment or construction of a rehabilitation facility (see §§ 401.58, 401.59) shall be expended by that agency in accordance with procedures and standards equivalent to those applicable to the State agency in making direct expenditures for similar purposes.

STATE PLAN CONTENT: CASEWORK PRACTICE

§ 401.30 Eligibility.

(a) *General provisions.* (1) The State plan shall describe the policies and methods which the State agency will follow in determining eligibility for vocational rehabilitation services in each case. Insofar as applicable, the provision relating to "Case study and diagnosis" (§ 401.32) shall apply in the determination of eligibility.

(2) The State plan shall provide that eligibility requirements will be applied by the State agency or local rehabilitation agency without regard to sex, race, creed, color, or national origin of the individual. The State plan shall further provide that no group of individuals shall be excluded or found ineligible solely on the basis of their type of disability. In addition, the State plan shall specify that no upper or lower age limit will be established which will, in and of itself, result in a finding of ineligibility for any handicapped individual who otherwise meets the three basic eligibility requirements specified in paragraph (b) of this section.

(3) Effective no later than July 1, 1969, the State plan shall specify that no residence requirement, durational or other, will be imposed which excludes from services under the plan any individual who is in the State: *Provided however,* That the State plan may provide for the exclusion of nonresidents who are in the State for the sole purpose of becoming clients of the State vocational rehabilitation agency.

(b) *Basic conditions.* The State plan shall provide that eligibility for vocational rehabilitation services (§ 401.1(z)(1)) shall be based upon: (1) The presence of a physical or mental disability; (2) the existence of a substantial handicap to employment; and (3) a reasonable expectation that vocational rehabilitation services may render the individual fit to engage in a gainful occupation.

(c) *Certification of eligibility.* (1) The State plan shall provide that, prior to or simultaneously with acceptance of the handicapped individual for vocational rehabilitation services, there will be a certification that the individual has met the three basic eligibility requirements specified in paragraph (b) of this section. (See § 401.31(d) for certification of acceptability for extended evaluation to determine rehabilitation potential.) The State plan shall further provide that the certified statement of eligibility will be dated and signed by an appropriate agency staff member to whom such responsibility has been assigned.

(2) The State plan shall provide that a certification will be similarly executed for each case determined to be ineligible for vocational rehabilitation services, including those who have been found ineligible under this section and § 401.31. In such cases the State agency shall notify the individual of the action taken.

§ 401.31 Extended evaluation to determine rehabilitation potential.

(a) *General provisions.* The State plan shall describe the policies and methods which the State agency will follow in establishing the need for an extended evaluation in order to determine the rehabilitation potential. Insofar as applicable, the provisions relating to "Case study and diagnosis" (§ 401.32) shall apply in determining acceptability for extended evaluation of handicapped individuals.

(b) *Basic conditions.* The State plan shall provide that the furnishing of vocational rehabilitation services under extended evaluation to determine rehabilitation potential shall be based upon: (1) The presence of a physical or mental disability; (2) the existence of a substantial handicap to employment; and (3) inability to make a determination as to the third condition of eligibility under § 401.30(b) without an extended evaluation, including the provision of vocational rehabilitation services.

(c) *Duration and scope of services.* Vocational rehabilitation services necessary for the determination of rehabilitation potential may be provided to a handicapped individual for a total period not in excess of 18 months.

(d) *Certification.* The State plan shall provide that, prior to or simultaneously with acceptance of an individual for vocational rehabilitation services for the purpose of extended evaluation to determine rehabilitation potential, there will be a certification that the individual has met the three requirements in paragraph (b) of this section. The State plan shall further provide that the certified statement will be dated and signed by an appropriate agency staff member to whom such responsibility has been assigned.

(e) [Reserved]

(f) *Other conditions.* (1) Federal financial participation will be available in expenditures for vocational rehabilitation services, authorized after the expiration of the 18-month period only if a certification of eligibility has been executed by the appropriate State agency staff member to whom such responsibility has been assigned, certifying that the individual has met the three basic conditions of eligibility specified in § 401.30(b).

(2) The 18-month period shall begin with the date of the certification required in paragraph (d) of this section.

(3) Only one 18-month period for determination of the rehabilitation potential shall be permitted during the period that the case is open. However, if a case has been closed a subsequent determination of the rehabilitation potential may be carried out provided that the conditions in paragraph (b) of this section are met.

(g) *Termination.* (1) The State plan shall provide that at any time prior to the expiration of the 18-month period, the extended evaluation for the determination of the rehabilitation potential shall be terminated and the individual found eligible for vocational rehabilitation services under § 401.30 if and when there is a reasonable expectation that he can be rendered fit to engage in a gainful occupation.

(2) The determination of the rehabilitation potential shall also be terminated before the expiration of the 18-month period and the individual found ineligible for any other vocational rehabilitation services at any time it is determined that there is no reasonable likelihood that he can be rendered fit to engage in a gainful occupation.

(h) *Review.* The State plan shall provide for frequent review of the individual's progress during the 18-month period including periodic reports from the institution, facility, or person providing the service.

§ 401.32 Case study and diagnosis.

(a) The State plan shall provide that, prior to and as a basis for formulating the vocational rehabilitation plan for any individual certified as eligible under § 401.30, there will be a thorough diagnostic study, which will consist of a comprehensive evaluation of pertinent medical, psychological, vocational, educational, cultural, social, and environmental factors in the case. The State plan shall provide that in each case the diagnostic study shall be adequate to

provide the basis for (1) establishing that a physical or mental disability is present; (2) appraising the current general health status of the individual; (3) determining how and to what extent the disabling conditions may be expected to be removed, corrected, or minimized by physical restoration services; and (4) selecting an employment objective commensurate with the individual's interests, capacities and limitations.

(b) The State plan shall provide that the diagnostic study will include, in all cases to the degree needed, an evaluation of the individual's personality, intelligence level, educational achievements, work experience, vocational aptitudes and interests, personal and social adjustment, employment opportunities, and other pertinent data helpful in determining the nature and scope of services to be provided for accomplishing the individual's vocational rehabilitation objective.

(c) The State plan shall further provide that the medical diagnostic study shall include (1) a complete general medical examination, providing an appraisal of the current medical status of the individual; (2) examinations by specialists in all medical specialty fields, as needed, including a psychiatric evaluation in all cases of mental illness (except as provided in paragraph (e) of this section); and (3) such clinical laboratory tests, X-rays, and other indicated studies as are necessary, in addition to subparagraphs (1) and (2) of this paragraph, to establish the diagnosis, to determine the extent to which the disability limits (or is likely to limit) the individual's daily living and work activities, and to estimate the probable results of physical restoration services.

(d) The State plan shall, in addition, set forth the specifications established by the agency for the content of the diagnostic study outlined in paragraph (c) of this section, including (1) the subject matter to be covered and the minimum diagnostic procedures to be employed routinely in the general medical examination; (2) the required recency of such examination, and the conditions under which a medical abstract will be accepted in lieu of a new examination; and (3) the conditions under which examinations by specialists will be required.

(e) The State plan shall provide that (1) in all cases of mental retardation a psychological evaluation will be obtained which will include a valid test of intelligence and an assessment of social functioning and educational progress and achievement; (2) in all cases of blindness an adequate hearing evaluation will be obtained. The State plan shall also set forth the specifications established by the State agency for the content of the evaluations described in subparagraph (1) of this paragraph.

(f) The State plan shall further provide that, prior to, and as a basis for the extended evaluation plan (§ 401.33), sufficient case study and diagnosis in accordance with the foregoing paragraphs of this section, insofar as applicable, will be completed to establish (1) the presence of a physical or mental disability, (2) a substantial handicap to employment, and (3) the services to be provided during the extended evaluation period.

§ 401.33 Extended evaluation plan.

(a) The State plan shall provide that an extended evaluation plan to determine rehabilitation potential will be formulated for each individual to whom services will be provided after certification under § 401.31. This individual plan shall (1) be based on data secured in the preliminary diagnostic study; (2) indicate the nature of the vocational rehabilitation services necessary to determine the rehabilitation potential of the individual and the arrangements for providing (or otherwise securing) such necessary services; and (3) be formulated with the assistance of appropriate agency consultants when necessary and with the client's participation.

(b) The State plan shall provide that the State agency shall terminate or revise the extended evaluation plan for an individual when it becomes evident that (1) there is no reasonable likelihood that a vocational rehabilitation objective can be achieved; (2) his needs have changed; or (3) there is a reasonable expectation that the provision of vocational rehabilitation services may render him fit to engage in a gainful occupation.

§ 401.34 Vocational rehabilitation plan for the individual.

(a) The State plan shall provide that an individual plan of vocational rehabilitation will be formulated for each client to whom services will be provided after eligibility has been established. The individual plan shall (1) be based upon data secured in the diagnostic study and, if provided, the extended evaluation; (2) specify the vocational rehabilitation objective (or tentative objective where the ultimate objective cannot be determined at that time), the services necessary to accomplish the client's vocational rehabilitation (including services to family members when such services will contribute substantially to the rehabilitation of the handicapped individual) and the arrangements for providing (or otherwise securing) such necessary services; and (3) be formulated with the assistance of appropriate agency consultants when necessary and with the client's participation.

(b) The State plan shall provide that the vocational rehabilitation plan shall specify that all necessary services will be carried to completion insofar as possible. The State plan shall further provide that the State agency may terminate or revise the plan for any client when it becomes evident that his vocational rehabilitation cannot be achieved, that services cannot be completed, or that the client's needs have changed.

§ 401.35 Processing referrals and applications.

The State plan shall describe the methods to be followed in handling referrals and applications for vocational rehabilitation services.

§ 401.36 Order of selection for services.

(a) The State plan shall set forth the criteria to be used in selecting handicapped individuals for services when services cannot be provided to all persons who apply. Such criteria shall be determined on the basis of serving first those individuals with the most severe handicaps.

(b) The State plan shall further provide that services being provided to handicapped individuals under the terms and conditions of the Vocational Rehabilitation Act shall not be disrupted as a result of the approval of a State plan under this part.

§ 401.37 Participation by handicapped individuals in the costs of vocational rehabilitation services.

(a) *Financial need.* (1) There is no Federal requirement that the financial need of a handicapped individual be considered in the provision of any vocational rehabilitation services.

(2) If the State elects to consider the financial need of handicapped individuals for purposes of determining the extent of their respective participation in the costs of vocational rehabilitation services, the State plan shall set forth the State agency's policies with respect to the determination of financial need, and shall specify the types of vocational rehabilitation services for which the agency has established an economic needs test. The policies so established shall be reasonable and shall be applied uniformly so that equitable treatment is accorded all handicapped individuals in similar circumstances.

(3) The State plan shall provide that no economic needs test will be applied as a condition for furnishing the following vocational rehabilitation services: (i) Evaluation, including diagnostic and related services; (ii) counseling and guidance; and (iii) placement.

(b) *Consideration of similar benefits.* (1) The State plan shall provide that, in all cases, the State agency will give full consideration to any similar benefits available to a handicapped individual under any other program to meet, in whole or in part, the cost of any vocational rehabilitation services provided to such a handicapped individual, except the following:

(i) Evaluation of rehabilitation potential, including diagnostic and related services;

(ii) Counseling, guidance and referral;

(iii) Vocational and other training services, including personal and vocational adjustment training, books and other training services in institutions of higher education;

(iv) Services to members of a handicapped individual's family;

(v) Placement; and

(vi) Post-employment services, including follow-along;

(2) Benefits available to a handicapped individual may include, but are not limited to (i) hospital and physicians' services plans; (ii) workmen's compensation, veterans' benefits, old age,

survivors' and disability insurance benefits, and unemployment compensation;

(3) The State plan shall provide that when, and to the extent that, an individual is eligible for such benefits, such benefits will be utilized insofar as they are adequate, timely, and do not interfere with achieving the rehabilitation objective of the individual.

§ 401.38 Administrative review of agency actions, and fair hearings.

(a) The State plan shall provide that an applicant for or recipient of vocational rehabilitation services under the State plan who is dissatisfied with any action with regard to the furnishing or denial of such services may file a request for an administrative review and redetermination of that action to be made by a member or members of the supervisory staff of the State or local agency. The State plan shall further provide that when the individual is dissatisfied with the finding of this administrative review he shall be granted an opportunity for a fair hearing before the State administrator or his designee.

(b) Each applicant for or recipient of vocational rehabilitation services shall be informed of the opportunity available to him under paragraph (a) of this section.

§ 401.39 Confidential information.

(a) The State plan shall provide that the State agency will adopt such regulations as are necessary to assure that:

(1) All information as to personal facts given or made available to the State or local rehabilitation agency, its representatives, or its employees, in the course of the administration of the vocational rehabilitation program, including lists of names and addresses and records of agency evaluation, shall be held to be confidential.

(2) The use of such information and records shall be limited to purposes directly connected with the administration of the vocational rehabilitation program and may not be disclosed, directly or indirectly, other than in the administration thereof, unless the consent of the client to such release has been obtained either expressly or by necessary implication. Release of information to employers in connection with the placement of the client may be considered as release of information in connection with the administration of the vocational rehabilitation program. Such information may, however, be released to welfare agencies or programs from which the client has requested certain services under circumstances from which his consent may be presumed, provided such agencies have adopted regulations which will assure that the information will be held confidential, and can assure that the information will be used only for the purposes for which it is provided. Such information will be released to an organization or individual engaged in research only for purposes directly connected with the administration of the State vocational rehabilitation program (including research for the development of new knowledge or techniques which would be useful in the administration of the program) and only if the organization or individual furnishes satisfactory assurance that the information will be used only for the purpose for which it is provided; that it will not be released to persons not connected with the study under consideration; and that the final product of the research will not reveal any information that may serve to identify any person about whom information has been obtained through the State agency, without written consent of such person and the State agency.

(3) All such information is the property of the State agency or of the State and local rehabilitation agency, and may be used only in accordance with the agency's regulations.

(b) The State plan shall further provide that the State agency will adopt such procedures and standards as are necessary to (1) give effect to its regulations; (2) assure that all rehabilitation clients and interested persons will be informed as to the confidentiality of vocational rehabilitation information; (3) assure the adoption of such office practices and the availability of such office facilities and equipment as will assure the adequate protection of the confidentiality of such records.

§ 401.40 Recording of case data.

The State plan shall provide that the State agency will maintain a record for each case which will contain pertinent information about the individual and the services provided. The case record shall include the following items to the extent pertinent: (a) Data supporting the determination of eligibility or ineligibility; (b) data supporting the decision to provide extended evaluation services to determine the rehabilitation potential for those individuals for whom the third condition of eligibility cannot be determined immediately, the extended evaluation plan, and progress reports on the extended evaluation; (c) data relating to client participation in the cost of services if the State elects to condition the provision of any services on the financial need of the client; (d) data relating to the eligibility of the individual for similar benefits by way of pension, compensation, insurance or other such benefits; (e) data supporting the clinical status of the client's disabling condition as stable or slowly progressive in the event that the physical restoration services are provided after the establishment of the three basic conditions of eligibility; (f) data supporting the decision to provide services to family members; (g) a vocational rehabilitation plan, setting forth the vocational rehabilitation objective of the individual, the services needed for his vocational rehabilitation (including services to family members) as determined through the case study and extended evaluation, if provided, and the way in which such services will be provided; (h) the reason and justification for closing the case, including the employment status of the client, and, if the case is closed as employed, the basis on which the employment was determined to be suitable; and (i) data supporting the provision of followup services after case closure to assist the individual to maintain his employment.

STATE PLAN CONTENT: SERVICES

§ 401.41 Scope of agency program.

(a) The State plan shall as a minimum provide that the vocational rehabilitation services specified in § 401.1(z)(1) will be provided under the plan.

(b) The State plan shall describe all the services to be provided, the general scope of agency activities to be undertaken, and the categories of expenditures in which the State agency will request Federal financial participation.

§ 401.42 Standards for facilities and personnel.

The State plan shall provide that the State agency will establish and maintain standards for the various types of facilities and personnel utilized in providing services to handicapped individuals, and shall describe the general content of such standards and the bases on which they were developed. The State plan shall also set forth the methods to be employed for maintaining such standards in accessible form for agency personnel.

§ 401.43 Rates of payment.

The State plan shall provide for the establishment of rates of payment for diagnostic services, training, physical restoration, or other services purchased for clients, describe the policies used in arriving at such rates, and provide that the State agency will maintain in accessible form information justifying such rates of payment. The State plan shall further provide that individual or other vendors providing any services authorized by the State agency to a handicapped individual or members of his family shall agree not to make any charge to or accept any payment from the individual or his family for such services unless the amount of such charge or payment is previously known to and, where applicable, approved by the State agency.

§ 401.44 Evaluation of rehabilitation potential, including diagnostic and related services.

The State plan shall provide for evaluation of rehabilitation potential, including diagnostic and related services incidential to the determination of eligibility for vocational rehabilitation services and the nature and scope of services to be provided. The State plan shall also describe the diagnostic and related services to be provided for this purpose.

§ 401.45 Counseling and guidance.

The State plan shall set forth the standards and policies established for maintaining a counseling relationship throughout a handicapped individual's program of services which will assure (a) adequate counseling services to the

individual in connection with his vocational potentialities and the health, personal and social problems related to his vocational adjustment; and (b) necessary guidance for him to develop an understanding of his capacities and limitation, in selecting a suitable occuptional goal, and in using appropriately the medical services, training, and other rehabilitation services needed to achieve the best possible vocational adjustment. The State plan shall also provide for the securing of reports from agencies, institutions and individuals providing vocational rehabilitation services and for other methods of evaluating the progress in each case which will aid the counselor in his contacts with the handicapped individual.

§ 401.46 Physical and mental restoration services.

(a) The State plan shall set forth policies that the State agency will follow in furnishing physical and mental restoration services to handicapped individuals to the extent necessary to determine their rehabilitation potential or achieve their vocational rehabilitation. The State plan shall further specify that, with respect to those cases for which the State agency wishes Federal financial participation in expenditures for physical and mental restoration services to handicapped individuals, the following additional criteria are met in each case: (1) Physical and mental restoration services may be expected to eliminate or substantially reduce the handicapping condition within a reasonable period of time; and (2) the clinical status of the individual's condition is stable or slowly progressive, except when physical restoration services are provided under an extended evaluation plan in order to determine the rehabilitation potential of a handicapped individual.

(b) The State plan shall further specify that eye glasses and visual services may be prescribed and may be provided by either a physician skilled in diseases of the eye or by an optometrist, as authorized under State law.

§ 401.47 Training.

The State plan shall set forth the policies that the State agency will follow in furnishing training to handicapped individuals to the extent necessary to achieve their vocational rehabilitation. Such training includes vocational, prevocational, personal adjustment training, and other rehabilitation training which contributes to the individual's vocational adjustment; it covers training provided directly by the State agency or procured from other public or private training facilities. The State plan shall also include the State agency's policies with respect to the provision of tools and training materials including books.

§ 401.48 Maintenance.

The State plan shall specify the policies established for provision of maintenance and shall provide that maintenance will be furnished only in order to enable an individual to derive the full benefit of other vocational rehabilitation services being provided. As needed in the individual case, maintenance may be provided at any time in connection with vocational rehabilitation services from the date of initiation of such services, including diagnostic services, to a reasonable period following placement.

§ 401.49 Placement.

The State plan shall provide that the State agency will assume responsibility for placement of individuals accepted for service. The State plan shall set forth the standards established for determining if the client is suitably employed and for such followup services as are necessary, prior to case closure, for assuring that the vocational rehabilitation objective of the client has been achieved.

§ 401.50 Followup services.

The State plan shall provide for followup services after placement and case closure to assist former clients in need of such services to maintain themselves in employment. The State plan shall (a) specify the criteria to be used in selecting individuals to receive followup services; (b) specify the nature and scope of followup services to be provided; and (c) state whether they will be provided directly, by contract, or otherwise.

§ 401.51 Transportation.

The State plan shall set forth the policies with respect to furnishing transportation incidental to provision of evaluation or other vocational rehabilitation services under the State plan. Transportation means the necessary travel and related costs in connection with transporting handicapped individuals and, where necessary, members of their family, for the purpose of providing evaluation or other vocational rehabilitation services under the State plan. Transportation includes costs of travel and subsistence during travel (or per diem allowances in lieu of subsistence) for handicapped individuals and their attendants or escorts, where such assistance is needed. Transportation may include the cost of relocation and moving expenses necessary for the achievement of a vocational rehabilitation objective.

§ 401.52 Special services for the blind and deaf.

The State plan shall set forth the policies that the State agency will follow in providing reader services for the blind and interpreter services for the deaf.

§ 401.53 Services to family members.

The State plan shall set forth the policies of the State agency in furnishing services to family members of the handicapped individual. The State plan shall provide that such services may include only those services which may be expected to contribute substantially to the determination of the rehabilitation potential or the rehabilitation of the handicapped individual.

§ 401.54 Recruitment and training services for new employment oportunities.

The State plan shall set forth the policies that the State agency will follow in furnishing (directly or by contract) recruitment and training services to provide eligible individuals or groups thereof with new employment opportunities in the fields of rehabilitation, health, welfare, public safety, law enforcement and other appropriate service employment.

§ 401.55 Tools, equipment, initial stocks and supplies, occupational licenses.

The State plan shall describe the policies governing the provision of tools, equipment, initial stocks (including livestock) and supplies; and equipment, initial stocks and supplies for vending stands. The State plan shall further describe the conditions governing the provision of occupational licenses.

§ 401.56 Other goods and services.

(a) The State plan shall set forth the policies that the State agency will follow in providing other goods and services necessary to render a handicapped individual fit to engage in a gainful occupation or to determine his rehabilitation potential.

(b) The State plan may provide that the agency will furnish short periods of medical care for acute conditions arising in the course of vocational rehabilitation, which, if not cared for, would constitute a hazard to the achievement of the vocational rehabilitation objective, or the completion of the extended evaluation to determine rehabilitation potential.

§ 401.57 Small business enterprises for the severely handicapped.

(a) The State plan may provide for management services and supervision provided to small business enterprises (including vending stands) operated by the severely handicapped, and may also provide for establishing such small business enterprises. If the State plan so provides, it shall, to the extent pertinent, (1) describe the types of small business enterprises to be established under the program; (2) describe the policies governing the acquisition of vending stands or other equipment and initial stocks (including livestock) and supplies for such businesses; (3) describe the policies governing the management and supervision of the program; (4) describe how management and supervision will be accomplished either by the State agency, or by some other organization as the nominee of such agency, subject to its control, and (5) provide that only those persons defined as severely handicapped in the State plan will be selected to participate in this supervised program.

(b) If the State plan provides for management services and supervision for small business enterprises, and if the State agency elects to set-aside funds from the proceeds of the operation of such enterprises, the State plan shall

describe the methods used in setting aside such funds, and the purposes for which such funds are set-aside. Such funds may be used only for small business enterprise program purposes and any benefits for operators must be provided on an equitable basis.

§ 401.58 Establishment of rehabilitation facilities.

The State plan may provide for the establishment of public or other nonprofit rehabilitation facilities. If the State plan so provides, it shall:

(a) Provide that the State agency will determine that needs for individual rehabilitation facilities exist prior to their establishment and that such establishment is consistent with the State rehabilitation facilities plan;

(b) Set forth the standards and criteria applicable to such rehabilitation facilities with respect to physical plant, equipment, personnel, administration and management, safety and other pertinent conditions and insofar as rehabilitation facilities which are or which include workshops are concerned, shall also set forth criteria and standards applicable with respect to health conditions, wages, hours, working conditions, workmen's compensation or liability insurance, and other pertinent conditions. In setting forth such standards and criteria, the State plan may incorporate, insofar as applicable, those standards for rehabilitation facilities developed by the Secretary, the regulations of the Secretary of Labor relating to safety standards for rehabilitation facilities, and the standards for the design, construction, and alteration of buildings issued by the Administrator of General Services or the Secretary of Housing and Urban Development pursuant to the act approved August 12, 1968 (Public Law 90–480) and prior to the issuance of these standards, the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," No. A117.1, 1961, as modified from time to time.

(c) Provide that the primary purpose of the establishment of any rehabilitation facility is to provide vocational rehabilitation services or gainful employment to handicapped individuals;

(d) Provide that, in cases where initial staffing assistance is provided, such assistance will be available only for personnel who are engaged in new or expanded program activities of the rehabilitation facility; and

(e) Provide that reports concerning the establishment of rehabilitation facilities shall be submitted in such form and shall contain such information as the Secretary may require.

§ 401.59 Construction of rehabilitation facilities.

(a) *General provisions.* The State plan may provide for the construction of public or other nonprofit rehabilitation facilities. If the State plan so provides, it shall: (1) Provide that the State agency will determine that needs for individual rehabilitation facilities exist prior to their construction and that such construction is consistent with the State rehabilitation facilities plan; (2) set forth the standards and criteria applicable to such rehabilitation facilities with respect to physical plant equipment, personnel, administration and management, safety, and other pertinent conditions and insofar as rehabilitation facilities which are or which include workshops are concerned, shall also set forth criteria and standards applicable with respect to health conditions, wages, hours, working conditions, workmen's compensation or liability insurance, and other pertinent conditions. In setting forth such standards and criteria, the State plan may incorporate, insofar as applicable, those standards for rehabilitation facilities developed by the Secretary, the regulations of the Secretary of Labor relating to safety standards for rehabilitation facilities, and the standards for the design, construction, and alteration of buildings issued by the Administrator of General Services or the Secretary of Housing and Urban Development pursuant to the act approved August 12, 1968 (Public Law 90–480), and prior to the issuance of these standards, the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," No. A 117.1, 1961, as modified from time to time; (3) provide that the primary purpose of the construction of any rehabilitation facility is to provide vocational rehabilitation services or gainful employment to handicapped individuals; (4) provide that the total Federal financial participation in the expenditures for the construction of rehabilitation facilities for a fiscal year shall not exceed 10 per centum of the State's allotment for such year under section 2 of the act; (5) provide that the amount of the State's share of expenditures for vocational rehabilitation services under the plan, other than for the construction of rehabilitation facilities, shall be at least equal to the average of its expenditures for such other vocational rehabilitation services for the preceding three fiscal years; and (6) provide that reports concerning the construction of rehabilitation facilities shall be submitted in such form and shall contain such information as the Secretary may require.

(b) *Assurances.* The State plan shall provide that any proposal, relating to the construction of a rehabilitation facility, will be accompanied by assurances: (1) That for a period of time not less than 20 years after completion of construction of the rehabilitation facility, it will be used as a public or other nonprofit rehabilitation facility, and that such assurance runs to the Federal Government, to the extent of the Federal interest. (See paragraph (d) of this section); (2) that sufficient funds will be available to meet the non-Federal share of the cost of construction of the rehabilitation facility in terms of funds immediately available, placed in escrow, or acceptably pledged, or funds or fund sources specifically earmarked in a sum sufficient for that purpose, or other assurances which are acceptable to the State agency, or, in cases where the State agency is constructing the rehabilitation facility for its own use, such assurances as are acceptable to the Secretary; (3) that sufficient funds will be available when construction of the rehabilitation facility is completed, for its effective use as a rehabilitation facility, as evidenced by a proposed operating budget for the 2-year period immediately following completion of the construction or by such other evidence acceptable to the State agency or, in cases where the State agency is constructing the rehabilitation facility for its own use, such evidence as is acceptable to the Secretary; (4) that, as evidenced in the plans and specifications which accompany or supplement the construction proposal, all rehabilitation facilities will be constructed according to minimum standards of construction and equipment for rehabilitation facilities prescribed by the Secretary for the construction of rehabilitation facilities as provided for in Part 404 of this chapter, and according to regulations of the Secretary of Labor relating to safety standards for rehabilitation facilities; (5) that any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the rehabilitation facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act (40 U.S.C. 276a et seq.) and will receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any workweek in excess of 8 hours in any calendar day or 40 hours in the workweek (40 U.S.C. 327–332); and (6) that the State agency shall furnish such other assurances as the Secretary may require to insure that standards and procedures for the construction of rehabilitation facilities under this part will, to the extent possible, be consistent with standards and procedures for the construction of rehabilitation facilities in Part 404 of this chapter;

(c) *Procedures.* The State plan shall provide that the State agency shall forward each proposal for the construction of a rehabilitation facility to the Secretary for review and recommendation prior to approval of the proposal by the State agency. Such proposals shall contain or be accompanied by a statement indicating the relationship of the proposal to the purposes and priorities established in the State rehabilitation facilities plan and the manner and extent to which the proposed rehabilitation facility will increase the scope and effectiveness of rehabilitation programs within the State with specific reference to the program of the State agency. The Secretary shall notify the State agency in writing of his recommendations on the proposal. When proposals do not meet the requirements of this construction program, the Secretary shall consult with the State agency concerning necessary revision. The Secretary may require

that, where appropriate, a technical assistance consultation (see § 404.4) precede the construction of rehabilitation facility;

(d) *Recovery.* If, within 20 years after completion of any construction of a Rehabilitation facility under this section, the rehabilitation facility ceases to be a public or other nonprofit rehabilitation facility, the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the then value (as determined by agreement of the parties or by action brought in the U.S. district court for the district in which such facility is situated) of the facility, as the amount of the Federal financial participation bore to the total cost of construction of such facility.

§ 401.60 Facilities and services for groups of handicapped individuals.

The State plan shall set forth the policies that the State agency will follow in providing facilities and services which may be expected to contribute substantially to the rehabilitation of a group of individuals, but which are not related directly to the rehabilitation plan of any one handicapped individual. Facilities and services of this type may include, but are not limited to, the removal of architectural barriers from buildings to be used for the training or employment of handicapped individuals, the development or provision of instructional materials or services for a group of handicapped individuals, or the provision of a special bus or other vehicle for the transportation of handicapped individuals.

§ 401.61 Services to civil employees of the United States.

The State plan shall provide that vocational rehabilitation services will be made available to civil employees of the U.S. Government who are disabled in line of duty, under the same conditions as are applied to other handicapped individuals.

§ 401.62 Authorization of services.

The State plan shall set forth the State agency's policies with respect to authorization of services and shall provide that authorization will be made either simultaneously with or prior to the purchase of services, and that a written record of such authorization will be retained. Where agency policy permits that oral authorization may be made in an emergency situation by an employee of the State or local rehabilitation agency, the State plan shall provide for documentation of such oral authorization in the client's case record.

Subpart C—Financing of State Vocational Rehabilitation Programs

Federal Financial Participation

§ 401.69 General administrative requirements.

The provisions of Part 74 of this title (with the exception of Subpart G, Matching and Cost Sharing) establishing uniform administrative requirements and cost principles, shall apply to all grants made to States under this part. Subpart G of Part 74 applies only to grants under Subpart F of this part.

§ 401.70 Effect of State rules.

Subject to the provision and limitations of the act and this part, Federal financial participation will be available in expenditures made under the State plan (including the administration thereof) in accordance with applicable State laws, rules, regulations, and standards governing expenditures by State and local rehabilitation agencies.

§ 401.71 Vocational rehabilitation services to individuals.

(a) Federal financial participation will be available in expenditures made under the State plan for providing evaluation, including diagnostic and related services, incidental to the determination of eligibility for and the nature and scope of services to be provided including the determination of the need for an extended evaluation of rehabilitation potential.

(b) Federal financial participation will also be available in expenditures made under the State plan for providing the following vocational rehabilitation services to handicapped individuals (see § 401.1(i)):

(1) Counseling, guidance and referral;

(2) Physical and mental restoration services;

(3) Vocational and other training services, including personal and vocational adjustment, books and training materials: *Provided,* That no training or training services in institutions of higher education shall be paid for with funds under this part unless maximum efforts have been made by the State agency to secure grant assistance in whole or in part from other sources to pay for such training or training services;

(4) Maintenance, not to exceed the estimated cost of subsistence, provided in connection with vocational rehabilitation services at any time from the date of initiation of such services to a reasonable period following placement;

(5) Transportation, including costs of travel and subsistence during travel (or per diem payments in lieu of subsistence);

(6) Interpreter services for the deaf;

(7) Reader services, rehabilitation teaching services, and orientation and mobility services for the blind;

(8) Telecommunications, sensory or other technological aids and devices;

(9) Recruitment and training services for new employment opportunities in the fields of rehabilitation, health, welfare, public safety, law enforcement, and other appropriate public service employment;

(10) Services to members of a handicapped individual's family when such services are necessary to the adjustment or rehabilitation of the handicapped individual;

(11) Placement and follow-up prior to case closure;

(12) Post-employment services, including follow-along;

(13) Occupational licenses, tools, equipment and initial stocks and supplies. "Equipment" as used herein includes shelters which are only those facilities for a business undertaking customarily furnished by the operator of a like undertaking occupying premises under a short-term lease;

(14) Other goods and services not contraindicated by the act and this part, necessary to determine the rehabilitation potential of a handicapped individual or to be of benefit to him in terms of his employability. (This may include expenditures for short periods of medical care for acute conditions arising during the course of rehabilitation, which, if not cared for, would constitute a hazard to the evaluation of rehabilitation potential or to the achievement of the vocational objective.)

(c) Federal financial participation will not be available in any expenditure made, either directly or indirectly, for the purchase of any land, or for the purchase or erection of any building for any one handicapped individual. This exclusion with respect to buildings does not apply to shelters as described in paragraph (b)(13) of this section.

§ 401.72 Small business enterprises for the severely handicapped.

(a) Federal financial participation will be available in expenditures made under the State plan for the acquisition of equipment, and initial stocks (including livestock) and supplies for small business enterprises (including vending stands) for the severely handicapped and management services and supervision provided to such small business enterprises. "Equipment" as used herein includes shelters. Shelters are only those facilities for a business undertaking which are customarily furnished by the operator of a like undertaking occupying premises under a short-term lease. Federal financial participation will not be available in any expenditure for the purchase of any land, nor for the purchase, or erection of any building. This exclusion with respect to buildings does not apply to shelters as described in the third sentence of this section.

(b) Federal financial participation is available for expenditures specified under paragraph (a) of this section, which are made from funds set-aside by the State agency from the proceeds of the operation of small business enterprises for the severely handicapped under its management and supervision.

§ 401.73 Establishment of rehabilitation facilities.

(a) Federal financial participation will be available in expenditures made under the State plan for the establishment of public and other nonprofit rehabilitation facilities for the following types of expenditures: (1) Costs of remodeling and alteration of existing buildings; (2) costs of expansion of existing buildings, except as provided in paragraph (b) of this section; (3) initial equipment of existing buildings; and (4) initial staffing of rehabilitation facilities.

(b) Federal financial participation will not be available in any expenditures (1) for the purchase or rental of any land or buildings in connection with the establishment of rehabilitation facilities; (2) for the expansion of an existing building which has not been completed in all respects; (3) for the expansion of an existing building to the extent that the total size of the resultant expanded building, determined in square footage of usable space, will be greater than twice the size of the original existing building; or (4) for the expansion of an existing building if the method of joining the expanded portion to the existing building indicates that, in effect, a separate structure is involved.

(c) The amount of Federal financial participation in the establishment of a rehabilitation facility, including initial equipment, and initial staffing for a period not to exceed 4 years and 3 months, shall be 75 per centum for the fiscal year ending June 30, 1969, and 80 per centum for each subsequent fiscal year.

§ 401.74 Construction of rehabilitation facilities.

(a) Federal financial participation will be available in expenditures made under the State plan for the construction of public or other nonprofit rehabilitation facilities for the following types of expenditures: (1) Costs of construction of new buildings and expansion of existing buildings when the expansion is extensive enough to be tantamount to new construction; (2) architect's fees; (3) acquisition of existing buildings; (4) acquisition of land in connection with the construction or acquisition of a rehabilitation facility; (5) site survey and soil investigations; (6) supervision and inspection at the site; (7) initial equipment of such new, expanded, or newly acquired buildings; and (8) such other costs as are appropriate to the construction project: *Provided, however,* That Federal financial participation will not be available for the costs of offsite improvements.

(b) The amount of Federal financial participation in the construction of a rehabilitation facility, including initial equipment, shall be equal to the same percentage as the Federal share which would be applicable in a project in the case of a rehabilitation facility (as defined in section 645(g) of the Public Health Service Act, 42 U.S.C. 291o(g)) in the same location.

§ 401.75 Facilities and services for groups of handicapped individuals.

Federal financial participation will be available in expenditures made under a State plan for the provision of other facilities and services which may be expected to contribute substantially to the rehabilitation of a group of handicapped individuals but which are not related directly to the rehabilitation plan of any one handicapped individual.

§ 401.76 Administration.

Federal financial participation will be available in expenditures under the State plan for administration. Administration includes, among other things: Annual and long-range program planning, development, evaluation, and control; research; interpretation of the program to the public; personnel administration; use of advisory committees; and staff development, including educational leave. All expenditures for administration in which Federal financial participation is claimed must be subject to the administrative or supervisory control of the State agency, or, if performed by some other agency of the State, must be subject to such terms of a cooperative arrangement as will serve to assure consistency with the State agency's policies and objectives.

§ 401.77 Purchase of goods, facilities, or services from other agencies of the State.

(a) Federal financial participation will be available in expenditures under the State plan for payment of the costs incurred by other agencies of the State furnishing goods, facilities, or services to the State agency: *Provided,* That (1) such payments are permissible under State law; (2) such costs are incurred to meet the needs of the State agency, and are not costs attributable to the general expense of the State in carrying out the overall coordinating, fiscal, and administrative functions of the State government; and (3) such costs are extra, identifiable, and readily ascertainable either by segregation or as a pro rata share of the cost of such goods, facilities, or services.

* * * * *

(b) Federal financial participation will be available in expenditures under the State plan for payment of costs of other public agencies pursuant to the principles and procedures prescribed by Subpart Q of Part 74 of this title.

§ 401.78 Insurance and taxes.

Federal financial participation will be available in expenditures made under the State plan for (a) the State or local rehabilitation agency's share of costs in employee benefit programs, such as retirement, group life and hospitalization insurance; (b) workmen's compensation; (c) burglary, robbery, and fire insurance, if permitted by the State, and reasonably necessary to protect funds in transit or in the custody of State or local agency personnel; (d) motor vehicle liability costs, where the State accepts responsibility for such loss; and (e) Federal, State, and local taxes, if the State or local rehabilitation agency is legally obligated to pay such taxes, and provided that all comparable agencies in the State are uniformly treated.

§ 401.79 Cost of space.

(a) Federal financial participation will be available in expenditures made under the State plan for costs of space for State or local rehabilitation agencies that are incurred (1) for paying rent and service and maintenance costs in privately owned buildings; (2) in meeting the costs of service and maintenance in lieu of rent in publicly owned buildings; (3) in meeting rental charges in federally and municipally owned buildings, where the municipality is not administering the vocational rehabilitation program locally; (4) in making necessary repairs and alterations to either privately or publicly owned buildings; and (5) for monthly rental charges, based on the cost of initial construction or purchase of State or locally owned buildings.

(b) All expense for space must be based on an actual rental charge or a monthly rental rate that is a reasonable approximation of actual cost over a long-run period. Federal financial participation is available only for periods when the State or local agency occupies the space, and where the rate for any type of cost or combination does not exceed comparable rental in the particular community. Whenever the total charges for service and maintenance in lieu of rent in public owned buildings (paragraph (a)(2) of this section), or the monthly rental charge based on the cost of initial construction or purchase of publicly owned buildings (paragraph (a)(5) of this section), exceed 75 per centum of the comparable rental, Federal financial participation will be available only upon special justification by the State agency.

§ 401.80 State and local funds.

(a) In order to receive the Federal share of expenditures under the State plan, expenditures from State or local funds under such plan equal to the State's share must be made. Such funds may not consist of Federal funds or of non-Federal funds that are applied to match other Federal funds, except as may be specifically authorized by Congress. The State's share shall be the difference between the Federal share (see § 401.86) and 100 per centum.

(b) For the purposes of this section, "State or local funds" means (1) funds made available by appropriation directly to the State or local rehabilitation agency, funds made available by allotment or transfer from a general departmental appropriation, or funds otherwise made available to the State or local rehabilitation agency by any unit of State or local government, including any funds, goods or services made available by such unit for vocational rehabilitation activities under cooperative programs pursuant to § 401.11; (2) contributions by private organizations or individuals, which are deposited in the account of the State or local rehabilitation agency in accordance with State law, for expenditure by, and at the sole discretion of, the State, or local rehabilitation agency: *Provided, however,* That such contributions earmarked for meeting the State's share for providing particular services for serving certain types of disabilities, for providing services for special groups which are identified on the basis of criteria which would be acceptable for the earmarking of public funds, or for carrying on types of administrative activities so identified, may be deemed to be State funds, if permissible under State law, except that Federal financial

participation will not be available in expenditures that revert to the donor's use or facility; (3) funds set-aside pursuant to § 401.72(b); or (4) contributions by private organizations or individuals, deposited in the account of the State or local rehabilitation agency in accordance with State law, which are earmarked, under a condition imposed by the contributor, for meeting (in whole or in part) the State's share for establishing or constructing a particular rehabilitation facility, if permissible under State law: *Provided, however,* That such funds may be used to earn Federal funds only with respect to expenditures for establishing or constructing the particular rehabilitation facility for which the contributions are earmarked: *Provided further,* That such funds shall be subject to any limitation that the Secretary may impose pertaining to the amount of Federal funds available for paying the Federal share of expenditures for such establishment or construction.

§ 401.81 Shared funding and administration of joint projects.

Where the Secretary has approved a request by the State agency to participate in a joint project with another agency or agencies of the State in accordance with § 401.9, Federal financial participation will be available in the State agency share of the costs of carrying out the joint project.

§ 401.82 Waiver of Statewideness.

If the approved State plan provides for activities to be carried out in one or more political subdivisions through local financing (§ 401.10), Federal financial participation will be available in expenditures made under the State plan for vocational rehabilitation services and administration in connection with such activities in accordance with the provisions of this subpart, except that funds made available to the State agency by such political subdivisions of the State (including funds contributed to such a subdivision by a private agency, organization or individual) may be earmarked for use within a specific geographical area or for use at a specific facility or for the benefit of a group of individuals with a particular disability: *Provided,* That nothing in this paragraph shall authorize the further earmarking of funds for a particular individual or for members of a particular organization, and that Federal financial participation will not be available in expenditures that revert to the donor's use or facility where the donor is a private agency, organization or individual.

ALLOTMENT AND PAYMENT

§ 401.85 Allotment of Federal funds for vocational rehabilitation services.

(a) For each fiscal year each State shall be entitled to an allotment of an amount bearing the same ratio to the amount authorized by the act to be appropriated for that fiscal year for making grants to States for meeting the cost of vocational rehabilitation services under section 100(b) of the act as the product of the population of the State and the square of its allotment percentage bears to the sum of the corresponding products for all States, subject to the provision in paragraph (b) of this section. For any fiscal year the allotment to any State (other than the Virgin Islands, Puerto Rico, American Samoa, the Trust Territory of the Pacific Islands, and Guam) which is less than one-quarter of 1 per centum of the amount appropriated under section 100(b) or $2 million, whichever is greater, shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments of each of the remaining such States, but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than that amount.

(1) Population, as applied to any State, means the population of that State as determined by official estimates furnished to the Secretary by the Bureau of the Census by October 1 of the year preceding the fiscal year for which Federal grant funds are appropriated.

(2) The allotment percentage for any State shall be 100 per centum less that percentage which bears the same ratio to 50 per centum as the per capita income of such State bears to the per capita income of the United States (i.e., the 50 States, and the District of Columbia), except that the allotment percentage shall in no case be more than 75 per centum or less than 33⅓ per centum, and the allotment precentage for the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, the Trust Territory of the Pacific Islands, and Guam shall be 75 per centum.

(3) The allotment percentage shall be promulgated by the Secretary between July 1 and September 30 of each even-numbered year, on the basis of the average of the per capita income of the States and of the United States (i.e., the 50 States and the District of Columbia) for the three most recent consecutive years for which satisfactory data are available from the Department of Commerce. Such promulgation shall be conclusive for each of the 2 fiscal years in the period beginning July 1, next succeeding such promulgation.

(b) The allotment to any State for any fiscal year, as computed under paragraph (a) of this section, which is less than the amount such State was entitled to receive for the fiscal year ending June 30, 1965, pursuant to section 2 of the act as then in effect, as the Federal share of its expenditures under its State plan for vocational rehabilitation services, shall be increased to that amount. The amount which a State was entitled to receive for fiscal year 1965, pursuant to the preceding sentence, shall be determined on the basis of such information, including reports from the State, as the Department had on November 8, 1965. The total of any increases required under this paragraph shall be derived by proportionately reducing the allotment of each of the States whose allotments were not subject to the increase, but with such adjustments as may be necessary to prevent the allotment of any State from being thereby reduced to less than the amount the State was entitled to receive for the fiscal year ending June 30, 1965, pursuant to section 2 as then in effect.

(c) (1) No part of the allotment to any State for grants under section 110 of the act for any fiscal year may be used for the purposes specified in § 401.80(b)(4), in excess of any limitation imposed under that section by the Secretary.

(2) Any such limitation shall be imposed through allocations to the States. The allocations to the States for any fiscal year shall be made initially on the basis of population, with such adjustments as may be necessary to make available to each State an allocation of $25,000 or such other standard minimum amount as the Secretary may find necessary to support a useful project in each State.

(3) The Secretary may make reallocations for any fiscal year from time to time of amounts released by the States or determined by the Secretary not to be reasonably expected to be used by the States within the fiscal year. Additional allocations may be made to States which have need of them as evidenced by approvable project proposals. Priority for additional allocations shall be given on the basis of National, State and local program needs, with due regard for the importance of promoting a nationwide distribution of rehabilitation facilities of high quality. A State's allocation as increased or decreased pursuant to this subparagraph shall be its allocation for the fiscal year.

(d) Where the State plan designates separate agencies to administer (or supervise the administration of) the part of the plan under which vocational rehabilitation services are provided for the blind, and the rest of the plan, respectively, the division of the State's allotment pursuant to paragraphs (a) and (b) of this section and the State's allocation pursuant to paragraph (c) of this section between such agencies is a matter for State determination.

(e) Where the State plan provides for the construction of rehabilitation facilities, the total Federal financial participation in the expenditures for construction for a fiscal year may not exceed 10 per centum of the State's allotment for such year. The amount of the State's share of expenditures for vocational rehabilitation services other than the construction of rehabilitation facilities shall be at least equal to the average of its expenditures for such other vocational rehabilitation services for the preceding 3 fiscal years.

§ 401.86 Payments from allotments.

(a) Except as provided in paragraph (b) of this section, the Secretary shall pay to each State an amount equal to the Federal share of the cost of vocational rehabilitation services under its approved State plan, including the cost of administration of the plan. The Federal share for each State for the fiscal year ending June 30, 1969, shall be 75 per centum, and 80 per centum for the fiscal

year ending June 30, 1970, and for each subsequent fiscal year, except for expenditures to meet the cost of construction of rehabilitation facilities.

(b) (1) The total of payments to a State under paragraph (a) of this section for any fiscal year may not exceed its allotment under § 401.85 for such year and such payments shall not be made in any amount which would result in a violation of the provision specified in § 401.85(e).

(2) Amounts otherwise payable to a State under this section for any fiscal year shall be reduced by the amount (if any) by which expenditures from non-Federal sources, as specified in § 401.80 (except for expenditures with respect to which the State is entitled to payments under § 401.153 for such fiscal year under such State's approved plan for vocational rehabilitation services are less than such expenditures under such plan for the fiscal year ending June 30, 1972. The expenditures under the State plan for fiscal year 1972, pursuant to the preceding sentence, shall be determined on the basis of such information, including reports from the States, as the Department had on June 30, 1973. If a reduction in payments for any fiscal year is required in the case of a State where separate agencies administer (or supervise the administration of) the part of the plan under which vocational rehabilitation services are provided for the blind, and the rest of the plan, respectively, such reduction shall be made in direct relation to the amount by which expenditures from non-Federal sources under each part of the plan are less than they were under that part of the plan during the fiscal year ending June 30, 1972.

§ 401.87 Method of computing and making payments.

(a) *Estimates.* The Secretary shall, prior to each fiscal quarter or other period prescribed by him, estimate the amount to be paid each State from its allotment for vocational rehabilitation services under section 110 of the act and its allotment for innovation and expansion projects under section 120 of the act. This estimate will be based on such records of the State and information furnished by it, and such other investigation, as the Secretary may find necessary.

(b) *Payments.* The Secretary shall pay, from the allotment available therefor, the amount so estimated for such period. In making any such payment, such additions and subtractions will be made as the State's accounting for any prior period and audit thereof may indicate as necessary in balancing the Federal-State account for any such prior period. Payments shall be made prior to audit or settlement by the General Accounting Office, shall be made through the disbursing facilities of the Treasury Department, and shall be made in such installments as the Secretary may determine.

§ 401.88 Effect of payments.

(a) Neither the approval of the State plan nor any payment to the State pursuant thereto shall be deemed to waive the right or duty of the Secretary to withhold funds by reason of the failure of the State to observe, before or after such administrative action, any requirement of the act or of this part.

(b) The final amount to be paid for any period is determinable on the basis of expenditures under the State plan for which Federal financial participation is authorized. The State assumes absolute responsibility for the initial application of Federal funds to authorized plan purposes. The State will be required to make transfers and adjustments to discharge its accountability to the Federal Government.

§ 401.89 Refunds.

Any amount refunded or repaid to the State shall be credited to the Federal account in proportion to the Federal participation in the expenditures by reason of which such refunds or repayments were made, and such sums shall be considered as granted from the State's allotment.

§ 401.90 Determining to which fiscal year an expenditure is chargeable.

In determining to which Federal fiscal year expenditures are chargeable for the purpose of earning the State's allotment under section 110 or section 120 of the act, State laws and regulations for determining to which State fiscal year an expenditure is chargeable will be followed. In those States which appropriate funds for a biennium, the principles provided in State laws, regulations, and practices, for determining to which year of the biennium an expenditure should be charged will be applied in determining to which Federal fiscal year in the biennium an expenditure is properly chargeable. If there are no applicable principles provided in State laws, regulations, and practices, the actual date of an expenditure shall be controlling. In those States where the State fiscal year does not coincide with the Federal fiscal year, State laws and regulations for determining to which State fiscal year an expenditure is chargeable will be applied to the Federal fiscal year.

Subpart D—Payment of Costs of Vocational Rehabilitation Services to Disability Beneficiaries From the Social Security Trust Funds

§ 401.110 General.

(a) Pursuant to section 336 of the Social Security Amendments of 1965 (Public Law 89-97), section 222 of the Social Security Act as amended provides for the payment from the trust funds of costs of vocational rehabilitation services furnished to disability beneficiaries. Within the limits authorized under section 222, as amended, trust funds will be available for payment by the Secretary to the States to provide for vocational rehabilitation services (and related costs of administration) for disability beneficiaries under State plans approved under section 101 of the act.

(b) To receive trust funds for vocational rehabilitation, each State agency is required to submit to the Secretary for approval an amendment to its State plan which sets forth its policy and procedures for providing vocational rehabilitation services to disability beneficiaries in keeping with the purposes and objectives as stated below and which meets the requirements and conditions prescribed herein.

§ 401.111 Purposes and objectives.

With the objective of making it possible for more disability beneficiaries to receive vocational rehabilitation services, money is made available from the trust funds to finance the vocational rehabilitation of selected beneficiaries. It is the intent to Congress that this money will be used in such a way that the saving from the amount of benefits that would otherwise have to be paid and the increased contributions to the trust funds paid by virtue of the earnings of beneficiaries who return to work will exceed, or at least equal, the money paid from the trust funds for rehabilitation costs. In addition to the offsetting gains that the trust funds are expected to realize there will be gains to the individual concerned and to society when the disabled individuals are returned to productive activity. In order to maximize the values to be obtained from the program, States will act promptly to provide the appropriate vocational rehabilitation services utilizing such regular and special rehabilitation techniques and facilities as will help the maximum number of disability beneficiaries to engage in productive activity. The term "productive activity" in the context of this subpart is closely related to "ability to engage in substantial gainful activity" as that phrase is used in 20 CFR 404.1532ff, i.e., either actual performance of such activity (as distinguished from engagement in a lesser, but still gainful, occupation) or other indication of existence of a residual capacity to engage in such activity.

§ 401.112 Applicability of other regulations.

The provisions governing vocational rehabilitation services to disability beneficiaries, the costs of which are paid from trust funds, must conform to all requirements elsewhere in this part governing the State vocational rehabilitation programs which are not inconsistent with the requirements prescribed in this subpart.

§ 401.113 Definitions.

(a) "Disability beneficiary" means a disabled individual who is entitled to benefits under section 223 of the Social Security Act (including disabled individuals serving a waiting period prior to such entitlement), a disabled individual over age 18 who is entitled to child's insurance benefits under section 202(d) of the Social Security Act, or a disabled

widow, widower, or surviving divorced wife under section 202(e) and (f) of the Social Security Act.

(b) "Productive activity" means full-time or substantial part-time employment or self-employment wherein the nature of the work activity performed, the earnings received, or both, or the capacity to engage in such employment or self-employment, can reasonably be expected to result in termination or nonpayment of social security disability benefits.

(c) "Trust funds" means funds derived from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for purposes of vocational rehabilitation pursuant to section 222(d) of the Social Security Act.

§ 401.114 State plan requirements.

For a State to receive trust funds the State plan must contain the following provisions regarding vocational rehabilitation services to disability beneficiaries:

(a) *Conformance to selection criteria.* The State plan shall provide that, to the extent funds provided from the trust funds are adequate for that purpose, vocational rehabilitation services will be furnished to disability beneficiaries in the State who the State determines on the basis of medical, vocational, social, personal, or other factors are otherwise eligible for services and who meet the following requirements:

(1) There is present a disabling physical or mental impairment which is not so rapidly progressive as to outrun the effect of vocational rehabilitation services, or to preclude restoration of the beneficiary to productive activity;

(2) The disabling effect of the impairment, without the services planned, is expected to remain at a level of severity which would result in the continuing payment of disability benefits;

(3) There is a reasonable expectation that the provision of such services will result in the restoration of the individual to productive activity; and

(4) The reasonably predictable period of productive work activity is of sufficient duration that the benefits to be saved and the contributions which would be paid to the trust funds on future earnings would offset the cost of the services planned.

(b) *Order of selection.* The State plan shall provide that the order of selection for services shall be in accordance with the beneficiary's readiness and potential for rehabilitation to productive activity and without regard to any order of selection which would otherwise be followed under the State plan pursuant to the act.

(c) *Citizenship, residence, and economic need.* The State plan shall provide that any disability beneficiary who meets the other requirements for selection for vocational rehabilitation services shall be provided with authorized services without regard to (1) his citizenship, or (2) his place of residence, or (3) his need for financial assistance.

(d) *Promptness of services.* The State plan shall provide that services will be furnished with reasonable promptness to disability beneficiaries selected under paragraphs (a), (b), and (c) of this section.

(e) *Services available.* The State plan shall provide that vocational rehabilitation services available to disability beneficiaries selected for such services shall include the full range of services authorized in the act, subject to the conditions and limitations with respect to the use of trust funds prescribed in § 401.115.

§ 401.115 Costs of services—conditions and limitations.

Costs of vocational rehabilitation services (and administration) paid from trust funds shall be subject to the following conditions and limitations:

(a) Except as otherwise provided in this subpart, costs shall be subject to all requirements for Federal financial participation set forth in the regulations governing the State vocational rehabilitation programs. (See subpart C of this part.)

(b) Trust funds will not be used to pay costs of establishment or construction of a rehabilitation facility.

(c) Trust funds will not be used to pay the costs of maintenance while an individual is receiving vocational rehabilitation services unless it is necessary for the individual to be away from home to receive such services. The costs of such maintenance shall not exceed the amount of increased expenses that the rehabilitation program causes for the individual or his family.

(d) The amount of the expenditure made under the State plan for services in behalf of a disability beneficiary and for which a State may receive payment of the costs from trust funds shall not exceed such maximum amount for any one beneficiary as may be federally prescribed.

(e) Where trust funds are used to provide equipment, including vending stands, or initial stock to a disability beneficiary, or where such funds are used to equip and stock a small business enterprise for the rehabilitation of a disability beneficiary, the State agency shall establish appropriate conditions to assure the use of such equipment and stock by another disability beneficiary if such stock and equipment are no longer required for the previous beneficiary.

§ 401.116 Payments of trust funds.

(a) *Effective dates of payments.* Payment to any State from trust funds in accordance with this subpart may commence with the effective date of the approved amended State plan.

(b) *Payments for services and administration.* (1) Trust funds will be available subject to statutory limitations, to any limitations set forth in this subpart, and to the approval of the Secretary, to pay for expenditures made under the approved amended State plan for authorized vocational rehabilitation services provided to disability beneficiaries, including the administration thereof.

(3) The Secretary will make necessary adjustments or redistribution on account of overpayments, underpayments, and unused funds.

§ 401.117 Budgets.

Periodically, as may be required, the State shall prepare for the approval of the Secretary a budget estimate of trust funds needed to pay the costs of vocational rehabilitation servcies for disability beneficiaries and for the administration of such services.

§ 401.118 Reports.

The State shall submit reports of expenditures and case service activities in behalf of beneficiaries, in such form and in such detail and frequency as required by the Secretary. All records, procedures, and operational activities of the State agency, the costs of which are paid from trust funds, shall be subject to inspection, review, and audit.

Subpart F—Grants for Innovation and Expansion for Vocational Rehabilitation Services

§ 401.150 Purpose.

Under section 121(a) of the act, grants may be made for the purpose of paying a portion of the cost of planning, preparing for, and initiating special programs under the State plan in order to expand vocational rehabilitation services, including:

(a) Programs to initiate or expand such services to the most severely handicapped or

(b) Special programs to initiate or expand services to classes of handicapped individuals who have unusual and difficult problems in connection with their rehabilitation, particularly handicapped individuals who are poor and the responsibility for whose treatment, education, and rehabilitation is shared by the State agency with other agencies.

§ 401.151 Special project requirements.

(a) All project activities to be performed under this subpart must either be included within the scope of the approved State plan, or such State plan must be amended to include them.

(b) Grants may be made to a State agency, or at the option of the State agency, to a public or private nonprofit organization or agency.

(c) The approval of the appropriate State agency shall be secured prior to the granting of any funds to any organization or agency other than the State agency for the provision of direct services to handicapped individuals or for establishing or maintaining facilities which will render direct services to such individuals.

§ 401.152 Allotment of Federal funds.

(a) From the sums available for any fiscal year for grants to States to assist them in meeting the costs of approved projects, each State shall be entitled to an allotment of an amount bearing the same ratio to such sums as the population of the State bears to the population of all the States. Population, as applied to any State, means the population of that State as determined by official estimates furnished by the Department of

Commerce to the Secretary by October 1 of the year preceding the fiscal year for which Federal grant funds are appropriated. For any fiscal year an allotment which is less than $50,000 to any State shall be increased to that amount, and for the fiscal year ending June 30, 1974, no State shall receive less than the amount necessary to cover up to 90 per centum of the cost of continuing projects assisted under section 4(a)(2)(A) of the Vocational Rehabilitation Act, except that no such project may receive financial assistance under both the Vocational Rehabilitation Act and this act for a total of time in excess of three years. The total of the increases shall be derived by proportionately reducing the allotments to each of the remaining States but with such adjustments as may be necessary to prevent the allotment of any such remaining States from being thereby reduced to less than $50,000.

(b) Whenever the Secretary determines that any amount of an allotment to a State for any fiscal year will not be utilized by such State in carrying out the purpose of this subpart, he shall make such amount available to one or more other States which he determines will be able to use additional amounts during such fiscal year for carrying out the purposes of this subpart. Any amount made available to any State for any fiscal year pursuant to this paragraph of this section shall be regarded as an increase in such State's allotment for such year.

(c) Where the State plan designates separate agencies to administer (or supervise the administration of) the part of the plan under which vocational rehabilitation services are provided for the blind, and the rest of the plan, respectively, the division of the State's allotment between such agencies is a matter for State determination.

§ 401.153 Payments from allotments.

From the sums allotted pursuant to § 401.152, the Secretary shall pay to each State, with respect to any project approved under this subpart, an amount up to 90 per centum of the cost of such project (including its administration).

§ 401.154 Methods of computing and making payments.

The methods of computing and paying amounts pursuant to § 401.155 shall be in accordance with provisions of § 401.87. The provisions of § 401.88 through § 401.90 are also applicable to this subpart.

§ 401.155 Federal financial participation.

(a) Federal financial participation shall be available for:

(1) Personnel (including fringe benefits);

(2) The provision of vocational rehabilitation services;

(3) Equipment;

(4) Supplies;

(5) Consultant expenses;

(6) Staff or consultant travel; and

(7) Such other allowable costs under the State plan as are set forth in the budget.

(b) No payment shall be made from an allotment under section 121(a) of the act with respect to any cost of a project for which payment has been made under any other section of the act.

§ 401.156 Matching requirements.

(a) The non-Federal share may be in cash or in-kind and may include funds spent for project purposes by a cooperating public or private nonprofit agency: *Provided,* That such cash or in-kind contributions are not included as a cost in any other Federally financed program. For purposes of this subpart, in-kind contributions may consist of charges for real property and nonexpendable personal property, and the value of goods and services directly benefiting and specifically identifiable to the grant supported activity: *Provided,* However, that charges for property purchased wholly with Federal funds and charges based on the Federal share of the value of property purchased partly with Federal funds may not be considered as the grantee's in-kind contribution.

(b) For purposes of this subpart, Federal financial participation will be provided pursuant to the matching and cost sharing requirements prescribed by Subpart G of Part 74 of this title. The non-Federal share of the cost of activities supported under this subpart may not consist entirely of in-kind contributions.

§ 401.157 Other administrative requirements.

The provisions of Part 74 of this title, establishing uniform administrative requirements and cost principles, shall apply to all grants under this subpart.

PART 403—SPECIAL PROJECTS IN VOCATIONAL REHABILITATION

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AUTHORITY: Sec. 400(b), 87 Stat. 386 (29 U.S.C. 780(b)).

Subpart B—Project Grants for Services for Migratory Agricultural Workers

§ 403.20 Terms.

For purposes of this subpart—

(a) The terms "act," "handicapped individual," "local rehabilitation agency," "Secretary," "State," "State agency," "State vocational rehabilitation agency," and "vocational rehabilitation services," except where the context indicates otherwise, shall have the same meanings as set forth in § 401.1 of this chapter.

(b) "Pilot or demonstration project" means a project to provide vocational rehabilitation services to handicapped migratory agricultural workers and to members of their families and to develop improved methods and techniques for the delivery of such services.

(c) "Migratory agricultural worker" means a person who occasionally or habitually leaves his place of residence on a seasonal or other temporary basis to engage in ordinary agricultural operations or in services incident to the preparation of farm commodities for the market in another locality in which he resides during the period of such employment. (See 29 CFR Part 11.)

(d) "Family members" or "members of the family" means any relative by blood or marriage of a handicapped migratory agricultural worker and other individuals living in the same household with whom the handicapped migratory agricultural worker has a close interpersonal relationship, and who are with the worker, or have accompanied the worker on his migratory tour to the point in time at which the State agency comes into contact with him.

(e) "Transportation" means the necessary travel and related costs in connection with transporting handicapped individuals who are migratory agricultural workers and members of their families who are with them for the purpose of achieving the vocational rehabilitation objective of the handicapped migratory agricultural worker. Transportation includes costs of travel and subsistence during travel (or per diem allowances in lieu of subsistence), and includes relocation and moving expenses

necessary for the achievement of a vocational rehabilitation objective.

§ 403.21 Purpose.

Project grants authorized in section 304(c) of the act shall be made for the purpose of paying part of the cost of pilot or demonstration projects for the provision of vocational rehabilitation services to handicapped individuals who are migratory agricultural workers and to members of their families (whether or not handicapped), where such services are necessary to the vocational rehabilitation of the handicapped migratory agricultural worker.

§ 403.22 Non-Federal funds.

In the case of any project under this part, the matching grantee funds may not consist of other Federal funds or of non-Federal funds that are applied to match other Federal funds, except as may be specifically authorized by Congress. No Federal financial assistance may be furnished under this subpart for activities for which payment is made under another subpart of this part, another part of this chapter, or other authority.

§ 403.23 Application procedure.

(a) A State agency may submit an application to the Secretary at any time.

(b) A local rehabilitation agency shall submit an application to the State agency for State agency approval, and the State agency shall forward such applications to the Secretary.

(c) Final approval of all applications shall be made by the Secretary. Each applicant will be notified in writing of the action on its application.

§ 403.24 Joint projects in two or more States.

A State agency may, if it so desires, enter into an agreement with the vocational rehabilitation agencies of one or more other States to develop a cooperative program for the provision of vocational rehabilitation services to handicapped migratory agricultural workers and members of their families.

§ 403.25 Application content.

Applications shall be made in appropriate form and detail and shall (a) describe the purposes and objectives of the project and the specific activities to be undertaken; (b) provide for qualified and adequate staff including a project director, to accomplish the purpose of the project; (c) specify the duration of the project; (d) provide a proposed project budget; (e) (1) give assurance that there will be cooperation with other public and nonprofit private agencies having special skills and experience in the provision of services to migratory agricultural workers or their families, including programs dealing specifically with migratory agricultural workers authorized under title I of the Elementary and Secondary Education Act of 1965, section 311 of the Economic Opportunity Act of 1964, and the Farm Labor Contractor Registration Act of 1963; and (2) be accompanied by statements of such understandings and cooperative agreements, as appropriate; (f) contain an agreement to make such reports and to keep such records and accounts as the Secretary may require, and to make such records and accounts available for audit purposes; (g) give assurance that the level and duration of maintenance payments shall be consistent with any maintenance payments made to handicapped individuals in the State under the act; and (h) provide such other information as the Secretary may require.

§ 403.26 Project activities.

(a) Project activities for services for migratory agricultural workers shall include the provision of vocational rehabilitation services, which may include maintenance and transportation, to handicapped individuals who are migratory agricultural workers and to their family members, upon determination that such services to family members are necessary to the vocational rehabilitation of the handicapped migratory agricultural worker.

(b) Project activities may also include, but are not limited to, the following: (1) The planning and development of project activities to serve handicapped migratory agricultural workers and members of their families; (2) the extension of present vocational rehabilitation services to settings more readily available to handicapped migratory agricultural workers and members of their families; (3) the demonstration of innovative techniques for the delivery of vocational rehabilitation services, such as mobile rehabilitation teams and units; (4) pre-vocational, adjustment, and vocational training (including literacy training), and job placement activities, aimed either at enabling handicapped migratory agricultural workers and members of their families to leave the migrant stream or to return to employment within migratory agricultural labor; (5) the employment and training of special staff within a State agency to provide casework, referral, and other essential services to handicapped migratory agricultural workers and members of their families; and (6) the demonstration of patterns and techniques of family unit rehabilitation.

(c) Projects shall not include those activities designed primarily for (1) basic research, (2) staff training, unless such training is determined to have significant implication for improving the capacity of the State agency to serve handicapped migratory agricultural workers and members of their families and is included within a program of services to handicapped migratory agricultural workers and members of their families, or (3) initial staffing, and acquisition of initial equipment, except where necessary to provide services to handicapped migratory agricultural workers and members of their families.

(d) Project grants shall not be made for construction of rehabilitation facilities, except for minor remodeling or alteration of existing buildings necessary to provide services to handicapped migratory agricultural workers and members of their families.

§ 403.27 Federal financial participation.

(a) Federal financial participation will be available for only those activities approved in the project application and only in the total amount approved in the project application.

(b) Federal financial participation in any single project for services for migratory agricultural workers shall be limited to a maximum of 5 years. The Federal share of the approved project costs shall not exceed 90 per centum of the cost of the project.

§ 403.28 Project revision.

A revision to an approved project shall be submitted for approval whenever necessary to reflect any material change in the scope of the project or in its operation or administration.

§ 403.29 Termination.

(a) *Termination for cause.* The Secretary may terminate any grant in whole, or in part, at any time before the date of completion whenever it is determined that the grantee has materially failed to comply with the terms and conditions of the grant. The Secretary shall promptly notify the grantee in writing of the determination and the reasons for the termination, together with the effective date. Payments made to grantees or recoveries by the Secretary under grants terminated for cause shall be in accordance with the legal rights and obligations of the parties.

(b) *Termination on other grounds.*

(1) Except as provided in paragraph (a) of this section, grants may be terminated in whole or in part as follows:

(i) By the Secretary, with the consent of the grantee, in which case the two parties shall agree upon the termination conditions including the effective date, and in the case of partial terminations, the portion to be terminated, or

(ii) By the grantee, upon written notification to the Secretary, setting forth the reasons for such termination, the effective date, and in the case of partial terminations, the portion to be terminated.

(2) When a grant is terminated pursuant to paragraph (b) (1) of this section, the grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Secretary shall allow full credit to the grantee for the Federal share of the noncancellable obligations properly incurred by the grantee prior to termination.

§ 403.30 Grant awards.

All grant awards shall be in writing, shall set forth the amount of funds granted, and shall constitute for such amounts the encumbrance of Federal funds available for such purpose on the date of the award. The initial award shall also specify the project period for which support is contemplated if the

activity is satisfactorily carried out and Federal funds are available. For continuation support, grantees must make separate application in the form and detail required by the Secretary.

§ 403.31 Reports.

In the case of any project a final report shall be submitted not later than 90 days following termination of the project. A progress report shall be submitted with each request for a continuation grant. Financial and other reports shall be submitted to the Secretary, in appropriate form, at intervals prescribed by the Secretary. Local rehabilitation agencies will submit reports to the State agency for forwarding to the Secretary.

§ 403.32 Payments.

Payment of the Federal share of an approved project grant for services for migratory agricultural workers may be made in advance for estimated costs of operation, or as reimbursement to the grantee and shall be subject to such requirements as the Secretary may establish.

§ 403.33 Other administrative requirements.

The provisions of Part 74 of this title (with the exception of Subpart G, Matching and Cost Sharing), establishing uniform administrative requirements and cost principles shall apply to all grants under this subpart to State and local governments as those terms are defined in Subpart A of that Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to grants to all other grantee organizations under this subpart:

45 CFR PART 74

Subpart
A General.
B Cash Depositories.
C Bonding and Insurance.
D Retention and Custodial Requirements for Records.
F Grant-Related Income.
H Standards for Grantee Financial Management Systems.
K Grant Payment Requirements.
M Grant Closeout, Suspension, and Termination.
O Property.
Q Cost Principles.

Subpart C—Project Grants for New Careers for the Handicapped

§ 403.35 Terms.

For purposes of this subpart—

The terms "act," "Department," "handicapped individual," "nonprofit," "Secretary," "State," and "State agency" shall have the same meanings as set forth in § 401.1 of this chapter.

§ 403.36 Purpose.

Under section 304(b) of the act, grants may be made to State vocational rehabilitation agencies and other public and private nonprofit agencies to enable them to develop new programs to recruit and train handicapped individuals to provide them with new career opportunities in the fields of rehabilitation, health, welfare, public safety, and law enforcement, and other appropriate public service employment.

§ 403.37 Non-Federal funds.

In the case of any project under this subpart for which Federal funds are granted to pay part of the cost, the matching grantee funds may not consist of other Federal funds or of non-Federal funds that are applied to match other Federal funds, except as may be specifically authorized by Congress. No Federal financial assistance may be furnished under this subpart for activities for which payment is made under another part of this chapter, or other authority.

§ 403.38 Application procedure.

Applications or grants under this program may be made at any time by State vocational rehabilitation agencies or by other public or private nonprofit agencies or organizations. The application shall be made in the form and detail required by the Secretary. Applicants other than a State vocational rehabilitation agency shall secure prior consultation and assistance from the appropriate State vocational rehabilitation agency or agencies in the development of their proposals and the preparation of their applications. If the applicant is an organization or agency other than a State vocational rehabilitation agency, the application must have prior approval of the appropriate State vocational rehabilitation agency or agencies before submittal to the Secretary for approval.

§ 403.39 Application content.

The application shall (a) describe the organization that will conduct the activities, indicating the nature and scope of its public service programs; (b) describe the specific recruitment and training activities to be undertaken for handicapped individuals; (c) provide for qualified and adequate staff, including a project director, to accomplish the purpose of the project; (d) specify the duration of the project; (e) describe supportive services to be provided to handicapped individuals to be served within the project; (f) indicate plans for ensuring that individuals successfully completing the program have an opportunity for appropriate public service employment; (g) indicate the extent to which the occupations for which training is being provided offer possibilities for continuing full-time employment and realizable opportunity for promotion and advancement through structured channels of promotion; (h) assure that no training or instruction shall be provided to any individual for any one course of study for a period longer than 4 years; (i) set forth the proposed budget for the project; (j) contain an agreement to make such reports and to keep such records and accounts as the Secretary may require and to make such records and accounts available for audit purposes; and (k) contain such other information as the Secretary may require.

§ 403.40 Project activities.

(a) Projects for new careers for the handicapped may include, but are not limited to, such activities as the following: (1) The provision of training and education which might not otherwise be available to handicapped individuals in need of new occupations; (2) the development of special training programs to enable handicapped individuals to enter public service occupations generally not open to them; (3) the establishment of new jobs or new kinds of jobs either within existing programs or as a part of a new service in a State vocational rehabilitation agency or in another public or private nonprofit public service agency; and (4) the redefinition and restructuring of existing jobs to enable new career opportunities in community and institutional public service programs.

(b) Projects for new careers for handicapped individuals may not include: (1) Construction, alteration, or renovation of buildings except for such minor alteration as might be necessary to eliminate architectural barriers of buildings used for the training or employment of handicapped individuals; or (2) research.

§ 403.41 Selection of handicapped individuals to be served in projects.

Individuals to receive services under this subpart shall be only those individuals who have been determined by the State agency to be handicapped individuals who are suitable for such services.

§ 403.42 Examples of new career opportunities for the handicapped.

(a) New career opportunities for the handicapped under this subpart may include training and preparation for positions in the fields of rehabilitation, health, welfare, public safety, and law enforcement, and other appropriate public service employment. Such career opportunities may be designed either to provide training in those fields and disciplines leading to professional and other employment within public service agencies, or to develop those skills necessary for subprofessional and other employment within appropriate public service agencies.

(b) New career opportunities for the handicapped may include positions within State vocational rehabilitation agencies and other public service agencies, and institutions and facilities such as hospitals, rehabilitation facilities, mental health centers, schools, libraries, and courts, which represent either new occupations for handicapped individuals in need of new types of gainful employment or new or redefined subprofessional positions within public service agencies. Such positions may include, but are not limited to, rehabilitation counselor aides, outreach workers, recreation aides, nursing home aides, hospital aides, mental health aides, community health service workers, library aides, school daycare aides, school clerical aides, patrolman aides, juvenile court aides, parole aides, and probation aides.

§ 403.43 Federal financial participation.

(a) Federal financial participation will be available only for those activities approved, and in the amount specified, in the project application.

(b) Federal funds may be used to finance the costs of salaries and related expenses, including travel expenses; necessary supportive services provided to those handicapped individuals being recruited and trained for new career opportunities, training allowances for trainees; training supplies, rental of space; purchase of equipment; and other expenses approved by the Secretary.

(c) Federal financial participation in any single project shall be limited to a maximum of 5 years.

§ 403.44 Project revision.

A revision to an approved project shall be submitted whenever necessary to reflect any material change in the scope of the project or in its operation or administration.

§ 403.45 Grant awards.

All grant awards shall be in writing, shall set forth the amount of funds granted, and shall constitute for such amounts the encumbrance of Federal funds available for such purpose on the date of the award. The initial award shall also specify the project period for which support is contemplated if the activity is satisfactorily carried out and Federal funds are available. For continuation support, grantees must make separate application in the form and detail required by the Secretary.

§ 403.46 Reports.

In the case of any project, a final activity report shall be submitted not later than 90 days following termination of the project. A progress report shall also be submitted with each request for a continuation grant. Financial and other reports shall be submitted at the intervals prescribed by the Secretary. All reports shall be submitted to the Secretary in the form and containing the information specified by the Secretary, with copies to the State vocational rehabilitation agency if the grantee is other than the State agency.

§ 403.47 Payments.

Payment of the Federal funds for an approved project may be made in advance for estimated costs of operation, or as reimbursement to the grantee and shall be subject to such requirements as the Secretary may establish.

§ 403.48 Interest.

Pursuant to secton 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90-577), a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds, pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Department all interest earned on grant funds.

§ 403.49 Termination.

(a) *Termination for cause.* The Secretary may terminate any grant in whole, or in part, at any time before the date of completion whenever it is determined that the grantee has materially failed to comply with the terms and conditions of the grant. The Secretary shall promptly notify the grantee in writing of the determination and the reasons for the termination, together with the effective date. Payments made to grantees or recoveries by the Secretary under grants terminated for cause shall be in accordance with the legal rights and obligations of the parties.

(b) *Termination on other grounds.*

(1) Except as provided in paragraph (a) of this section, grants may be terminated in whole or in part as follows:

(i) By the Secretary, with the consent of the grantee, in which case the two parties shall agree upon the termination conditions, including the effective date, and in the case of partial terminations, the portion to be terminated, or

(ii) By the grantee, upon written notification to the Secretary, setting forth the reasons for such termination, the effective date, and in the case of partial terminations, the portion to be terminated.

(2) When a grant is terminated pursuant to paragraph (b)(1) of this section, the grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Secretary shall allow full credit to the grantee for the Federal share of the noncancellable obligations properly incurred by the grantee prior to termination.

§ 403.50 Other administrative requirements.

The provisions of Part 74 of this title (with the exception of Subpart G, Matching and Cost Sharing), establishing uniform administrative requirements and cost principles, shall apply to all grants under this subpart to State and local governments as those terms are defined in Subpart A of that Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to grants to all other grantee organizations under this subpart:

45 CFR PART 74

Subpart	
A	General.
B	Cash Depositories.
C	Bonding and Insurance.
D	Retention and Custodial Requirements for Records.
F	Grant-Related Income.
H	Standards for Grantee Financial Management Systems.
K	Grant Payment Requirements.
M	Grant Closeout, Suspension, and Termination.
O	Property.
Q	Cost Principles.

Subpart D—Projects With Industry

§ 403.60 Terms.

For purposes of this subpart—

The terms "act," "handicapped individual," "Secretary," "State," "State agency," and "vocational rehabilitation services" shall have the same meanings as set forth in § 401.1 of this chapter.

§ 403.61 Purpose.

Under section 304(d) of the act, contracts or jointly financed cooperative arrangements may be made with employers and organizations for the establishment of projects which are designed to prepare handicapped individuals for gainful employment in the competitive labor market and under which such individuals may be provided training and employment in a realistic work setting and such other services as are necessary for such individuals to continue to engage in such employment.

§ 403.62 Employers and organizations.

A project may be undertaken only upon execution of a contract or arrangement between the Secretary and an employer or organization. Any industrial, business, or commercial enterprise; labor organization; or employer, industrial, or community trade association; or other agency or organization with the capacity to arrange, coordinate, or conduct training and other employment programs for the handicapped in a realistic work setting, may enter into such contracts or arrangements. Such training and employment programs shall include a planned and systematic sequence of training and instruction in occupational and employment skills, and provide reasonable assurance of gainful employment at the successful termination of such training and instruction.

§ 403.63 Project activities.

Projects with industry may include, but are not limited to, such activities as the following: (a) The provision of on-the-job training for handicapped individuals; (b) the provision of prevocational and other job readiness training for handicapped individuals; (c) such special orientation for supervisors; foremen, and other personnel as might contribute to the training and continuing employment of handicapped individuals; (d) supportive services such as job coaching, basic education, personal adjustment training, and personal and job counseling to assist handicapped individuals to maintain themselves in employment; (e) the recruitment and employment of special placement personnel by employers or organizations to assist in the job placement of additional numbers of handicapped persons; and (f) such other activities as may be necessary to prepare handicapped individuals for competitive employment and to assist them to continue to engage in such employment.

§ 403.64 Application procedure.

(a) An employer or organization desiring to apply for a project for training and employing the handicapped shall consult the State vocational rehabilita-

tion agency for technical advice in the development of the project. In those cases where applicant employers or organizations are located in more than one State and propose to operate a project in more than one State, the applicant shall request technical advice from the Secretary.

(b) Where the proposed project involves activities to be conducted within a single State, the State vocational rehabilitation agency will explore the feasibility of the project. Where the proposed project involves activities to be conducted in more than one State, the Secretary shall conduct, or coordinate in association with the appropriate State agencies, studies of project feasibility.

(c) Where projects involve activities to be conducted in a single State, the application shall be submitted to the appropriate State vocational rehabilitation agency for review and approval, and the State agency shall forward such application to the Secretary for approval and for execution of the contract or cooperative agreement.

§ 403.65 Application content.

The application shall (1) include a description of the nature and scope of the project activities; (2) provide for qualified and adequate staff to accomplish the purposes of the project; and (3) provide a proposed budget.

§ 403.66 Prior assurances for contracts and arrangements.

Prior to entering into a contract or a cooperative arrangement with an applicant, it will first be determined that there is:

(a) Concurrence with the project by the bargaining agent where there is a collective bargaining agreement applicable to the employer and the occupation;

(b) Reasonable assurance that the wage rate to be set for trainees will not tend to create unfair competitive labor cost advantages nor have the effect of impairing or depressing wage or working standards established for experienced workers for work of a like or comparable character;

(c) No abnormal labor condition such as a strike, a lock-out, or other similar condition, existing with respect to the applicant; and

(d) Reasonable assurance that the State agency will, to the maximum extent practicable, maintain a continuing relationship with the handicapped individuals to be served in the project in order to provide, or ensure the availability of, necessary vocational rehabilitation services and related supportive services.

§ 403.67 General provisions of contracts and arrangements.

Any contract or arrangement entered into shall, in addition to standard provisions:

(a) Provide for adherence to the terms or conditions of employment prescribed by any applicable Federal, State, or local law;

(b) Provide that determination by competent authority of failure to adhere to the terms or conditions required by subsection (a) of this section shall constitute cause for termination of the contract or arrangement;

(c) Provide that the recruitment, examination, appointment, training, promotion, retention, or any other personnel action with respect to any handicapped individual receiving training or employment, shall be without regard to race, sex, color, creed, age, or national origin, and that violation shall constitute grounds for termination of the contract or arrangement and that the United States shall have a right to seek judicial enforcement of this provision;

(d) Provide that trainees shall be compensated for hours spent in production of any goods or services;

(e) Provide that individuals to receive training or employment services under the contract or arrangement will include only those individuals who have been determined by the appropriate State agency to be handicapped individuals who are suitable for such services;

(f) Provide reasonable assurance that handicapped individuals successfully completing the training program will be employed by the employer or within a similar enterprise;

(g) Specify the duration of the project;

(h) Contain an agreement to make such reports and to keep such records and accounts as the Secretary may require, and to make such records and accounts available for audit purposes; and

(i) Contain an agreement to provide such other information as the Secretary may require.

§ 403.68 Rates under contracts or arrangements.

The contract or arrangement shall include the rate of compensation to be paid to trainees. In no case shall the wage rate paid a trainee be less than the following, whichever is highest:

(a) The minimum entrance rate for inexperienced workers in the same occupation or if the occupation is new to the establishment, the prevailing entrance rate for the occupation among other establishments in the community or area;

(b) The minimum rate required under the Fair Labor Standards Act or the Walsh-Healey Public Contracts Act, to the extent that such acts are applicable to the trainee; and

(c) Any minimum rate applicable to the trainee and required under any other Federal law, or any State or local law.

The contract or arrangement shall further provide for an increasing rate of payment to trainees if the training program is of such duration that periodic increases are reasonable and if the proficiency of such trainees merits such increases.

§ 403.69 On-the-job training.

The contract or arrangement shall

(a) Provide for methods of instruction, progression of trainees, and size of the training group (including any appropriate combination of individualized or group training), which shall be comparable in duration to other training programs for the particular occupation, and adequate in content to qualify trainees for employment;

(b) Provide adequate and safe facilities and equipment; and

(c) Require that suitable records of attendance, performance and progress of trainees be maintained and that such records be made available to the Secretary when so requested.

§ 403.70 Sharing of costs.

Although no minimum share will be required of applicants, they may be expected to share the costs of projects. In such cases, the costs to be borne by the parties to the contract or arrangement will be a matter of negotiation.

§ 403.71 Payments.

(a) Payments under a contract or arrangement shall be pursuant to the terms thereof and may be made in advance on the basis of estimated costs of operation or by way of reimbursement and shall be subject to such requirements as the Secretary may establish;

(b) The total payments shall not exceed the amount specified in the contract or arrangement. Contracts or arrangements may provide for payment with respect to such items as job training and related supportive services; instruction and supervision of trainees; training materials and supplies, including consumable materials, instructional aids, excessive waste and scrap; bonding fees, liability and insurance premiums; the purchase or modification of equipment adapted to the special capacity of handicapped individuals; such minor alteration and renovation as are necessary to ensure access to and utilization of buildings by the handicapped; and other expenses approved by the Secretary.

PART 404—PROJECT GRANTS AND ASSISTANCE FOR REHABILITATION FACILITIES

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AUTHORITY: Sec. 400(b), 87 Stat. 386 (29 U.S.C. 780(b)).

Subpart A—General

§ 404.1 Terms.

For purposes of this part—

(a) The terms "act," "department," "handicapped individual," "non-profit," "rehabilitation facility," "Secretary," "State," "State agency," and "workshop" shall, except where the context indicates otherwise, have the same meaning as set forth in § 401.1 of this chapter.

(b) "Construction" includes construction of new buildings, acquisition of existing buildings, and expansion, remodeling, alteration, and renovation of existing buildings, and initial equipment of such new, newly acquired, expanded, remodeled, altered, or renovated buildings.

§ 404.2 Non-Federal funds.

In the case of any project under this part for which Federal funds are granted to pay part of the cost, the matching grantee funds may not consist of other Federal funds or of non-Federal funds that are applied to match other Federal funds, except as may be specifically authorized by Congress. No Federal financial assistance may be furnished under this part for activities for which payment is made under another part of this chapter, or other authority.

§ 404.3 Consultant fees.

Fees for consultant services are allowable to the extent that such payments are in accordance with the policies and standard practices of the agency, organization, or institution to which a grant or contract has been awarded. Fees for consultant services may not be paid to any regular full-time Federal Government employee. They may not be paid to any other individual for activities which are ordinarily a part of his duties in another position for which there is Federal financial participation under the act, or which conflict with his duties in such other position.

§ 404.4 Technical assistance consultation.

The Secretary may require that, where appropriate, a technical assistance consultation precede the award of any grant or be conducted during the grant period of any grant awarded under this part. Such consultation shall be performed by a consultant acceptable to both the Secretary and the appropriate State agency.

§ 404.5 Standards.

In all projects under this part, applications shall take into consideration the standards and criteria set forth in the publication, "Standards for Rehabilitation Facilities and Sheltered Workshops" (SRS, 1971), as modified from time to time, and such other standards as may be designated by the Secretary. Where appropriate, an application shall demonstrate a reasonable expectation that the grant will enable the rehabilitation facility to make substantial progress towards meeting such standards and criteria. In the case of rehabilitation facilities already meeting such standards and criteria, the application shall demonstrate a reasonable expectation that the grant will make possible substantial improvement in the facility.

§ 404.6 Other administrative requirements.

The provisions of Part 74 of this title (with the exception of Subpart G, Matching and Cost Sharing), establishing uniform administrative requirements and cost principles, shall apply to all grants under this part to State and local governments as those terms are defined in Subpart A of that Part 74. The relevant provisions of the following subparts of that Part 74 shall also apply to grants to all other grantee organizations under this part:

45 CFR PART 74

Subpart
A General.
B Cash Depositories.
C Bonding and Insurance.
D Retention and Custodial Requirements for Records.
F Grant-Related Income.
H Standards for Grantee Financial Management Systems.
K Grant Payment Requirements.
M Grant Closeout, Suspension, and Termination.
O Property.
Q Cost Principles.

Subpart B—Project Development Grants

§ 404.10 Purpose.

Project development grants authorized in section 301(d) of the act shall be made for the purpose of paying part of the cost of organized, identifiable activities which are undertaken for the program planning for, and the development of a project for the construction of a specific rehabilitation facility.

§ 404.11 Applications.

Applications for project development grants may be made at any time by public or other nonprofit agencies, institutions, or organizations which are either operating or are studying the feasibility of operating a rehabilitation facility. Applications shall be made in the form and detail required by the Secretary and shall include (a) a statement of the purpose of the project; (b) description of the nature and scope of the activities of the applicant; (c) description of the nature and scope of the activities to be undertaken, the methods to be used in accomplishing the purpose, qualifications of the staff to be assigned to the project, and the planning staff available; (d) identification of community resources to be represented in the planning activity; (e) a proposed budget; (f) an agreement to make such financial and administrative reports and to keep such records and accounts as the Secretary may require and to make such records and accounts available for audit purposes; and (g) such other information as the Secretary may require.

§ 404.12 Consultations with and approval of application by State agency.

(a) The applicant shall be responsible for securing the advice and assistance of the appropriate State vocational rehabilitation agency or agencies in the development of an application. Applications shall be reviewed by the appropriate State agency or agencies for approval. The State agency shall indicate the relationship of the project to the purposes and priorities of the State rehabilitation facilities plan. Approved applications shall be forwarded to the Secretary for review for approval.

(b) Each applicant shall be notified in writing of the action on the application. Where applications are disapproved by the State agency, the applicant shall be notified by the State agency giving

the reasons for disapproval, and the State agency shall forward a copy of such notification to the Secretary.

§ 404.13 Duration of project.

Project development grants shall be awarded for specified periods of not more than 12 months. Project development grants may be extended for periods beyond 12 months only under unusual circumstances.

§ 404.14 Project reports.

The final project development grant report shall be submitted to the appropriate State vocational rehabilitation agency and the Secretary at the termination of the grant period, and shall describe such planning studies as (a) the sources of potential clients and disability groups to be served in the facility; (b) the services to be provided in the facility and the proposed staffing plan; (c) the relationship of the proposed program to the programs of existing facilities and agencies in the area; (d) the participation of community planning agencies and community health, welfare and social service agencies in the planning effort and evidence of both program and financial support of these agencies for the new or expanded facility; (e) in the case of a rehabilitation facility which is or which includes a workshop, the expected sources of industrial subcontracting or other types of work and evidence of the interest of representatives of industry and labor; (f) the anticipated relationship of the State vocational rehabilitation agency to the new program as agreed to by the State agency; (g) proposed compliance with applicable safety and labor standards; and (h) a proposed plan for financing of construction and operation of the new or expanded facility.

§ 404.15 Federal financial participation.

Federal financial participation shall be available for salaries (including fringe benefits) of additional personnel assigned directly to the project; fees for consultant services; staff or consultant travel; costs associated with the use of volunteers in the project; preparation of the report; only such architectural planning as is incidental to program planning, but not including working drawings; and such other costs as are set forth in the approved application. The amount of a grant shall not exceed 90 per centum of the cost of the project.

§ 404.16 Payments.

Payment of the Federal share of the costs of the project shall be made quarterly, or for such other period as the Secretary may determine, as an advance for estimated costs or as reimbursement to the grantee.

§ 404.17 Interest.

Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90–577), a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds, pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Department all interest earned on grant funds.

Subpart C—Grants for Construction of Rehabilitation Facilities

§ 404.20 Purpose.

Under section 301(b) of the act, grants may be made to pay part of the cost of the construction of public or other nonprofit rehabilitation facilities. Construction of rehabilitation facilities may include construction of new buildings, acquisition of existing buildings, and expansion, remodeling, alteration, and renovation of existing buildings, and intial equipment of such newly acquired, expanded, remodeled, altered, or renovated buildings. The cost of construction of rehabilitation facilities may include the cost of architectural fees and the acquisition of land in connection with construction, but may not include the cost of offsite improvement. Construction of a rehabilitation facility may include construction of residential accommodations, except that in the case of a rehabilitation facility which is primarily a workshop, construction of such residential accommodations may include only such construction as may be necessary to provide residential accommodations for use in connection with the rehabilitation of mentally retarded individuals and individuals with severe problems of mobility.

§ 404.21 Applications.

An application may be submitted at any time by a State vocational rehabilitation agency or any other public or nonprofit organization or agency which operates or proposes to operate a public or other nonprofit rehabilitation facility. Applications shall be made in the form and detail required by the Secretary and, to the extent applicable, shall include (a) a detailed estimate of the cost of the project; (b) a description of applicant's financial resources for the project; (c) a description of both the applicant's existing and proposed program of services; (d) in the case of a private, nonprofit rehabilitation facility which is or which includes a workshop, a statement that applicable Federal and State wage and hour standards will be observed or, in the case of a rehabilitation facility which is or which includes a workshop and is operated by a State, county, or municipal government, a statement that the facility will comply with wage and hour standards specified by the Secretary, which will be at least equal to those imposed by the Fair Labor Standards Act; (e) in the case of a rehabilitation facility which is or which includes a workshop, a description of the expected sources of industrial subcontracting and other types of work; (f) a description of the existing and the proposed staffing plans; (g) a description of the relationship of the applicant agency to the State vocational rehabilitation agency or agencies and to other facilities and agencies in the community; (h) a description of community support for the project and preliminary project planning; (i) in the case of proposed acquisition of buildings or land, a statement as to its suitability for rehabilitation facility purposes and evidence of its value as determined by qualified assessors; (j) an itemized equipment list including all requested initial equipment; (k) a set of schematic drawings of the proposed project; and (l) such other information as the Secretary may require.

§ 404.22 Assurances from applicant.

In addition to any other requirements imposed by law, each construction grant shall be subject to the condition that the applicant will furnish and comply with the following assurances. The Secretary may, at any time, approve exceptions to those conditions and assurances where he finds that such exceptions are not inconsistent with the act and the purposes of the program:

(a) That the applicant has or will have a fee simple or such other estate or interest in the site, including necessary easements and rights-of-way, sufficient to assure for a period of not less than 50 years undisturbed use and possession for the purpose of the construction and operation of the facility.

(b) That the Secretary's approval of the final working drawings and specifications, which must conform to the standards of construction and equipment specified by the Secretary, and the regulations of the Secretary of Labor relating to safety standards for rehabilitation facilities will be obtained before the project is advertised or placed on the market for bidding.

(c) [Reserved]

(d) That applicant will enter into no construction contract or contracts for the project or a part thereof, the cost of which is in excess of the estimated cost approved in the application for that portion of the work covered by the plans and specifications, without the prior approval of the Secretary.

(e) That applicant will submit to the Secretary for prior approval changes that substantially alter the scope of work, function, utilities, or safety of the facility.

(f) That applicant will construct the project, or cause it to be constructed, to final completion in accordance with the application and approved plans and specifications.

(g) That applicant will maintain adequate and separate accounting and fiscal records and accounts for all funds provided from any source to pay the cost of the project, and permit audit of such records and accounts at any reasonable times.

(h) That applicant will furnish progress reports and such other information as the Secretary may require.

(i) That applicant will provide and maintain competent and adequate architectural or engineering supervision and inspection at the construction site to

insure that the completed work conforms with the approved plans and specifications.

(j) That sufficient funds will be available to meet the non-Federal share of the cost of construction. Availability of funds for the non-Federal share of construction costs shall mean (1) funds immediately available, placed in escrow, or acceptably pledged, or (2) funds or fund sources specifically earmarked in a sum sufficient for that purpose, or (3) other assurances acceptable to the Secretary.

(k) That sufficient funds will be available, when construction of the project is completed, for its effective use as a rehabilitation facility as evidenced by a proposed operating budget for the 2-year period immediately following completion of the project, or by such other evidence as the Secretary finds acceptable.

(l)(1) That any laborer or mechanic employed by any contractor or subcontractor in the performance of work on the construction of the facility will be paid wages at rates not less than those prevailing on similar construction in the locality as determined under the Davis-Bacon Act (40 U.S.C. 276a et seq.) and will receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any workweek in excess of 8 hours in any calendar day or 40 hours in the workweek (40 U.S.C. 327–332); and

(2) That the following conditions and provisions will be included in all construction contracts:

(i) Provisions pertaining to applicable labor standards provisions of the Copeland Act (Anti-Kickback) and the Contract Work Hours Standards Act, except in the case of contracts in the amount of $2,000 or less, and the rules and regulations issued under each of these acts.

(ii) Representatives of the Secretary will have access at all reasonable times to work wherever it is in preparation or progress, and the contractor shall provide proper facilities for such access and inspection.

(m) That the facility will be operated and maintained in accordance with the minimum standards prescribed by the appropriate State regulatory agency for the maintenance and operation of such facilities.

(n) That the grantee will incorporate, or cause to be incorporated, into construction contracts paid for in whole or in part with funds obtained from the Federal Government under this subpart, such provisions on nondiscrimination in employment as are required by and pursuant to Executive Order No. 11246, and that the grantee will otherwise comply with requirements prescribed by and pursuant to such order.

(o) That, for a period of not less than 20 years after the completion of construction of the project, it will be used as a public or other nonprofit rehabilitation facility.

(p) That the applicant will incorporate in the bid document and construction contracts the standards for the design, construction, and alteration of buildings issued by the Administrator of General Services or the Secretary of Housing and Urban Development pursuant to the act approved August 12, 1968 (Public Law 90–480). Prior to the issuance of such standards, the applicant shall incorporate into such bid document and construction contracts the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," No. A117.1–1961, as modified from time to time.

(q) That the applicant will comply with the provisions of Executive Order No. 11296 relating to evaluation of flood hazards; and the provisions of Executive Order No. 11288 relating to the prevention, control, and abatement of water pollution.

(r) That the applicant will conform to all the regulations of this subpart.

§ 404.23 Approval of State agency.

(a) The applicant shall be responsible for securing the advice and assistance of the appropriate State vocational rehabilitation agency or agencies in the development of an application. Each application shall be reviewed by the appropriate State agency or agencies for approval. Approved applications shall be forwarded to the Secretary for review for approval.

(b) The approval by the State vocational rehabilitation agency or agencies shall contain or be accompanied by a statement indicating the relationship of the project to the purposes and priorities established in the State rehabilitation facilities plan, and the manner and extent to which the project will increase the scope and effectiveness of rehabilitation programs within the State with specific reference to the program of the State agency or agencies.

(c) Each applicant shall be notified in writing of the action on the application. Where applications are disapproved by the State agency, the applicant shall be notified by the State agency, giving the reasons for disapproval, and the State agency shall forward a copy of such notification to the Secretary.

§ 404.24 Amendment to an approved application.

Any amendment to an approved application resulting in a substantial change, shall be processed in the same manner as the original application. No such change shall be put into effect without the approval of the Secretary.

§ 404.25 Distribution of funds.

Federal funds available for construction projects (except for a reserve for priority projects) will be distributed initially each year to each region on the basis of population. Opportunity will be given for the submittal of approvable applications from within each State. Funds may be redistributed from time to time during the year if they are not to be used within the region.

§ 404.26 Factors considered in evaluating proposals.

In approving applications, the Secretary will give consideration to the availability of rehabilitation facilities and other pertinent factors. Preference will be given to those rehabilitation facilities which are primarily vocationally oriented, as contrasted with those which are primarily medically oriented.

§ 404.27 Federal financial participation.

(a) The amount of a grant with respect to any construction project shall be equal to the same percentage of the cost of the project as the Federal share which would be applicable in the case of a rehabilitation facility (as defined in section 645(g) of the Public Health Service Act, 42 U.S.C. 291o(g)) in the same location.

(b) Federal funds will be available for the following types of expenditures under projects approved by the Secretary: (1) Costs of construction contracts; (2) architects' fees; (3) acquisition of land; (4) acquisition of existing buildings; (5) site survey and soil investigation; (6) supervision and inspection at the site; (7) fixed equipment; (8) movable equipment; and (9) other costs specifically approved in the application.

(c) Federal funds shall not be available for the costs of offsite improvements.

§ 404.29 Interest.

Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90–577), a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds, pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Department all interest earned on grant funds.

§ 404.30 Construction standards.

Approved projects shall be constructed according to minimum standards of construction and equipment for rehabilitation facilities specified by the Secretary. Applicable State and local codes and regulations must be observed. The Secretary's standards must be followed where they exceed any State and local codes and regulations.

§ 404.31 Recovery; Good cause for other use of facility.

(a) If, within 20 years after completion of any construction project for which funds have been paid under this subpart, the rehabilitation facility shall cease to be a public or other nonprofit rehabilitation facility, the United States shall be entitled to recover from the applicant or other owner of the facility the amount bearing the same ratio to the

then value (as determined by agreement of the parties or by action brought in the U.S. district court for the district in which such facility is situated) of the facility, as the amount of the Federal participation bore to the cost of construction of such facility.

(b) In determining whether there is good cause for releasing the applicant or other owner of the facility from its obligation, the Secretary shall take into consideration the extent to which:

(1) The facility will be devoted by the applicant or other owner to use for another public or nonprofit purpose which will promote the purpose of the act; or

(2) There are reasonable assurances that for the remainder of the 20-year period other public or nonprofit facilities not previously utilized for the purpose for which the facility was constructed will be so utilized and are substantially equivalent in nature and extent for such purposes.

Subpart D—Initial Staffing Grants

§ 404.40 Purpose.

Initial staffing grants authorized in section 301(c) of the act shall be made for the purpose of paying part of the costs of compensation of the initial professional and technical staff of any public or nonprofit rehabilitation facility constructed after September 26, 1973.

§ 404.41 Professional and technical staff.

Professional and technical staff for purposes of this section shall include such staff as workshop directors, placement specialists, foremen, floor supervisors, vocational instructors, physicians, nurses, psychologists, social workers, vocational evaluators, vocational counselors, physical therapists, occupational therapists, recreation therapists, speech and hearing therapists, administrators, special educators, business managers, medical record librarians, aides in professional fields, and staff in such other positions as the Secretary may approve.

§ 404.42 Eligibility of rehabilitation facilities.

Initial staffing grants may be made only with respect to operation of a rehabilitation facility following construction. Preference shall be given to the staffing of rehabilitation facilities constructed with assistance under Subpart C of this part. Where the rehabilitation facility was in operation prior to construction, an initial staffing grant shall be made only for additional staff which enables the facility to provide new services or extend existing services to a substantially increased number of clients. Where the construction consists of remodeling, renovation, or alteration of an existing rehabilitation facility, such remodeling, renovation, or alteration shall be extensive enough to result in the addition of new services or the extension of existing services to a substantially increased number of handicapped individuals. If the requirements for a grant are met in each instance, there shall be no maximum number of initial staffing grants for which a rehabilitation facility may be eligible.

§ 404.43 Applications.

The application for initial staffing grants may be made prior to the commencement of operation of a rehabilitation facility or during the 15-month period following the commencement of operation of the facility. Applications shall be in the form and detail required by the Secretary. The project application shall include (a) a narrative description of the rehabilitation facility's existing program services and staff; (b) a list of job titles and job specifications of staff positions for which assistance is requested; (c) estimates of salary needs for the initial 15 months of assistance and for the following 3-year period; (d) a financial statement for the most recent year of operation; (e) a narrative description of the need for personnel; (f) a narrative description of the related construction project; (g) evidence of new services or of the extension of services to an additional number of clients; (h) a description of the facility's plants for assuming the full cost of staffing at the termination of the grant; (i) in the case of a grant for a private, nonprofit rehabilitation facility which is or which includes a workshop, assurance that applicable Federal and State wage and hour standards will be observed or, in the case of a grant for a rehabilitation facility which is or which includes a workshop, and is operated by a State, county, or municipal government, assurance that the facility will comply with wage and hour standards specified by the Secretary, which will be at least equal to those imposed by the Fair Labor Standards Act; (j) assurance that the rehabilitation facility meets safety standards specified by the Secretary; (k) assurance that salaries are commensurate with the duties performed; (l) proposed starting date for the staffing project; (m) an agreement to make such financial and administrative reports and to make such records and accounts as the Administrator may require and to make such records and accounts available for audit purposes; and (n) such other information as the Secretary may require.

§ 404.44 Approval of State agency.

(a) The applicant shall be responsible for securing the advice and assistance of the appropriate State vocational rehabilitation agency or agencies in the development of an application. Each application shall be reviewed by the appropriate State agency or agencies for approval. Approved applications shall be forwarded to the Secretary for review for approval.

(b) The approval by the State vocational rehabilitation agency or agencies shall contain or be accompanied by a statement indicating the relationship of the project to the purposes and priorities established in the State rehabilitation facilities plan and shall indicate the manner and extent to which the project will increase the scope and effectiveness of rehabilitation programs within the State with specific reference to the program of the State agency.

(c) Each applicant shall be notified in writing of the action on the application. Where an application is disapproved by the State agency, the applicant shall be notified by the State agency, giving the reasons for disapproval, and the State agency shall forward a copy of such notification to the Secretary.

§ 404.45 Federal financial participation.

The amount of Federal financial participation under an initial staffing grant shall be related directly to the date of the commencement of the operation of the rehabilitation facility. The date of commencement of operation of a rehabilitation facility shall be that date on which the first client is admitted for services after the completion of the related construction project or such earlier date after completion of such project as is specified in the approved application for the initial staffing grant. A grant shall not exceed 75 per centum of eligible compensation costs (including salary and fringe benefits) for the period ending with the close of the 15th month following the month in which such operation commenced, 60 per centum of such costs for the first year thereafter, 45 per centum of such costs for the second year thereafter, and 30 per centum of such costs for the third year thereafter.

§ 404.46 Payments.

Payment of the Federal share of the costs of the initial staffing project shall be made quarterly, or for such other period as the Secretary may determine, as an advance for estimated costs or as reimbursement to the grantee.

§ 404.47 Interest.

Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90–577), a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds, pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Department all interest earned on grant funds.

§ 404.48 Termination.

(a) *Termination for cause.* The Secretary may terminate any grant in whole, or in part, at any time before the date of completion whenever it is determined that the grantee has materially failed to comply with the terms and conditions of the grant. The Secretary shall promptly notify the grantee in writing of the determination and the reasons for the termination, together with the effective date. Payments made to grantees or recoveries

by the Secretary under grants terminated for cause shall be in accordance with the legal rights and obligations of the parties.

(b) *Termination on other grounds.*

(1) Except as provided in paragraph (a) of this section, grants may be terminated in whole or in part as follows:

(i) By the Secretary, with the consent of the grantee, in which case the two parties shall agree upon the termination conditions, including the effective date, and in the case of partial terminations, the portion to be terminated, or

(ii) By the grantee, upon written notification to the Secretary, setting forth the reasons for such termination, the effective date, and in the case of partial terminations, the portion to be terminated.

(2) When a grant is terminated pursuant to paragraph (b)(1) of this section, the grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Secretary shall allow full credit to the grantee for the Federal share of the noncancellable obligations properly incurred by the grantee prior to termination.

Subpart E—Rehabilitation Facility Improvement Grants

§ 404.50 Purpose.

Rehabilitation facility improvement grants authorized in section 302(c) of the act shall be made for paying part of the cost of projects for rehabilitation facilities to analyze, improve, and increase their professional services to the handicapped, their business management or any other part of their operations affecting their capability to provide employment and services for the handicapped.

§ 404.51 Eligible applicants.

Any public or other nonprofit rehabilitation facility which has been in operation for at least 12 months (or an organization directly responsible for operation of such a rehabilitation facility) shall be eligible to apply for a rehabilitation facility improvement grant.

§ 404.52 Applications.

Applications for rehabilitation facility improvement grants may be made at any time. Applications shall be made in the form and detail required by the Secretary. The project application shall include (a) a detailed description of the present program within the rehabilitation facility and of existing needs for improvement; (b) a statement of the extent to which the rehabilitation facility improvement grant will make possible such improvement; (c) a proposed project budget; (d) in the case of a grant for a private, nonprofit rehabilitation facility which is or which includes a workshop, assurance that applicable Federal and State wage and hour standards will be observed or, in the case of a grant for a rehabilitation facility which is or which includes a workshop and is operated by a State, county, or municipal government, assurance that the facility will comply with wage and hour standards specified by the Secretary which will be at least equal to those imposed by the Fair Labor Standards Act; (e) assurance that the rehabilitation facility meets safety standards prescribed by regulations of the Secretary of Labor; (f) an agreement to make such administrative and financial reports and to keep such records and accounts as the Secretary may require and to make such records and accounts available for audit purposes; (g) a description of plans for maintaining the improvement after the expiration of the period of Federal assistance; and (h) such other information as the Secretary may require. Applications for grants for salary assistance shall also include (i) a description of how existing staff are and will be utilized; (j) description of qualifications and utilization of additional staff; and (k) assurance that salaries of staff assisted through the grant will be commensurate with the duties to be performed.

§ 404.53 Review by State agency.

(a) The applicant shall be responsible for securing the advice and assistance of the appropriate State vocational rehabilitation agency or agencies in the development of an application. Each application shall be reviewed by the appropriate State vocational rehabilitation agency or agencies prior to forwarding to the Secretary for review for approval.

(b) The State agency or agencies shall make recommendations for approval or disapproval, and shall indicate the relationship of the project to the purposes and priorities established in the State rehabilitation facilities plan and the manner and extent to which the project will increase the scope and effectiveness of rehabilitation programs within the State with specific reference to the program of the State agency.

(c) Each applicant shall be notified in writing of the action on the application, by the Secretary.

§ 404.54 Federal financial participation.

Federal financial participation shall be available for the following types of expenditures under approved projects: (a) Staff salary assistance (including fringe benefits) in the employment of additional staff; (b) staff development activities, including educational leave; (c) studies by a recognized expert or consultant concerning the professional or business practices within the rehabilitation facility; (d) purchase or rental of equipment; and (e) other forms of assistance to rehabilitation facilities to carry out the purposes of this subpart as may be approved in the application. Federal financial participation shall not be available to pay costs of acquiring, constructing, expanding, remodeling, or altering any building. Federal financial participation shall not exceed 80 per centum of the total project cost for the first year of each project and may decrease in each subsequent year in which continuation support is provided.

§ 404.55 Grant awards.

All grant awards shall be in writing, shall set forth the amount of funds granted, and shall constitute for such amounts the encumbrances of Federal funds available for such purpose on the date of the award. The initial award shall also specify the project period (not in excess of 3 years) for which support is contemplated if the activity is satisfactorily carried out and Federal funds are available. For continuation support, grantees must make separate application in the form and detail prescribed by the Secretary.

§ 404.56 Distribution of funds.

Federal funds available for rehabilitation facility improvement grants (except for a reserve for priority projects) will be distributed initially each year to each region on the basis of population, with a view to making grants available for rehabilitation facilities in each State. Funds may be redistributed from time to time during the year if they are not to be used within the region.

§ 404.57 Payments.

Payments of the Federal share of the cost of the rehabilitation facility improvement project shall be made quarterly, or for such other period as the Secretary may determine, as an advance for estimated costs or as reimbursement to the grantee.

§ 404.58 Interest.

Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90–599), a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds, pending their disbursement for program purposes. A State, as defined in the Intergovermental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Department all interest earned on grant funds.

§ 404.59 Reports.

The grantee shall submit to the Secretary and to the State agency periodic activity reports describing the effect of the grants in improving the program of the rehabilitation facility. Financial, administrative, and activity reports shall be submitted in the form and at the intervals prescribed by the Secretary.

§ 404.60 Termination.

(a) *Termination for cause.* The Secretary may terminate any grant in whole, or in part at any time before the date of completion whenever it is determined that the grantee has materially failed to comply with the terms and conditions of the grant. The Secretary shall promptly notify the grantee in writing of the determination and the reasons for the termination, together with the effective date. Payments made to

grantees or recoveries by the Secretary under grants terminated for cause shall be in accordance with the legal rights and obligations of the parties.

(b) *Termination on other grounds.*

(1) Except as provided in paragraph (a) of this section, grants may be terminated in whole or in part as follows:

(i) By the Secretary, with the consent of the grantee, in which case the two parties shall agree upon the termination conditions, including the effective date, and in the case of partial terminations, the portion to be terminated, or

(ii) By the grantee, upon written notification to the Secretary, setting forth the reasons for such termination, the effective date, and in the case of partial terminations, the portion to be terminated.

(2) When a grant is terminated pursuant to paragraph (b)(1) of this section, the grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Secretary shall allow full credit to the grantee for the Federal share of the noncancellable obligations properly incurred by the grantee prior to termination.

Subpart F—Technical Assistance to Rehabilitation Facilities

§ 404.65 Furnishing of technical assistance.

Technical assistance authorized in section 304(e) of the act will be furnished, directly, or by contract with State vocational rehabilitation agencies or experts or consultants or groups thereof to provide technical assistance and consultation to public and other nonprofit rehabilitation facilities. Such technical assistance may be in such areas as the provision of medical, psychological, social, vocational, and other rehabilitation services within rehabilitation facilities; the utilization of subprofessional and support personnel within rehabilitation facilities; vocational evaluation and work adjustment techniques and practices; plant layout, contract procurement wage standards, industrial engineering, systems accounting, planning for efficient production on new contracts, work simplification, labor relations, and quality control.

§ 404.66 Per diem payments.

Experts or consultants, while providing technical assistance consultations pursuant to § 404.65, shall be entitled to receive compensation at rates fixed by the Secretary, but not exceeding $100 per diem, including travel time, and while so serving away from their homes, or regular places of business they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code for persons in the government service employed intermittently.

§ 404.67 Recommendations and reports.

A rehabilitation facility which receives technical consultations will be furnished with the recommendations of the consultant. A copy of the recommendations will also be furnished to the appropriate State agency. The rehabilitation facility will be expected to give a prompt report concerning the consultation and a report 6 months afterwards as to what has been done about the recommendations.

Subpart G [Reserved]

Subpart H—Grants for Projects for Training Services

§ 404.75 Purpose.

Under section 302(b)(1) of the act, grants may be made to States and public and other nonprofit organizations and agencies to pay up to 90 per centum of the cost of projects for providing training services, leading to gainful employment, to handicapped individuals in public or other nonprofit rehabilitation facilities.

§ 404.76 Terms.

For purposes of this subpart, unless otherwise indicated in this subpart, the terms below are defined as follows:

(a) "Training services" includes (1) training in occupational skills; (2) related services, including work evaluation, work testing, provision of occupational tools and equipment required by an individual to engage in such training, and job tryouts; and (3) payment of weekly training allowances to individuals receiving such training and related services.

(b) "Training in occupational skills" means a planned and systematic sequence of instruction under competent supervision which is designed to impart predetermined skills and knowledge with respect to a specific occupational objective or a job family, and to assist the individual to adjust to a work environment through the development of appropriate patterns of behavior.

(c) "Work evaluation" means the appraisal of the individual's capacity (1) to adjust to a work environment, (2) to acquire occupational skills, and (3) to attain appropriate vocational goals.

(d) "Work testing" means the utilization of work simulated or real, to assess the individual's productive, physical, and psychological capacity to adapt to a work environment.

(e) "Job tryouts" means work experience, within a rehabilitation facility or in conjunction with outside industry or other community resources to assist the individual to acquire knowledge and develop skills, and to assess his readiness for job placement or fitness to engage in a specific occupation.

§ 404.77 Eligible applicants.

States and public and other nonprofit organizations and agencies shall be eligible to apply for grants for projects for training services. A State agency may apply for a grant for use in a rehabilitation facility operated or designated by the State agency.

§ 404.78 Qualification of rehabilitation facilities.

A basic condition for the receipt of a grant is that the rehabilitation facility, to be involved in the provision of training services, shall meet the following requirements: (a) It is a public or private nonprofit rehabilitation facility; (b) it has been in operation at least 1 year; (c) it will provide training courses in occupational skills (with the major portion of each course being provided within the rehabilitation facility) and related services including work evaluation, work testing, and job tryouts and the major portion of each of these items with the exception of job tryouts, will be provided within the rehabilitation facility; (d) it meets applicable safety standards prescribed by regulation of the Secretary of Labor; (e) it substantially meets the standards for rehabilitation facilities developed by the Secretary; and (f) it prepares trainees for gainful employment.

§ 404.79 Application procedure.

(a) Application for a project for training services shall be in the form and detail required by the Secretary. In the case of an applicant other than a State vocational rehabilitation agency, the application shall be reviewed by the appropriate State agency, and forwarded to the Secretary for review for approval. In the case of an application by a State agency, the application shall be submitted to the Secretary. Where the Secretary considers that an application has grant potential, he shall arrange for a survey of the facility which will be the site of the training services project.

(b) The Secretary will notify each applicant in writing of the action taken on its application.

§ 404.80 Application content.

The application for a grant shall: (a) Describe how the project will be organized including designation of a project director; (b) describe the role of the State agency in the project and its relationship with the facility in which the training is to be provided, including the determination by the State agency as to whether individuals are suitable for and in need of training services; (c) describe the rehabilitation facility in which the training will be provided, giving information on, (1) the kinds of training to be provided in relationship to employment possibilities, the manner in which this training will be provided, and the length of the various training programs, (2) the staff and the qualifications of the staff that will be assigned to the project, as well as other supportive resources available, and (3) the methods to be followed in the development of the individualized training program for each trainee based upon his specific needs, capacities, interests, and other relevant factors; (d) specify the duration of the project; (e) set forth a budget for the project; (f) describe the procedures that will be followed for the placement and follow up of trainees in gainful employment upon completion of training; (g) contain an agreement to make such reports and to keep such records as the Secretary may require and to make such records and accounts available for audit purposes; (h) where the training will be provided in a private, nonprofit rehabilitation facility which is or which

contains a workshop, give assurance that applicable Federal and State wage and hour standards will be observed or, where the training will be provided in a rehabilitation facility which is or which contains a workshop and is operated by a State, county, or municipal government, give assurance that the rehabilitation facility will comply with wage and hour standards specified by the Secretary, which will be at least equal to those imposed by the Fair Labor Standards Act, as amended; (i) give assurance that the rehabilitation facility will meet safety standards prescribed by regulation of the Secretary of Labor; (j) give assurance that the rehabilitation facility will substantially meet the standards for rehabilitation facilities developed by the Secretary; (k) state the source, or sources, of non-Federal funds; and (l) include such other information as the Secretary may require.

§ 404.81 Assurances from applicant.

The applicant shall submit with his application assurances that (a) weekly training allowances will not reduce, but will supplement, any wages or other remuneration due a trainee, and the amount of the payment for the weekly training allowance will be identified and disbursed separately from any payment representing wages or other remuneration due a trainee, (b) no trainee will remain in training when it is determined that he is no longer making reasonable progress (as indicated by regular training progress reports) toward the completion of his training program or the development of a capability for gainful employment, or in any event for more than 2 years, (c) in the event any portion of the training services is performed outside the designated rehabilitation facility the applicant will retain responsibility for the quality of such services, and (d) the full range of training services will be made available to each trainee to the extent of his need for such services.

§ 404.82 Site survey of rehabilitation facilities.

A site survey will be made prior to final determination of an application that is considered to have grant potential in order to determine whether the proposed project facility meets applicable safety standards prescribed by regulations of the Secretary of Labor. A site survey may also be made whenever the Secretary deems it necessary in connection with the project. The survey shall be conducted by a team competent in the field of rehabilitation facilities. The team shall include two or more of the following: (a) A representative of the State agency, (b) a person from an operating rehabilitation facility, other than the applicant, (c) technical assistance consultants from Department panels, or (d) other qualified persons except that where a State agency is the applicant, no officer or employee of such agency shall participate on the survey team. A written report of the survey in the form and detail required by the Secretary shall be submitted to the Secretary.

§ 404.83 Selection of individuals to enter a project for training services.

The individuals to receive training services under a project will include only individuals who have been certified as eligible pursuant to § 401.30(b) of this chapter and have been determined, by the appropriate State agency of the State in which the rehabilitation facility is located, to be suitable for and in need of such training services.

§ 404.84 Weekly training allowances.

(a) A weekly training allowance shall be available to each trainee, except that such allowance shall not be paid for any period in excess of 2 years and for any week shall not exceed $30 plus $10 for each of his dependents, or $70, whichever is less. Dependents shall be included whose relationship to the trainee is that of spouse, parent, child under the age of 21 (including an adopted child or stepchild), or handicapped child whose dependency is related to the handicap, and who are living in the same home with the trainee.

(b) The amount of the weekly training allowance shall be determined in accordance with §§ 404.85 and 404.86. It is anticipated that ordinarily the trainee will receive the maximum allowance of $30 per week for himself, but such allowance may be adjusted pursuant to the provisions of § 404.86. In view of the incentive factor, however, the adjusted weekly training allowance available to a trainee shall not be less than $10 per week. To the extent that the weekly training allowance is paid for dependents, the amount shall be $10 per week for each dependent.

(c) The State agency shall make final determination, after consultation with the project facility and in accordance with the training services plan, with respect to (1) the amount of the weekly training allowance and (2) any adjustment to be made in the amount of the allowance.

§ 404.85 Factors considered in determining the amount of weekly training allowances.

In determining the amount of such allowance the following factors shall be considered: (a) The extent of the need for the allowance, including any expenses reasonably attributable to receipt of training services, (b) the extent to which the allowance will help ensure entry into and satisfactory completion of training and (c) the extent which the allowance will motivate the trainee to achieve a better standard of living.

§ 404.86 Factors considered in adjustment of weekly training allowances.

(a) Adjustment in the weekly training allowances may be made at any time during the individual's training period and the amount of the allowance shall be reviewed periodically. The project facility may propose the adjustment, but the final determination shall be made by the State agency.

(b) In considering whether adjustment is appropriate the following factors will be considered: (1) Whether the trainee is earning a wage, (2) the relationship of the amount of wages, if any, to the amount of the allowance, (3) any other material change in the economic condition of the individual or his family, and (4) the effect of any adjustment on the incentive of the trainee.

§ 404.87 Federal financial participation.

(a) Federal financial participation will be available only in those costs set forth in the approved application for a training services project. Such costs may include (1) compensation costs (including salary and fringe benefits) of full-time or part-time employees of the project, (2) travel costs of such employees for travel essential to the project, (3) the purchase or rental of supplies, equipment, and materials necessary for the project, (4) indirect costs, if the rehabilitation facility is not operated by the State agency, (5) telephone, postage, and other communication costs, (6) in the case of a grant to a State agency, services provided through purchase or other contractual arrangement with a rehabilitation facility (not operated by the State agency) as set forth in the approved application provided such service costs include only items permitted by direct grant, (7) the purchase of psychological and other tests and testing materials to be used in the work evaluation of trainees, (8) the purchase of occupational tools and equipment required by trainees, to engage in training and job tryouts such tools and equipment to remain the property of the rehabilitation facility, (9) the payment of weekly training allowances, and (10) other costs as may be approved in the application. Federal financial participation shall be at the rate of 90 per centum of approved costs.

(b) Federal financial participation shall not be available to pay costs of acquiring, constructing, expanding, remodeling, or altering any building.

§ 404.88 Grant awards.

All grant awards shall be in writing, shall set forth the amount of funds granted, and shall constitute for such amounts the encumbrance of Federal funds available for such purposes on the date of the award. The initial award shall also specify the project period for which support is contemplated if the activity is satisfactorily carried out and Federal funds are available. For continuation support, grantees must make separate application in the form and detail required by the Secretary.

§ 404.89 Payments.

Payments of the Federal share of an approved training services project may be made in installments, and in advance for estimated costs of operation or by way of reimbursement to the grantee and shall be subject to such requirements as the Secretary may establish.

§ 404.90 Interest.

Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90-577), a State, as defined in section 102 of that Act, will not be held

accountable for interest earned on grant funds, pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Department all interest earned on grant funds.

§ 404.91 Reports.

Progress, financial, and other reports shall be submitted in the form and at intervals prescribed by the Secretary.

§ 404.92 Project revision.

A revision of an approved project for training services shall be submitted whenever necessary to reflect any material change in the scope of the project or its operation or administration.

§ 404.93 Termination.

(a) *Termination for cause.* The Secretary may terminate any grant in whole, or in part, at any time before the date of completion whenever it is determined that the grantee has materially failed to comply with the terms and conditions of the grant. The Secretary shall promptly notify the grantee in writing of the determination and the reasons for the termination, together with the effective date. Payments made to grantees or recoveries by the Secretary under grants terminated for cause shall be in accordance with the legal rights and obligations of the parties.

(b) *Termination on other grounds.*

(1) Except as provided in paragraph (a) of this section, grants may be terminated in whole or in part as follows:

(i) By the Secretary, with the consent of the grantee, in which case the two parties shall agree upon the termination conditions, including the effective date, and in the case of partial terminations, the portion to be terminated, or

(ii) By the grantee, upon written notification to the Secretary, setting forth the reasons for such termination, the effective date, and in the case of partial terminations, the portion to be terminated.

(2) When a grant is terminated pursuant to paragraph (b)(1) of this section, the grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Secretary shall allow full credit to the grantee for the Federal share of the noncancellable obligations properly incurred by the grantee prior to termination.

§ 404.94 Factors considered in evaluating proposals.

In evaluating proposals for grants for projects for training services a number of factors will be considered by the Secretary such as: The distribution of training services projects among the regions; the types of disability groups served; the merit of a proposal in relation to other projects for training services in the region; and the amount of Federal funds available for support of training services projects.

PART 405—RESEARCH AND DEMONSTRATION

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AUTHORITY: Sec. 400(b) 87 Stat. 386 (29 U.S.C. 780(b)).

Subpart A—General

§ 405.1 Terms.

For purposes of this part—

(a) The terms "act," "Department," "handicapped individual," "nonprofit," "rehabilitation facility," "Secretary," "State," "State agency," "vocational rehabilitation services," and "workshop" shall, except where the context indicates otherwise, have the same meaning as set forth in § 401.1 of this chapter.

(b) "Demonstration" means (1) a pilot study or experimental attempt to provide more and better vocational rehabilitation services than are available, for the purpose of testing or establishing standards or methods of service that are practicable and effective for general application in the vocational rehabilitation program; or (2) provision of a special type of rehabilitation service in order to test its value in vocational rehabilitation and to provide information on costs, methods of administration, methods of providing services, or rehabilitation techniques; or (3) provision of vocational rehabilitation services to handicapped individuals in a specific disability category not adequately served.

§ 405.2 Non-Federal funds.

In the case of any project under this part for which Federal funds are granted to pay part of the cost, the matching grantee funds may not consist of other Federal funds or of non-Federal funds that are applied to match other Federal funds, except as may be specifically authorized by Congress. No Federal financial assistance may be furnished under this part for activities for which payment is made under another part of this chapter, or other authority.

§ 405.3 Consultant fees.

Fees for consultant services are allowable to the extent that such payments are in accordance with the policies and standard practices of the agency, organization, or institution to which a grant or contract has been awarded. Fees for consultant services may not be paid to any regular full-time Federal Government employee. They may not be paid to any other individual for activities which are ordinarily a part of his duties in another position for which there is Federal financial participation under the act, or which conflict with his duties in such other position.

§ 405.4 Audit and review.

(a) All fiscal transactions relating to Federal financial assistance under this part are subject to audit by the Department to determine whether expenditures have been made in accordance with the act, the regulations, and other requirements.

(b) From time to time members of the staff of the Department review administrative, fiscal and program methods and practices in connection with activities under this part, and make suggestions for the improvement of such methods and practices.

§ 405.5 Other administrative requirements.

The provisions of Part 74 of this title (with the exception of Subpart G, Matching and Cost Sharing), establishing uniform administrative requirements and cost principles, shall apply to all grants under this subpart to State and local governments as those terms are defined in Subpart A of that Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to grants to all other grantee organization under this subpart:

45 CFR PART 74

Subpart

A General.
B Cash Depositories.
C Bonding and Insurance.
D Retention and Custodial Requirements for Records.
F Grant-Related Income.

H Standards for Grantee Financial Management Systems.
K Grant Payment Requirements.
M Grant Closeout, Suspension, and Termination.
O Property.
Q Cost Principles.

Subpart B—Research and Demonstration in Vocational Rehabilitation

§ 405.10 Purpose.

Special project grants authorized in section 202 of the act shall be made for the purpose of paying part of the cost of organized, identifiable activities which are undertaken to seek solutions to vocational rehabilitation problems common to all or several States, or to contribute to the development of more effective vocational rehabilitation services in all or several States. Types of projects for which such grants may be made are: (a) Research in vocational rehabilitation; (b) demonstration programs in rehabilitation; and (c) establishment of special rehabilitation facilities or services meeting the purpose specified in section 202 of the act. See also §§ 405.25 and 405.26 regarding rehabilitation research and training centers program.

§ 405.11 Applications.

Applications for special project grants may be made at any time by State vocational rehabilitation agencies and by other public or nonprofit agencies and institutions, including universities and other educational institutions. Applications shall be made in the form and detail required by the Secretary. The project application shall cover (a) a statement of the purpose of the project; (b) designation of an individual as director-in-charge; (c) a description of the nature and scope of the activities to be undertaken and methods to be used in accomplishing the purpose; (d) a proposed budget; (e) an agreement to safeguard personal information pertaining to individuals served or studied under the project; (f) an agreement to make such reports and to keep such reports and accounts, including property and financial controls, as the Secretary may require, and to make such records available for audit purposes; and (g) such other information as the Secretary may require. See also §§ 405.23 and 405.24.

§ 405.12 Approval of applications for special projects for research, demonstration, or establishment of special facilities or services.

Application for grants for paying part of the cost of a special project for research, demonstration, or establishment of special facilities or services may be made only upon an official application form which may be obtained from the Secretary. Completed applications are submitted to the Secretary. The Secretary determines the action to be taken with respect to each project and informs the applicant accordingly.

§ 405.13 Approval of State agency.

The approval of the appropriate State vocational rehabilitation agency shall be secured by the applicant, if other than the State agency, for any special project which involves either direct services to handicapped individuals or the establishment of facilities which will render direct services to handicapped individuals of that State.

§ 405.14 Federal financial participation.

Federal financial participation will be available for the following types of expenditures under projects approved by the Secretary: (a) Salaries, cost of travel, and related expenses of project personnel; (b) necessary supplies, equipment, and related expenses; (c) purchase or provision of vocational rehabilitation services to individuals served by the project; (d) costs of administration and other indirect costs of the project, subject to such limitations as the Secretary may establish; and (e) such other costs as are approved by the Secretary. Expenditures under the project shall be in connection with the conduct of the project as approved.

§ 405.15 Grant awards.

All grant awards shall be in writing, shall set forth the amount of funds granted, and shall constitute for such amounts the encumbrance of Federal funds available for such purpose on the date of the award. The initial award shall also specify the project period for which support is contemplated if the activity is satisfactorily carried out and Federal funds are available. For continuation support, grantees must make separate application in the form and detail required by the Secretary.

§ 405.16 Payments.

Payment of the Federal share of an approved special project may be made in advance for estimated costs of operation, or as reimbursement to the grantee and shall be subject to such requirements as the Secretary may establish.

§ 405.17 Revisions.

A project grantee shall request that the project be revised whenever the approved plan of operation or method of financing is materially changed. Revisions originating with the grantee shall be submitted in writing and will be given appropriate review. Project revisions may be initiated by the Secretary, if, on the basis of reports, it appears that Federal funds are not being used effectively, or if changes are made in Federal appropriations, laws, regulations, or policies governing special projects.

§ 405.18 Confidential information.

(a) All information obtained by a grantee as to personal facts about individuals served by the project, including lists of names and addresses and records of evaluation, shall be held to be confidential.

(b) The use of such information and records shall be limited to purposes directly connected with the project and may not be disclosed, directly or indirectly, other than in the administration thereof, unless the consent of the agency providing the information and the individual to whom the information applies, or his representative, has been obtained in writing. The final product of the project will not reveal any information that may serve to identify any person about whom information has been obtained without his written consent, or the written consent of his representative.

§ 405.19 Termination.

(a) *Termination for cause.* The Secretary may terminate any grant in whole, or in part, at any time before the date of completion whenever it is determined that the grantee has materially failed to comply with the terms and conditions of the grant. The Secretary shall promptly notify the grantee in writing of the determination and the reasons for the termination, together with the effective date. Payments made to grantees or recoveries by the Secretary under grants terminated for cause shall be in accordance with the legal rights and obligations of the parties.

(b) *Termination on other grounds.*

(1) Except as provided in paragraph (a) of this section, grants may be terminated in whole or in part as follows:

(i) By the Secretary, with the consent of the grantee, in which case the two parties shall agree upon the termination conditions, including the effective date, and in the case of partial terminations, the portion to be terminated, or

(ii) By the grantee, upon written notification to the Secretary, setting forth the reasons for such termination, the effective date, and in the case of partial terminations, the portion to be terminated.

(2) When a grant is terminated pursuant to paragraph (b)(1) of this section, the grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Secretary shall allow full credit to the grantee for the Federal share of the noncancellable obligations properly incurred by the grantee prior to termination.

§ 405.20 Interest.

Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90–577), a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds, pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Department all interest earned on grant funds.

§ 405.21 Patents.

In accordance with Department Regulations (45 CFR Subtitle A, Parts 6 and 8), all inventions made in the course of or under the Department grant shall be promptly and fully reported to the Inventions Office, Department of Health,

Education, and Welfare. The grantee institution and the project director shall neither have nor make any commitments or obligations which conflict with the requirements of this policy.

§ 405.22 Publication and copyright policy.

Grantees may publish results of any activity assisted by the grant without prior review by the Department: *Provided*, That such publications carry a footnote acknowledging the assistance received under the grant, and that copies of the publications are furnished to the Department. Where a grant results in a book or other copyrightable material, the author is free to copyright the work, but the Department reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, all copyrightable or copyrighted material resulting from the grant-supported activity.

§ 405.23 Wage and hour standards for rehabilitation facilities which are or which contain workshops.

Applications for grants under this subpart for rehabilitation facilities, which are or which contain workshops shall, in the case of private, nonprofit rehabilitation facilities, specify that applicable Federal and State wage and hour standards will be observed or, in the case of rehabilitation facilities operated by a State, county, or municipal government, give assurance that such facilities will comply with wage and hour standards specified by the Secretary, which will be at least equal to those imposed by the Fair Labor Standards Act.

§ 405.24 Nondiscrimination in employment under construction contracts.

Applications for grants under this subpart which provide for construction shall specify that the grantee will incorporate, or cause to be incorporated, into construction contracts paid for in whole or in part with funds obtained from the Federal Government under this subpart, such provisions on nondiscrimination in employment as are required by and pursuant to Executive Order No. 11246 and will otherwise comply with requirements prescribed by and pursuant to such order.

§ 405.25 Rehabilitation research and training centers program; scope.

(a) Special project grants under section 202(b)(1) of the act are also made for paying part of the cost of identified research and training activities carried on through rehabilitation research and training centers. Such activities must be part of a continuing program of coordinated, scientific research and professional and technical training designed to solve complex problems regarding management of disabling conditions and preparation of the handicapped for employment.

(b) Support may be given for center programs which emphasize the medical management of disabling conditions, the adjustment to limitations of function, the individual and environmental preparation necessary for the employment of the handicapped, or combinations of these activities. In carrying out program objectives, centers may serve populations that are mixed or that derive from a categorical disability group requiring specialized knowledge and techniques.

§ 405.26 Rehabilitation research and training centers program; applicable rules.

(a) *Grantees.* Universities having well-recognized programs of research and training and State vocational rehabilitation agencies or public or private nonprofit comprehensive rehabilitation facilities or institutions associated with such universities, may apply for center grants. The center program must have a separate organizational identity.

(b) *Applications.* The application shall cover the proposed research, training and service activities, specify how these functions will form a unified program, and contain such other information as the Secretary may require.

(c) *Other provisions.* The provisions of §§ 405.10–405.24 shall apply to grants for rehabilitation research and training centers.

Subpart C—[Reserved]

Subpart D—Research Fellowships

§ 405.30 Purpose.

Under the authority of section 400(a)(2) of the act, the Secretary is authorized establish and maintain research fellowships in technical matters relating to vocational rehabilitation services for the purpose of increasing the number and competence of personnel concerned with the provision of such services. Financial assistance may be provided to individuals who are securing advanced research training or carrying out independent research in rehabilitation problems or methods. Such fellowships may be in the fields of physical medicine and rehabilitation, physical therapy, occupational therapy, speech pathology and audiology, rehabilitation nursing, rehabilitation social work, prosthetics and orthotics, rehabilitation psychology, rehabilitation counseling, recreation for the ill and handicapped, and other specialized fields contributing to vocational rehabilitation.

§ 405.31 Eligibility.

Research fellowships are available to any person who has demonstrated ability and special aptitude for advanced training or productive scholarship in the professional fields which contribute to the vocational rehabilitation of handicapped persons. Predoctoral, postdoctoral, and special research awards are made. A candidate for a fellowship shall meet the qualifications established by the Secretary for carrying out the purpose of research fellowships, including:

(a) The individual shall have filed an application in the form and manner prescribed by the Secretary, and shall have supplied pertinent information with respect to his scholastic and other qualifications and personal fitness for the proposed work:

(b) He shall be a citizen of the United States or shall have been lawfully admitted for permanent residence to the United States;

(c) He shall not be receiving other Federal educational benefits during the period of the fellowship.

§ 405.32 Submittal and review of applications.

(a) Research fellowship application forms may be obtained from the Secretary. Applications may be submitted at any time.

(b) Selection of fellows is based on ability as evidenced by letters of recommendation, academic records, and other appropriate evidences of scholarly and research activity. In order to allow sufficient time for preliminary review, it is necessary that the application and all supporting documents be received at least 3 months prior to the desired notification date of action on the application.

(c) The Secretary determines the action to be taken on the award and the applicant is informed accordingly in writing.

§ 405.33 Benefits.

Research fellowship awards may include:

(a) Stipends at rates fixed by the Secretary;

(b) Actual tuition costs and related fees, payable directly to the educational institution or facility;

(c) Vacation or other leave in accordance with the custom of the institution at which the fellow is working, but not in excess of 1 month per year; and

(d) Transportation and related expenses, in accordance with the Standard Government Travel Regulations, for travel to the location of the fellowship and travel required to carry out the purposes of the fellowship, including attendance at meetings. Such travel allowance shall not include expenses of transporting dependents, shipping charges for personal effects or household goods, or foreign travel.

§ 405.34 Denials or terminations in the best interests of the United States.

Whenever with respect to an applicant for, or a recipient of, a research fellowship who otherwise meets the qualifications for such fellowship there is substantial reason to believe that the fellowship should be denied or terminated on grounds that the applicant or fellow has engaged in such criminal or other conduct as reflects seriously and adversely on his moral character, the Secretary shall so notify such applicant or fellow and inform him that, unless a request for a review it made within 20 days of the mailing of such notice, his applica-

tion or request for renewal will be denied or his fellowship terminated. Any such request for review shall be promptly submitted by the Secretary to the Chairman of the Departmental Fellowship Review Panel for further proceedings in accordance with the regulations of the Secretary providing for such review. (Part 10 of this title.)

§ 405.35 Conditions.

(a) *Location.* Research under a rehabilitation research fellowship shall be carried out only at the educational institution or facility specified in the award. It is the responsibility of the applicant to make all necessary arrangements for the conduct of his proposed research fellowship work with the institution or agency where the work will be done.

(b) *Publications.* All publications resulting from work accomplished under a research fellowship shall carry appropriate acknowledgment of the award, and copies of such publications shall be furnished to the Department. Where the work accomplished under a research fellowship award results in a book or other copyrightable material, the author is free to copyright the work, but the Department reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, all copyrightable material resulting from the award supported activity.

(c) *Patents.* In accordance with Department Regulations (45 CFR Subtitle A, Parts 6 and 8), all inventions made in the course of or under the Department grant shall be promptly and fully reported to the Inventions Office, Department of Health, Education, and Welfare. The fellow shall neither have nor make any commitments or obligations which conflict with the requirements of this policy.

(d) *Confidential information.* All information as to personal facts given or made available to a research fellow in the course of his activities under the research fellowship award, including lists of names and addresses and records of evaluation, shall be held to be confidential. The use of such information and records shall be limited to purposes directly connected with the research fellowship award and may not be disclosed either directly or indirectly unless the consent of the agency providing the information and the individual to whom the information applies, or his representative, has been obtained in writing. The final product of the research will not reveal any information that may serve to identify any person about whom information has been obtained without his written consent, or the written consent of his representative.

(e) *Final report.* The fellow is expected to send a copy of a final report to the Secretary within 30 days after termination of his award. A copy of the dissertation is required from predoctoral fellows.

§ 405.36 Duration.

A research fellowship may be awarded for varying periods, such as for a full 12 months, and may be subject to extension or renewal by the Secretary; *Provided,* That no research fellowship, or a combination of research fellowships and traineeships, shall be awarded to any individual for any one course of study for a period longer than 4 years.

§ 405.37 Payment.

Payment of fellowship awards shall be made according to methods and rates established by the Secretary.

§ 405.38 Termination.

The Secretary may terminate a research fellowship appointment before its expiration date at the request of the fellow or because of unsatisfactory performance, unfitness, or inability to carry out the purposes of the award.

Subpart E—Intramural Research and Information

§ 405.40 Intramural research.

Under section 400(c) of the act, the Secretary is authorized, directly or by contract to conduct research, studies, investigations, and demonstrations, and to make reports, with respect to abilities, aptitudes, and capacities of handicapped individuals, development of their potentialities, and their utilization in gainful and suitable employment.

§ 405.41 Information service.

Under section 405 of the act, the Secretary is also authorized, directly or by contract, to plan, establish, and operate an information service, to make available to agencies, organizations, and other groups and persons concerned with vocational rehabilitation, information on rehabilitation resources useful for various kinds of disability and on research and the results thereof and on other matters which may be helpful in promoting the rehabilitation of handicapped individuals and their greater utilization in gainful and suitable employment. Activity under this authority may include the establishment and operation of a national information service in rehabilitation, using modern automated data equipment, to collect, store, analyze, retrieve, and disseminate information on the Federal-State program, research, training, prosthetics and orthotics (rehabilitation facilities, and other related aspects of vocational rehabilitation, as a service to agencies and individuals.

PART 406—TRAINING AND TRAINEESHIPS

Subpart A—General

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AUTHORITY: Sec. 400(b), 87 Stat. 386 (29 U.S.C. 780(b)).

Subpart A—General

§ 406.1 Terms.

For purposes of this part—

The terms "act," "construction of a rehabilitation facility," "Department," "establishment of a rehabilitation facility," "handicapped individual," "nonprofit," "rehabilitation facility," "State," "State agency," and "vocational rehabilitation services" shall, except where the context indicates otherwise, have the same meanings as set forth in § 401.1 of this chapter.

§ 406.2 Non-Federal funds.

In the case of any project under this part for which Federal funds are granted to pay part of the cost, the matching grantee funds may not consist of other Federal funds or of non-Federal funds that are applied to match other Federal funds, except as may be specifically authorized by Congress. No Federal financial assistance may be furnished under this part for activities for which payment is made under another part of this chapter, or other authority.

§ 406.3 Consultant fees.

Fees for consultant services are allowable to the extent that such payments are in accordance with the policies and standard practices of the agency, organization, or institution to which a grant or contract has been awarded. Fees for consultant services may not be paid to any regular full-time Federal Government employee. They may not be paid to any other individual for activities which are ordinarily a part of his duties in another position for which there is Federal financial participation

under the act, or which conflict with his duties in such other position.

§ 406.4 Audit and review.

(a) All fiscal transactions relating to Federal financial assistance under this part are subject to audit by the Department to determine whether expenditures have been made in accordance with the act, the regulations, and other requirements.

(b) From time to time members of the staff of the Department review administrative, fiscal and program methods and practices in connection with activities under this part, and make suggestions for the improvement of such methods and practices.

§ 406.5 Other administrative requirements.

The provisions of Part 74 of this title (with the exception of Subpart G, Matching and Cost Sharing), establishing uniform administrative requirements and cost principles, shall apply to all grants under this part to State and local governments as those terms are defined in Subpart A of that Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to grants to all other grantee organizations under this part.

45 CFR PART 74

Subpart
A General.
B Cash Depositories.
C Bonding and Insurance.
D Retention and Custodial Requirements for Records.
F Grant-Related Income.
H Standards for Grantee Financial Management Systems.
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Q Cost Principles.

Subpart B—Training and Traineeships in Vocational Rehabilitation

§ 406.10 Purpose.

Under section 203(a) of the act, grants may be made to pay part of the cost of organized identifiable activities which are undertaken to seek solutions to vocational rehabilitation problems common to all or several States, or to contribute to the development of more effective vocational rehabilitation services in all or several States. Such grants may be for training, including education of personnel in all fields or disciplines which contribute to vocational rehabilitation, through the provision of training, teaching or traineeship grants. Grants for training and traineeships may include training and traineeships in physical medicine and rehabilitation, physical therapy, occupational therapy, speech pathology and audiology, rehabilitation nursing, rehabilitation social work, prosthetics and orthotics; rehabilitation psychology, rehabilitation counseling, recreation for the ill and handicapped, and other specialized fields contributing to vocational rehabilitation.

§ 406.11 Applications.

Applications for project grants may be made at any time by State vocational rehabilitation agencies and by other public or nonprofit agencies and institutions, including universities and other educational institutions. Applications shall be made in the form and detail required by the Secretary. The project application shall cover (a) a statement of the purpose of the project; (b) a statement that the project will be under the direction of a single qualified project director; (c) a description of the nature and scope of the activities to be undertaken and methods to be used in accomplishing the purpose; (d) a proposed budget; (e) an agreement to safeguard personal information pertaining to individuals served or studied under the project; (f) an agreement to make such reports and to keep such records and accounts including property and financial controls, as the Secretary may require, and to make such records available for audit purposes; and (g) such other information as the Secretary may require.

§ 406.12 Approval of applications for training or traineeships.

Application for grants for paying a part of the cost of a project for training or traineeships may be made only upon an official application form which may be obtained from the Secretary. Completed applications are submited to the Secretary for processing and evaluation with the assistance of advisory groups. The applicant may be requested to submit further information. When all pertinent information has been obtained, a determination of the action to be taken is made by the Secretary who notifies the applicant accordingly.

§ 406.13 Approval of State agency.

The approval of the appropriate State vocational rehabilitation agency shall be secured by the applicant, if other than the State agency, for any project which involves direct services to handicapped individuals.

§ 406.14 Federal financial participation.

Federal financial participation will be available for the following types of expenditures under projects approved by the Secretary: (a) Salaries, cost of travel, and related expenses of project personnel; (b) neecssary supplies, equipment, and related expenses; (c) purchase or provision of vocational rehabilitation services to individuals served by the project; (d) costs of administration and other indirect costs of the project, subject to such limitations as the Secretary may establish; and (e) such other costs as are approved by the Secretary. Expenditures under the project shall be in connection with the conduct of the project as approved. Federal funds may not be used to provide training to any individual in any one course of study extending for more than 4 years. Federal funds may be used for traineeships only for individuals who are citizens of the United States or who have been lawfully admitted for permanent residence to the United States.

§ 406.15 Grant awards.

All grant awards shall be in writing, shall set forth the amount of funds granted, and shall constitute for such amounts the encumbrance of Federal funds available for such purpose on the date of the award. The initial award shall also specify the project period for which support is contemplated if the activity is satisfactorily carried out and Federal funds are available. For continuation support, grantees must make separate application in the form and detail required by the Secretary.

§ 406.16 Payments.

Payment of the Federal share of an approved project may be made in advance for estimated costs of operation, or as reimbursement to the grantee and shall be subject to such requirements as the Secretary may establish.

§ 406.17 Revisions.

A project grantee shall request that the project be revised whenever the approved plan of operation or method of financing is materially changed. Revision originating with the grantee shall be submitted in writing and will be given appropriate review. Project revisions may be initiated by the Secretary. If, on the basis of reports, it appears that Federal funds are not being used effectively, or if changes are made in Federal appropriations, laws, regulations, or policies governing special projects.

§ 406.18 Confidential information.

(a) All information obtained by a grantee as to personal facts about individual's served by the project, including lists of names and addresses and records of evaluation, shall be held to be confidential.

(b) The use of such information and records shall be limited to purposes directly connected with the project and may not be disclosed, directly or indirectly, other than in the administration thereof, unless the consent of the agency providing the information and the individual to whom the information applies, of his representative, has been obtained in writing. The final product of the project will not reveal any information that may serve to identify any person about whom information has been obtained without his written consent, or the written consent of his representative.

§ 406.19 Termination.

(a) *Termination for cause.* The Secretary may terminate any grant in whole, or in part, at any time before the date of completion whenever it is determined that the grantee has materially failed to comply with the terms and conditions of the grant. The Secretary shall promptly notify the grantee in writing of the determination and the reasons for the termination, together with the effective date. Payments made to grantees or recoveries by the Secretary under grants terminated for cause shall be in accordance with the legal rights and obligations of the parties.

(b) *Termination on other grounds.*

(1) Except as provided in paragraph (a) of this section, grants may be terminated in whole or in part as follows:

(i) By the Secretary, with the consent of the grantee, in which case the two parties shall agree upon the termination conditions, including the effective date, and in the case of partial terminations, the portion to be terminated, or

(ii) By the grantee, upon written notification to the Secretary, setting forth the reasons for such termination, the effective date, and in the case of partial terminations, the portion to be terminated.

(2) When a grant is terminated pursuant to paragraph (b)(1) of this section, the grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Secretary shall allow full credit to the grantee for the Federal share of the noncancellable obligations properly incurred by the grantee prior to termination.

§ 406.20 Interest.

Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90-577), a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds, pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Department all interest earned on grant funds.

§ 406.21 Patents.

In accordance with Department Regulations (45 CFR Subtitle A, Parts 6 and 8), all inventions made in the course of or under the Department grant shall be promptly and fully reported to the Inventions Office, Department of Health, Education, and Welfare. The grantee institution and the project director shall neither have nor make any commitments or obligations which conflict with the requirements of this policy.

§ 406.22 Publications and copyright policy.

Grantees may publish results of any activity assisted by the grant without prior review by the Department: Provided, that such publications carry a footnote acknowledging the assistance received under the grant, and that copies of the publications are furnished to the Department. Where a grant results in a book or other copyrightable material, the author is free to copyright the work, but the Department reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, all copyrightable or copyrighted material resulting from the grant-supported activity.

Subpart C—Training Under Section 400 (a)(2) of the Act

§ 406.30 Purpose.

Under section 400(a)(2) of the act, the Secretary is authorized to provide short-term training and instruction in technical matters relating to vocational rehabilitation services for the purpose of increasing the number and competence of personnel concerned with the provision of such services. Such training and instruction shall include the establishment and maintenance of traineeships to provide financial assistance to individuals who are pursuing technical or other specialized training courses. Such training, instruction, and traineeships may be in the fields of physical medicine and rehabilitation, physical therapy, occupational therapy, speech pathology and audiology, rehabilitation nursing, rehabilitation social work, prosthetics and orthotics, rehabilitation psychology, rehabilitation counseling, recreation for the ill and handicapped, and other specialized fields contributing to vocational rehabilitation.

§ 406.31 Benefits.

Traineeship awards may include (a) amounts allowed to meet living costs of the trainee during training, payable according to the methods, intervals, and rates established by the Secretary; and (b) costs of travel and necessary per diem allowance in lieu of subsistence in connection with the training course, in conformity with the Standard Government Travel Regulations.

§ 406.32 Applications

Applications by prospective trainees for stipends or other allowances are made to the institution from which the applicant proposes to take instruction. Completed applications are filed with the institution to be processed under rules established by the Secretary.

§ 406.33 Eligibility requirements.

A candidate for a traineeship award shall meet the requirements established by the Secretary, including:

(a) The candidate shall have filed an application in the form and manner prescribed by the Secretary and have supplied all pertinent information requested;

(b) He shall have been accepted by the educational institution or other sponsoring agency for admission to a course of study meeting the standards established by the Secretary with respect to rehabilitation training;

(c) He shall be a citizen of the United States, or shall have been lawfully admitted for permanent residence to the United States;

(d) He shall meet any other requirements set by the Secretary as necessary to carry out the purposes of section 400(a)(2) of the act.

§ 406.34 Conditions.

(a) Training shall be carried out only at the educational institution or agency designated by the Secretary in the traineeship award. A change of the training institution shall be made by the trainee only with the consent of the Secretary.

(b) Individuals receiving traineeship awards shall not be required to perform any services for the Department.

(c) The Department assumes no responsibility for employing or placing an individual awarded a traineeship, and a trainee is free to seek employment of his own choice upon conclusion of training supported by the award.

(d) Any publication resulting from work accomplished under the traineeship award shall include an acknowledgment of the award, and copies of such publication shall be furnished to the Department. Where the work accomplished under a traineeship award results in a book or other copyrightable material, the author is free to copyright the work, but the Department reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, all copyrightable or copyrighted material resulting from the award-supported activity.

§ 406.35 Duration.

A traineeship award shall extend for one academic year, unless a shorter period is specified in the award. The Secretary may extend or renew an award upon application: *Provided*, That no training or instruction (including a combination of traineeship and research fellowship awards) shall be provided to any individual for any one course of study for a period longer than 4 years.

§ 406.36 Payment.

Payment of traineeships shall be made according to methods and in amounts established by the Secretary.

§ 406.37 Termination.

The Secretary may terminate any traineeship prior to the date it would otherwise expire, either on request of the trainee or because of unsatisfactory performance, unfitness, or inability to carry out the purpose of the traineeship.

Subpart D—Project Grants for New Careers in Rehabilitation

§ 406.40 Purpose.

Under section 304(b) of the act, grants may be made to State vocational rehabilitation agencies and other public and private nonprofit agencies to enable them to develop new programs to recruit and train individuals for new career opportunities in order to provide appropriate manpower in programs serving handicaped individuals and to upgrade or expand those services.

§ 406.41 Application procedure.

Applications for grants under this program may be made at any time by State vocational rehabilitation agencies or by other public or private nonprofit agencies, or organizations, including universities and other educational institutions. The application shall be made in the form and detail required by the Sec-

retary. Applicants other than a State vocational rehabilitation agency shall secure prior consultation and assistance from the appropriate State vocational rehabilitation agency and the Secretary in the development of their proposals and the preparation of their applications.

§ 406.42 Approval of State agency.

The approval of the appropriate State vocational rehabilitation agency shall be secured by the applicant, if other than the State agency, for any project which involves direct services to handicapped individuals.

§ 406.43 Application content.

The application shall (a) describe the organization that will conduct the project activities, indicating the nature and scope of its programs serving handicapped individuals, or its relationship to other agencies directly serving handicapped individuals; (b) describe the specific recruitment and training activities to be undertaken; (c) provide for qualified and adequate staff, including a project director, to accomplish the purpose of the project; (d) specify the duration of the project; (e) describe supportive services to be available to trainees; (f) indicate plans for ensuring that individuals successfully completing the training program will have an opportunity for employment in programs serving handicapped individuals; (g) indicate the extent to which the occupations for which training is being provided offer possibilities for continuing full-time employment and realizable opportunity for promotion and advancement through structured channels of promotion; (h) assure that no training or instruction shall be provided to any individual for any one course of study for a period longer than 4 years; (i) set forth the proposed budget for the project; (j) contain an agreement to make such reports and to keep such records and accounts as the Secretary may require and to make such records and accounts available for audit purposes; and (k) contain such other information as the Secretary may require.

§ 406.44 Project activities.

(a) Projects for new careers in rehabilitation may include, but are not limited to, such activities as the following: (1) The establishment of new jobs or new kinds of jobs either within existing programs or as a part of a new service in a State vocational rehabilitation agency or in another public or private nonprofit agency serving the handicapped; (2) the redefinition and restructuring of existing jobs to create new career opportunities in community, institutional, and other programs serving the handicapped; (3) the provision of work experience and related supportive services, such as basic education and remedial education services, counseling and guidance, health and medical services, and other forms of assistance designed to improve the performance of enrollees, increase their employability, and prepare them, to the maximum extent possible, for the occupation for which training is being provided; (4) the training of professional and managerial staff in the effective utilization of new types of staff; and (5) the development of a special recruitment activity designed to identify and attract persons with an interest in employment in programs serving handicapped individuals.

(b) Projects for new careers in rehabilitation may not include: (1) The provision of vocational rehabilitation services to handicapped individuals, except as may be provided by trainees during the course of their training; (2) the establishment or construction of rehabilitation facilities; or (3) research.

§ 406.45 Federal financial participation.

(a) Federal financial participation will be available only for those activities and in the amount specified in the approved project application.

(b) Federal funds may be used to finance the costs of salaries and related expenses, including travel expenses; necessary supportive services; training stipends for trainees (as determined by the Secretary); training supplies; rental of space; purchase of equipment; and other costs approved by the Secretary.

§ 406.46 Project revision.

A revision to an approved new careers in rehabilitation project shall be submitted whenever necessary to reflect any material change in the scope of the project or in its operation or administration.

§ 406.47 Grant awards.

All grant awards shall be in writing, shall set forth the amount of funds granted, and shall constitute for such amounts the encumbrance of Federal funds available for such purpose on the date of the award. The initial award shall also specify the project period for which support is contemplated if the activity is satisfactorily carried out and Federal funds are available. For continuation support, grantees must make separate application in the form and detail required by the Secretary.

§ 406.48 Reports.

In the case of any project a final activity report shall be submitted not later than 90 days following termination of the project. A progress report shall also be submitted with each request for a continuation grant. Financial and other reports shall be submitted at the intervals prescribed by the Secretary. All reports shall be submitted to the Secretary in the form and containing the information specified by the Secretary, with copies to the State agency, if the grantee is not the State vocational rehabilitation agency.

§ 406.49 Payments.

Payment of the Federal funds for an approved new careers in rehabilitation project may be made in advance for estimated costs of operation, or as reimbursement to the grantee and shall be subject to such requirements as the Secretary may establish.

§ 406.50 Interest.

Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90–577), a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds, pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Department all interest earned on grant funds.

§ 406.51 Termination.

(a) *Termination for cause.* The Secretary may terminate any grant in whole, or in part, at any time before the date of completion whenever it is determined that the grantee has materially failed to comply with the terms and conditions of the grant. The Secretary shall promptly notify the grantee in writing of the determination and the reasons for the termination, together with the effective date. Payments made to grantees or recoveries by the Secretary under grants terminated for cause shall be in accordance with the legal rights and obligations of the parties.

(b) *Termination on other grounds.*

(1) Except as provided in paragraph (a) of this section, grants may be terminated in whole or in part as follows:

(i) By the Secretary with the consent of the grantee, in which case the two parties shall agree upon the termination conditions, including the effective date, and in the case of partial terminations, the portion to be terminated, or

(ii) By the grantee, upon written notification to the Secretary, setting forth the reasons for such termination, the effective date, and in the case of partial terminations, the portion to be terminated.

(2) When a grant is terminated pursuant to paragraph (b)(1) of this section, the grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Secretary shall allow full credit to the grantee for the Federal share of the noncancellable obligations properly incurred by the grantee prior to termination.

PART 407—NATIONAL CENTER FOR DEAF-BLIND YOUTHS AND ADULTS

Sec.
407.1 Terms.
407.2 Purpose.
407.3 Proposals.
407.4 Agreement.
407.5 Right of Government to recover funds.
407.6 Selection of grantee.

AUTHORITY: Sec. 400(b), 87 Stat. 386 (29 U.S.C. 780(b)).

§ 407.1 Terms.

For the purposes of this part—

(a) The terms "Secretary" and "Act" have the same meanings as set forth in § 401.1 of this chapter;

(b) "Center" means the National Center for Deaf-Blind Youths and Adults;

(c) "Construction" means construction of new buildings, acquisition of existing buildings, and expansion, remodeling, alteration, and renovation of existing buildings, and initial equipment of such new, newly required, expanded, remodeled, altered, or renovated buildings; and includes the cost of architects' fees and acquisition of land in connection with any of the foregoing, but does not include the cost of off-site improvements;

(d) "Deaf-blind" and "deaf and blind" refer to persons who have substantial visual and hearing losses, such that the combination of the two causes extreme difficulty in learning;

(e) "Grantee" means the public or nonprofit private agency or organization selected as the party to the agreement to receive funds for the construction and operation of the National Center for Deaf-Blind Youths and Adults.

§ 407.2 Purpose.

An agreement is authorized for the purpose of paying all or part of the costs of the establishment and operation, including construction and equipment, of a center for the vocational rehabilitation of handicapped individuals who are both deaf and blind and to accomplish the purposes of section 305 of the Act, which shall be known as the National Center for Deaf-Blind Youths and Adults.

§ 407.3 Proposals.

The scope of the commitment in the proposal for an agreement under section 305 of the Act shall extend at least to the following areas of activity:

(a) The construction of a facility for the vocational rehabilitation of handicapped individuals who are deaf and blind, which will be especially adapted to the needs of the deaf-blind and in compliance with appropriate safety standards, and which in its construction and operation will meet applicable labor standards and other pertinent Federal statutory and regulatory requirements;

(b) The provision of services, particularly specialized intensive services, for vocational rehabilitation of the deaf-blind;

(c) The provision of training for professional personnel and allied personnel needed to staff facilities specially designed to provide such services;

(d) The conduct of research with respect to the problems of the deaf-blind and their rehabilitation;

(e) Aid in activities for the expansion and improvement of services for the deaf-blind; and

(f) Aid in activities for improvement of public understanding about the problems of the deaf-blind.

§ 407.4 Agreement.

The agreement shall:

(a) Provide that Federal funds paid to the grantee for the Center will be used only for the purposes for which paid and in accordance with the applicable provisions of section 305 of the Act, these regulations, and the terms and conditions of the agreement;

(b) Provide that the grantee will make an annual report to the Secretary;

(c) Provide that any laborer or mechanic employed by any contractor or subcontractor in the performance of work in the construction of the Center will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a–276a–5); with the Secretary of Labor having, with respect to the labor standards specified in this paragraph, the authority and functions set forth in Reorganization Plan Number 14 of 1950 (15 FR 3176) and section 2 of the Act of June 13, 1934, as amended (40 U.S.C. 276c);

(d) Include such other terms and conditions as the Secretary may deem necessary to carry out the purposes of section 305 of the Act.

§ 407.5 Right of Government to recover funds.

(a) If within 20 years after the completion of any construction (except minor remodeling or alteration) for which funds have been paid pursuant to the agreement the facility constructed ceases to be used for the purposes for which it was constructed or the agreement is terminated, the United States, unless the Secretary determines that there is good cause for releasing the grantee from its obligation, shall be entitled to recover from the grantee or other owner of the facility an amount which bears the same ratio to the then value of the facility as the amount of such Federal funds bore to the cost of the portion of the facility financed with such funds. Such value shall be determined by agreement of the parties or by action brought in the U.S. district court for the district in which the facility is situated.

(b) In determining whether there is good cause for releasing the grantee or other owner of the facility from its obligation, the Secretary shall take into consideration the extent to which:

(1) The facility will be devoted by the grantee or other owner to use for another public or nonprofit purpose which will promote the purposes of section 305 of the Act; or

(2) There are reasonable assurances that for the remainder of the 20-year period other public or nonprofit facilities not previously utilized for the purpose for which the facility was constructed will be so utilized and are substantially equivalent in nature and extent for such purposes.

§ 407.6 Selection of grantee.

Selection of the grantee will be made by the Secretary. In evaluating proposals, preference will be given to those which:

(a) Give promise of maximum effectiveness in the organization and operation of the Center, and

(b) Give promise of offering the most substantial skill, experience and capability in providing a broad program of service, research, training, and related activities in the field of rehabilitation of the deaf-blind.

PART 408—PROJECT GRANTS FOR REHABILITATION OF THE MENTALLY RETARDED

Sec.

408.1 Terms.
408.2 Purpose.
408.3 Non-Federal funds.
408.4 Application procedure.
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408.6 Project activities.
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408.14 Confidential information.
408.15 Publications and copyright policy.
408.16 Other administrative requirements.

AUTHORITY: Sec. 400(b), 87 Stat. 386 (29 U.S.C. 780(b)).

§ 408.1 Terms.

For purposes of this part—

The terms "act," "Department," "eligible," "nonprofit," "Secretary," "State," and "vocational rehabilitation services," shall, except where the context indicates otherwise, have the same meaning as set forth in § 401.1 of this chapter.

§ 408.2 Purpose.

Under section 304(b) of the act, grants may be made for the purpose of paying all or part of the cost of special projects and demonstrations, and research and evaluation in connection with such special projects and demonstrations, for establishing programs and facilities for providing vocational rehabilitation services which hold promise of expanding or otherwise improving rehabilitation services to handicapped individuals, especially the most severely handicapped individuals.

§ 408.3 Non-Federal funds.

In the case of any project under this part for which Federal funds are granted to pay part of the cost, the matching grantee funds may not consist of other Federal funds or of non-Federal funds that are applied to match other Federal funds, except as may be specifically authorized by Congress. No Federal financial assistance may be furnished under this part for activities for which payment is made under another part of this chapter, or other authority.

§ 408.4 Application procedure.

(a) Applications for project grants for the rehabilitation of the mentally retarded may be made at any time by States and public or other nonprofit organizations, agencies, and institutions, including universities and other educational institutions. Applications shall be made in the form and detail required by the Secretary. Completed applications are submitted to the Secretary. The applicant may be requested to submit further information either before or after consideration of a project. The Secretary determines the action to be taken with

respect to each project and informs the applicant accordingly.

(b) In the case of a project which includes provision of direct vocational rehabilitation services to mentally retarded persons who are eligible for vocational rehabilitation services, the approval of the State vocational rehabilitation agency shall be secured by the applicant.

§ 408.5 Application content.

The project application shall include—

(a) A statement of the purpose of the project; (b) provision for qualified and adequate staff, including a project director, to accomplish the purpose of the project; (c) a description of the nature and scope of the activities to be undertaken and methods to be used in accomplishing the purpose; (d) a proposed budget; (e) an agreement to safeguard personal information pertaining to the individuals served or studied under the project; (f) an assurance that, where appropriate, project activities will be coordinated with programs and activities of other related public and private agencies serving mentally retarded persons in the community, such as health, education, welfare, and vocational rehabilitation agencies; (g) an agreement to make such reports and to keep such records and accounts, including property and financial controls, as the Secretary may require, and to make such records available for audit purposes; and (h) such other information as the Secretary may require.

§ 408.6 Project activities.

Projects for rehabilitation of the mentally retarded may include, but are not limited to, such activities as the following: (a) The expansion and extension of present services in order to serve additional numbers of mentally retarded persons; (b) the demonstration of newly developed techniques and methods that have been found to be effective in the rehabilitation of the mentally retarded; (c) the initiation of new rehabilitation services or activities for the mentally retarded; (d) the initiation or expansion of rehabilitation programs for mentally retarded individuals with special problems, such as the multiply handicapped adolescent or adult mentally retarded, who might not be eligible for vocational rehabilitation services, or mentally retarded children who cannot profit from available educational or vocational rehabilitation programs; (e) training of personnel in disciplines or occupations contributing to the rehabilitation of the mentally retarded; and (f) the extension of mental retardation programs and activities to areas of urban or rural poverty.

§ 408.7 Federal financial participation.

Federal financial participation will be available for the following types of expenditures under projects approved by the Secretary: (a) Salaries, cost of travel, and related expenses of project personnel; (b) necessary supplies, equipment, and related expenses; (c) purchase or provision of rehabilitative services to individuals served by the project; (d) cost of administration and other indirect cost of the project, subject to such limitations as the Secretary may establish; and (e) such other costs as are approved by the Secretary. Expenditures under the project shall be in connection with the conduct of the project as approved. Federal funds may not be used to provide training to any individual in any one program of study extending for more than 4 years. Federal funds may be used for traineeships only for individuals who are citizens of the United States or who have been lawfully admitted for permanent residence to the United States.

§ 408.8 Interest.

Pursuant to section 203 of the Intergovernmental Cooperation Act of 1968 (Public Law 90–577), a State, as defined in section 102 of that Act, will not be held accountable for interest earned on grant funds, pending their disbursement for program purposes. A State, as defined in the Intergovernmental Cooperation Act, section 102, means any one of the several States, the District of Columbia, Puerto Rico, any territory or possession of the United States, or any agency or instrumentality of a State, but does not include the governments of the political subdivisions of the State. All other grantees must return to the Department all interest earned on grant funds.

§ 408.9 Project revision.

A project grantee shall request that the project be revised whenever the approved plan of operation or method of financing is materially changed. Revisions originating with the grantee shall be submitted in writing and will be given appropriate review. Project revision may be initiated by the Secretary if, on the basis of reports, it appears that Federal funds are not being used effectively, or if changes are made in Federal appropriations, laws, regulations, or policies governing projects for rehabilitation of the mentally retarded.

§ 408.10 Termination.

(a) *Termination for cause.* The Secretary may terminate any grant in whole, or in part, at any time before the date of completion whenever it is determined that the grantee has materially failed to comply with the terms and conditions of the grant. The Secretary shall promptly notify the grantee in writing of the determination and the reasons for the termination, together with the effective date. Payments made to grantees or recoveries by the Secretary under grants terminated for cause shall be in accordance with the legal rights and obligations of the parties.

(b) *Termination on other grounds.*

(1) Except as provided in paragraph (a) of this section, grants may be terminated in whole or in part as follows:

(i) By the Secretary, with the consent of the grantee, in which case the two parties shall agree upon the termination conditions, including the effective date, and in the case of partial terminations, the portion to be terminated, or

(ii) By the grantee, upon written notification to the Secretary, setting forth the reasons for such termination, the effective date, and in the case of partial terminations, the portion to be terminated.

(2) When a grant is terminated pursuant to paragraph (b)(1) of this section, the grantee shall not incur new obligations for the terminated portion after the effective date, and shall cancel as many outstanding obligations as possible. The Secretary shall allow full credit to the grantee for the Federal share of the noncancellable obligations properly incurred by the grantee prior to termination.

§ 408.11 Grant awards.

All grant awards shall be in writing, shall set forth the amount of funds granted, and shall constitute for such amounts the encumbrance of Federal funds available for such purpose on the date of the award. The initial award shall also specify the project period for which support is contemplated if the activity is satisfactorily carried out and Federal funds are available. For continuation support, grantees must make separate application in the form and detail required by the Secretary.

§ 408.12 Reports.

In the case of any project a final activity report shall be submitted not later than 90 days following termination of the project. A progress report shall also be submitted with each request for a continuation grant. Financial and other reports shall be submitted at the intervals prescribed by the Secretary. All reports shall be submitted in the form and containing the information specified by the Secretary.

§ 408.13 Payments.

Payment of the Federal share of an approved project may be made in advance for estimated costs of operation, or as reimbursement to the grantee, and shall be subject to such requirements as the Secretary may establish.

§ 408.14 Confidential information.

(a) All information obtained by a grantee as to personal facts about individuals served by the project, including lists of names and addresses and records of evaluation, shall be held to be confidential.

(b) The use of such information and records shall be limited to purposes directly connected with the project and may not be disclosed, directly or indirectly, other than in the administration thereof, unles the consent of the agency providing the information and the individual to whom the information applies, or his representative, has been obtained in writing. The final product of the project will not reveal any information that may serve to identify any person about

whom information has been obtained without his written consent, or the written consent of his representative.

§ 408.15 Publications and copyright policy.

Grantees may publish results of any activity assisted by the grant without prior review by the Department: Provided that such publications carry a footnote acknowledging the assistance received under the grant, and that copies of the publications are furnished to the Department. Where a grant results in a book or other copyrightable material, the author is free to copyright the work, but the Department reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish, or otherwise use, and to authorize others to use, all copyrightable or copyrighted material resulting from the grant-supported activity.

§ 408.16 Other administrative requirements.

The provisions of Part 74 of this title (with the exception of Subpart G, Matching and Cost Sharing), establishing uniform administrative requirements and cost principles, shall apply to all grants under this part to State and local governments as those terms are defined in Subpart A of that Part 74. The relevant provisions of the following subparts of Part 74 shall also apply to grants to all other grantee organizations under this part:

45 CFR PART 74

Subpart
- A General.
- B Cash Depositories.
- C Bonding and Insurance.
- D Retention and Custodial Requirements for Records.
- F Grant-Related Income.
- H Standards for Grantee Financial Management Systems.
- K Grant Payment Requirements.
- M Grant Closeout, Supension, and Termination.
- O Property.
- Q Cost Principles.

Effective date: These regulations shall be effective on December 25, 1973.

(Catalog of Federal Domestic Assistance Program Nos. 13.746, Rehabilitation Services and Facilities—Basic Support; 13.747, Vocational Rehabilitation Services for Social Security Disability Beneficiaries; 13.757, Comprehensive Social and Rehabilitation Research; 13.763, Rehabilitation Services and Facilities—Special Projects.)

Dated: December 20, 1973.

FRANK CARLUCCI,
Acting Secretary.

[FR Doc.74-1 Filed 1-2-74;8:45 am]

federal register

THURSDAY, JANUARY 3, 1974
WASHINGTON, D.C.

Volume 39 ■ Number 2

PART III

ENVIRONMENTAL PROTECTION AGENCY

■

TIMBER PRODUCTS

Proposed Effluent Guidelines and Performances and Pretreatment Standards for New Sources

ENVIRONMENTAL PROTECTION AGENCY

[40 CFR Part 429]

TIMBER PRODUCTS

Proposed Effluent Guidelines and Performance and Pretreatment Standards for New Sources

Notice is hereby given that effluent limitations guidelines for existing sources and standards of performance and pretreatment standards for new sources set forth in tentative form below are proposed by the Environmental Protection Agency (EPA) for the barking subcategory (Subpart A), the veneer subcategory (Subpart B), the plywood subcategory (Subpart C), the hardboard-dry process subcategory (Subpart D), the hardboard-wet process subcategory (Subpart E), the wood preserving subcategory (Subpart F), the wood preserving-steam subcategory (Subpart G), and the wood preserving-boultonizing subcategory (Subpart H), of the plywood, hardboard, and wood preserving segment of the timber products processing category of point sources pursuant to sections 301, 304 (b) and (c), 306(b) and 307(c) of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, 1311, 1314 (b) and (c), 1316(b) and 1317(c); 86 Stat. 816 et seq.; Pub. L. 92–500) (the Act).

(a) Legal authority.

(1) Existing point sources.

Section 301(b) of the Act requires the achievement by not later than July 1, 1977, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of the best practicable control technology currently available as defined by the Administrator pursuant to section 304(b) of the Act. Section 301(b) also requires the achievement by not later than July 1, 1983, of effluent limitations for point sources, other than publicly owned treatment works, which require the application of best available technology economically achievable which will result in reasonable further progress toward the national goal of eliminating the discharge of pollutants, as determined in accordance with regulations issued by the Administrator pursuant to section 304 (b) to the Act.

Section 304(b) of the Act requires the Administrator to publish regulations providing guidelines for effluent limitations setting for the degree of effluent reduction attainable through the application of the best practicable control technology currently available and the degree of effluent reduction attainable through the application of the best control measures and practices achievable including treatment techniques, process and procedure innovations, operating methods and other alternatives. The regulations proposed herein set forth effluent limitations guidelines, pursuant to section 304(b) of the Act, for the barking subcategory (Subpart A), the veneer subcategory (Subpart B), the plywood subcategory (Subpart C), the hardboard-dry process subcategory (Subpart D), the hardboard-wet process subcategory (Subpart E), the wood preserving subcategory (Subpart F), the wood preserving-steam subcategory (Subpart G), and the wood preserving-boultonizing subcategory (Subpart H), of the plywood, hardboard and wood preserving segment of the timber products processing category.

(2) New sources.

Section 306 of the Act requires the achievement by new sources of a Federal standard of performance providing for the control of the discharge of pollutants which reflects the greatest degree of effluent reduction which the Administrator determines to be achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants.

Section 306(b)(1)(B) of the Act requires the Administrator to propose regulations establishing Federal standards of performance for categories of new sources included in a list published pursuant to section 306(b)(1)(A) of the Act. The Administrator published in the FEDERAL REGISTER of January 16, 1973 (38 FR 1624), a list of 27 source categories, including the timber products processing point source category. The regulations proposed herein set forth the standards of performance applicable to new sources for the barking subcategory (Subpart A), the veneer subcategory (Subpart B), the plywood subcategory (Subpart C), the hardboard-dry process subcategory (Subpart D), the hardboard-wet process subcategory (Subpart E), the wood preserving subcategory (Subpart F), the wood preserving-steam subcategory (Subpart G), and the wood preserving-boultonizing subcategory (Subpart H), of the plywood, hardboard and wood preserving segment of the timber products processing category.

Section 307(c) of the Act requires the Administrator to promulgate pretreatment standards for new sources at the same time that standards of performance for new sources are promulgated pursuant to section 306. Sections 429.15, 429.25, 429.35, 429.45, 429.55, 429.65, 429.75, and 429.85 proposed below provide pretreatment standards for new sources within the barking subcategory (Subpart A), the veneer subcategory (Subpart B), the plywood subcategory (Subpart C), the hardboard-dry process subcategory (Subpart D), the hardboard-wet process subcategory (Subpart E), the wood preserving subcategory (Subpart F), the wood preserving-steam subcategory (Subpart G), and the wood preserving-boultonizing subcategory (Subpart H), of the plywood, hardboard, and wood preserving segment of the timber products processing category.

Section 304(c) of the Act requires the Administration to issue to the States and appropriate water pollution control agencies information on the processes, procedures or operating methods which result in the elimination or reduction of the discharge of pollutants to implement standards of performance under Section 306 of the Act. The Development Document referred to below provides, pursuant to Section 304(c) of the Act, information on such processes, procedures or operating methods.

(b) Summary and Basis of Proposed Effluent Limitations Guidelines for Existing Sources and Standards of Performance and Pretreatment Standards for New Sources.

(1) General methodology.

The effluent limitations guidelines and standards of performance proposed herein were developed in the following manner. The point source category was first studied for the purpose of determining whether separate limitations and standards are appropriate for different segments within the category. This analysis included a determination of whether differences in raw material used, product produced, manufacturing process employed, age, size, waste water constituents and other factors require development of separate limitations and standards for different portions of the point source category. The raw waste characteristics for each such portion were then identified. This included an analysis of (1) the source, flow and volume of water used in the process employed and the sources of waste and waste waters in the operation, and (2) the constituents of all waste water. The constituents of the waste water which should be subject to effluent limitations guidelines and standards of performance were identified.

The control and treatment technologies existing within each segment were identified. This included an identification of each distinct control and treatment technology, including both in-plant and end-of-process technologies, which are existent or capable of being designed for each segment. It also included an identification, in terms of the amount of constituents and the chemical, physical, and biological characteristics of pollutants, of the effluent level resulting from the application of each of the technologies. The problems, limitations and reliability of each treatment and control technology were also identified. In addition, the non-water quality environmental impact, such as the effects of the application of such technologies upon other pollution problems, including air, solid waste, noise, and radiation were identified. The energy requirements of each control and treatment technology were determined as well as the cost of the application of such technologies.

The information, as outlined above, was then evaluated in order to determine what levels of technology constitute the "best practicable control technology currently available," the "best available technology economically achievable" and the "best available demonstrated control technology, processes, operating methods, or other alternatives." In identifying such technologies, various factors were considered. These included the total cost of application of technology in relation to the effluent reduction benefits to be achieved from such application, the age of equipment and facilities involved, the process employed, the engineering aspects of the application of various types of control techniques, process changes,

non-water quality environmental impact (including energy requirements) and other factors.

The data upon which the above analysis was performed included EPA permit applications, EPA sampling and inspections, consultant reports, and industry submissions.

The pretreatment standards proposed herein are intended to be complementary to the pretreatment standards proposed for existing sources under Part 128 of 40 CFR. The basis for such standards are set forth in the FEDERAL REGISTER of July 19, 1973, 38 FR 19236. The provisions of Part 128 are equally applicable to sources which would constitute "new sources," under section 306 if they were to discharge pollutants directly into navigable waters, except for section 128.133. That section provides a pretreatment standard for "incompatible pollutants" which requires application of the "best practicable control technology currently available," subject to an adjustment for amounts of pollutants removed by the publicly owned treatment works. Since the pretreatment standards proposed herein apply to new sources, §§ 429.15, 429.25, 429.35, 429.45, 429.55, 429.65, 429.75, and 429.85 below amend § 128.133 to require application of the standard of performance for new sources rather than the "best practicable" standard applicable to existing sources under sections 301 and 304(b) of the Act.

(2) Summary of conclusions with respect to the barking subcategory (Subpart A), the veneer subcategory (Subpart B), the plywood subcategory (Subpart C), the hardboard-dry process subcategory (Subpart D), the hardboard-wet process subcategory (Subpart E), the wood preserving subcategory (Subpart F), the wood preserving-steam subcategory (Subpart G), and the wood preserving-boultonizing subcategory (Subpart H), of the plywood, hardboard and wood preserving segment of the timber products processing category of point sources.

(i) Categorization and Waste Characterization.

For the purpose of studying waste treatment and effluent limitations, the plywood, hardboard and wood preserving segment of the timber products processing category was divided into eight discrete subcategories which coincide with a breakdown of the category according to product manufactured and the manufacturing process employed, as outlined in the development document. These subcategories are defined as:

(1) Subpart A—Barking Subcategory: This subcategory includes the operations which result in the removal of bark from logs. Barking may be accomplished by several types of mechanical abrasion or by hydraulic force. For the purpose of this regulation "hydraulic barking" means that method of barking wood that utilizes water at a pressure of greater than 68.0 atm (1000 psi) as the means of removing bark from logs. The product from the barking subcategory is normally used as a raw or feed material to other subcategories in the timber products processing category rather than sold as a finished product. Waste waters generated by the barking operation vary widely. Large volumes of water are used in hydraulic barking. Abrasion type barkers use less water and certain type barkers are operated dry. The waste waters contain suspended solids and BOD5 in concentrations ranging up to 3,000 and 1,000 mg/l respectively.

(2) Subpart B—Veneer Subcategory: The veneer subcategory includes the operations used to convert barked logs or heavy timber into thinner sections of wood known as veneer. Log conditioning, veneer dryer wash water, and cooling water are the main sources of waste waters. The primary parameters contained in raw waste waters are BOD5 and suspended solids. BOD5 loading may be as high as 2,500 kg/million sq m (515 lb/million sq ft) of board on a 9.53 mm (3/8 in) basis, and suspended solids may range as high as 29,000 kg/million sq m (6,000 lb/million sq ft) of board on the same basis from log conditioning steam vat waste water.

(3) Subpart C—Plywood Subcategory: The plywood subcategory includes the operations of laminating layers of veneer to form finished plywood. Plywood manufacturing is an almost entirely dry operation using water in significant quantities only for cleaning the glue mixing and glue application equipment. This waste water may contain the various components in protein, urea or phenolic glues. Principal pollutants include suspended solids, nitrogenous materials, BOD5, phenols and formaldehydes. Both suspended solids and BOD5 concentrations may be extremely high ranging into hundreds of thousands of mg/1.

(4) Subpart D—Hardboard-Dry Process Subcategory: The dry process hardboard subcategory includes all of the manufacturing operations attendant to the production of finished hardboard from chips, dust, logs, or other raw materials using the dry matting process for forming the board mat. Water usage in dry process hardboard manufacturing is low, and waste discharges are minimal. Sources of waste water are log and chip washing, caul wash water, resin wash water, and cooling water. Typical waste water flows are less than 2,000 1/day (500 gal/day).

(5) Subpart E—Hardboard-Wet Process Subcategory: The wet process hardboard subcategory includes all of the manufacturing operations attendant to the production of finished hardboard from chips, dust, logs, or other raw materials using the wet matting process for forming the board mat. The nature of the wet matting process, in which the fibers are diluted from 40 percent consistency to less than 1.5 percent prior to mat formation, is such as to create volumes of waste water in the range of 4.6 to 46 cu m/kkg (1,100 to 11,000 gal/ton). While the water use may vary from mill to mill, the main sources of waste water are log wash, chip wash, and caul wash waters, fiber preparation, and mat formation (wet matting). The principal pollutants found in these waste waters are BOD5 and suspended solids. BOD5 may reach 50 kg/kkg (100 lb/ton), and suspended solids loading usually averages under 19 kg/kkg (38 lb/ton).

(6) Subpart F—Wood Preserving Subcategory: The wood preserving subcategory includes all wood preserving processes in which steaming or boultonizing is not the predominant method of conditioning, all nonpressure preserving processes, and all pressure or nonpressure processes employing waterborne salts. The actual volume of water used at a wood preserving plant is not static, but varies depending upon the condition of the stock being treated (either green or seasoned) and the size of the individual items. Waste water characteristics vary with the particular preservative used, the volume of stock that is conditioned prior to treatment, the conditioning method used, and the extent to which effluents from retorts are diluted with water from other sources. Typically, waste waters from creosote and pentachlorophenol treatments have high phenolic, COD, and oil contents and may have a turbid appearance that results from emulsified oils. They are always acid in nature, the pH values usually falling within the range of 4.1 to 6.0. The COD for such wastes frequently exceeds 30,000 mg/l, most of which is attributable to entrained oils and to wood extractives, principally simple sugars, that are removed from wood during conditioning. The waste water resulting from vat type treatment using water soluble salts is highly variable in both volume and pollutant content. As the source of this waste water is primarily from drips, leaks and minor spills, it can not be effectively characterized.

(7) Subpart G—Wood Preserving-Steam Subcategory: The wood preserving-steam subcategory includes all processes that use direct steam impingement on the wood as the predominant method of conditioning. Steam conditioning of wood produces a large volume of condensate containing extraneous components from the wood in addition to the wood preserving chemicals. The volume of waste water may vary widely from day to day within the same processing facility; value ranges from 6,000 to 150,000 1/day (2,000 to 40,000 gal/day) have been recorded in a single facility. Pollutants are generally similar to those outlined for the wood preserving subcategory above.

(8) Subpart H—Wood Preserving-Boultonizing Subcategory: The wood preserving-boultonizing subcategory covers those wood preserving processes which use the Boulton process as the method of conditioning stock. Boultonizing generates waste waters similar in character to those in the steam subcategory. The volume, however, is substantially lower because the only source of process waste water is the water removed from the wood during the conditioning step.

(ii) Treatment and control technology. In-plant procedures to control pollution include the implementation of good housekeeping techniques and preventive maintenance practices, control of spills,

the segregation of contaminated and uncontaminated process water streams, and the re-use of water where practicable. This latter procedure may include the recycle of glue system wash water and water from log conditioning, dryer wash water, caul wash water, and chip wash water.

"End-of-pipe" waste water treatment procedures include screening, settling, coagulation, filtration, and biological treatment of reduced volumes of waste water, separation of free oils from process water (using standard oil separation and recovery equipment), evaporation of smaller volume waste water flows, impoundment and spray irrigation of small volumes of waste water, disposal of solids by landfill or incineration, physical-chemical treatment of process water, and pH control.

Solid waste control must be considered. The waste water from the plywood, hardboard and wood preserving segment of the timber products processing industry, and the treatment processes employed may result in a small volume of solid wastes. These solid wastes will consist predominantly of biodegradable vegetable matter and biological sludges, and small amounts of concentrated chemical wastes from certain of the wood preserving processes. Best practicable control technology and best available technology as they are known today require disposal of the pollutants removed from waste waters in this industry in the form of solid wastes and liquid concentrates. In most cases these wastes are nonhazardous substances requiring only minimal custodial care. However, some constituents may be hazardous and may require special consideration. In order to ensure long term protection of the environment from these hazardous or harmful constituents, special consideration of dosposal sites must be made. All landfill sites where such hazardous wastes are disposed should be selected so as to prevent horizontal and vertical migration of these contaminants to ground or surface waters. In cases where geologic conditions may not reasonably ensure this, adequate legal and mechanical precautions (e.g. impervious liners) should be taken to ensure long term protection to the environment from hazardous materials. Where appropriate, the location of solid hazardous materials disposal sites should be permanently recorded in the appropriate office of legal jurisdiction.

(iii) Treatment and control technology within subcategories.

Waste water treatment and control technologies have been studied for each subcategory of the industry to determine what is (a) the best practicable control technology currently available, (b) the best available technology economically achievable, and (c) the best available demonstrated control technology, processes, operating methods or other alternatives.

(1) Treatment in the barking subcategory.

The best practicable control technology currently available leads to no discharge of the waste components of process waste water from barking operations, excluding those operations utilizing hydraulic barkers. Ring and cutterhead barkers produce a solid waste composed of chipped dry bark, which may be sent to the boiler ("bark boiler" or "hog boiler") for use as fuel. Wet drum barkers, bag "pocket" barkers, and hydraulic barkers require steps to separate the abraded bark from the water. The bark is usually pressed to remove water, and sent to the boiler, again for use as fuel. The water can be recycled. The volume of water used in hydraulic barking, however, is significantly larger than that used in other wet processes, and necessitates a different treatment before disposal. Technology from the pulp and paper industry has been applied to hydraulic barker effluents, and consists of the application of primary screening and settling, followed by biological treatment.

The best available technology economically achievable is the same as best practicable control technology currently available, with a more stringent and efficient application of that technology, and leads to no discharge of the waste components of process waste water from any barking operation, inclusive of hydraulic barkers.

(2) Treatment in the veneer subcategory.

Application of the best practicable control technology currently available leads to no discharge of the waste components of process waste water from veneer manufacturing except in those operations using direct steam conditioning. Best practicable control technology currently available in this subcategory consists of the technologies described below. Hot water spray tunnels, indirect steaming or modified steaming with the use of steam coils could be substituted for direct steam conditioning of logs. Hot water spray tunnels, where water is heated and then sprayed on the logs, can be placed in existing steam vats with only minor modifications, and the hot water collected and re-used after settling and screening. Modified steaming produces, after the steam contacts the wood, a condensate which may be revaporized and re-used. The small volume of waste generated can then be disposed of by proper land disposal methods. Contaminated waste water from hot water vats, where the water is heated indirectly, may be discharged to a settling basin and, with pH adjustment, later re-used. A portion of solid waste in the veneer dryer may be removed, including in this procedure the use of air to blow out dust before using water. Water meters can be installed on water hoses used for washing, and excess veneer dryer washing water may be disposed of by irrigation or containment and evaporation. At least one 9.3 million sq m plant has reduced its water use for this purpose to 2,000 1/wk (530 gal/wk). By limiting water use to 3,000 1/wk, this water can easily be handled by containment or irrigation.

(3) Treatment in the plywood manufacturing subcategory.

The best practicable control technology currently available is the complete retention of glue wastes through recycle and re-use in glue preparation. Recycle of the glue wash water is the most significant pollution control step in the reduction of phenolic compounds: free phenols may be reduced by as much as 75 percent. Other technologies which may be used to reach this standard include the use of steam to clean spreaders where applicable, and the use of high pressure water for cleaning; the use of glue applicators that spray the glue on, rather than rollers; and evaporation and spray application of glue water on bark going to the incinerator.

As no discharge of process waste water pollutants results from the application of the best practicable control technology currently available, no modifications are necessary in order to meet best available technology economically achievable, or best available demonstrated control technology, processes, operating methods or other alternatives.

(4) Treatment in the hardboard-dry process subcategory.

The best practicable control technology currently available includes the recycle of log wash and chip wash water and disposal of the solids by proper landfill or use as fuel in the bark boiler; operation of the resin system as a closed system, with wash water being recycled as make-up in the resin solution; neutralization of caul water, and disposal by impoundment or spray irrigation; and elimination of discharge from humidification by the implementation of in-plant controls, including reasonable operating and process management practices.

As no discharge of process waste water pollutants is achieved by best practicable control technology currently available, no further modifications are necessary in order to meet best available technology economically achievable or best available demonstrated control technology, processes, operating methods or other alternatives.

(5) Treatment in the hardboard-wet process subcategory.

Best practicable control technology currently available includes the recycle of process water as dilution water and utilization of heat exchangers to reduce temperature. Gravity settling, screening, filtration, or flotation may be used to reduce suspended solids. Treatment of the total waste water flow by primary settling combined with screening, followed by aerated lagoons or activated sludge or both, with probable pH adjustment prior to biological treatment may be necessary in many instances. The disposal of sludge by aerobic digestion in sludge lagoons, recycle in-plant, or as proper landfill will reduce the amount of solid wastes.

Treatment recommended to achieve best available technology economically achievable and best available demonstrated control technology, process, operating methods or other alternatives is essentially the same as best practicable control technology currently available with more rigorous treatment efficiencies and process modifications including the addition of a prepress. The proper use of

a prepress can assure the removal of concentrated organic pollutants before these pollutants can enter the hardboard forming portion of the system.

(6) Treatment in the wood preserving subcategory.

Best practicable control technology currently available in the wood preserving subcategory leads to no discharge of process waste water pollutants. This may be achieved by the implementation of a number of control technologies starting with the elimination of equipment and piping leaks, and minimization of spills by the use of good housekeeping techniques. The recovery and re-use of contaminated water (generated in processes employing water soluble preservatives as make-up water for treating solutions) will lead to a reduction in the volume of waste water. The modification of existing nonpressure processing equipment can eliminate the introduction of water precipitated in the treating tanks. Segregation of contaminated and uncontaminated water streams (including condensate from heating coils and heat exchangers, and noncontact cooling water) will also result in a reduced discharge.

As no discharge of process waste water pollutants can be achieved by the application of the best practicable control technology currently available, no further modifications are necessary to meet best available technology economically achievable, or best available demonstrated control technology, processes, operating methods or other alternatives.

(7) Treatment in the wood preserving-steam subcategory.

Best practicable control technology currently available consists primarily of procedures which minimize the volume of process waste water discharged. This may easily be accomplished through the recycle of all direct contact cooling water, and the re-use of a portion of the process water for cooling purposes. Other technologies include the insulation of retorts and steam pipes to reduce the volume of cylinder condensate, the use of closed steaming or modified-closed steaming to reduce the volume of cylinder condensate and lessen the incidence of oil-water emulsion formation, and the modification of oil-recovery systems or replacement, as required to ensure efficient removal of oils. The segregation of contaminated and uncontaminated water streams and the implementation of preventive maintenance and good housekeeping programs to reduce spills and leaks, and an efficient procedure for cleaning up those that occur will also help reduce the volume of discharge.

Treatment which can be used to achieve best available technology economically achievable and best available demonstrated control technology, processes, operating methods or other alternatives may be the same as that used to achieve best practicable control technology currently available, with the addition and use of one or a combination of the following: biological treatment (tricking filter, activated sludge), soil irrigation, oxidation ponds, chemical oxidation, containment and spray evaporation, pan evaporation, evaporation in cooling towers, or incineration of high concentration oily waste waters.

(8) Treatment in the wood preserving-boultonizing subcategory.

Best practicable control technology currently available may be achieved by the minimization of waste water volume through the implementation of rigorous inplant water conservation practices; the segregation of contaminated and uncontaminated water streams; the installation of oil recovery equipment; the elimination of equipment and plumbing leaks; and containment and spray evaporation, pan evaporation, or evaporation in cooling towers to dispose of the remaining small volumes of waste water.

As no discharge of process waste water pollutants can be achieved by the use of the best practicable control technology currently available, no modifications are needed in order to meet best available technology economically achievable or best available demonstrated control technology, processes, operating methods or other alternatives.

(iv) Establishing daily maximum limitations.

The daily maximum limitations of 3 times the 30-day average for biochemical oxygen demand and total suspended solids in the hardboard, veneer, and barking subcategories are based on statistical studies of similar wastes in the pulp and paper industry. The daily maximum limitation of twice the 30 day average for chemical oxygen demand and a factor of greater than 3 for phenols in the wood preserving-steam subcategory is based on a statistical study of a representative wood preserving operation.

(v) Non-water quality aspects of pollution control.

Much consideration has been given to the non-water quality aspects of pollution control. Minimal amounts of land may be necessary for evaporation or extended aeration, and certain of the treatments will generate small amounts of biodegradable sludge. Proper care and disposal of this sludge will eliminate solid waste as a significant problem.

(vi) Economic impact analysis.

An economic impact study, referenced below, has focused on both internal and external cost associated with the proposed levels of water pollution control abatement.

The total capital investment required for all subcategories of this segment to achieve the 1977 effluent limitations is estimated at less than $38 million. Annual operating costs may increase by a total of $13.1 million over the entire segment. As a result, the increased costs of the products covered in this segment could range from 0 to 1 percent under present conditions. The above cost data reflects conditions where it is assumed that no pollution control measures exist within the industry. Thus, the figures are probably higher than the real costs involved since much of the suggested technology is already in place.

The barking subcategory presents an exception with regard to in-place technology, as effluents currently are seldom treated. Several hydraulic barking operations are using the recommended technology in combination with pulp and paper mill wastes. Glue wash water retention is practiced by 33 percent of the plywood industry. Thirty percent of the existing veneer and plywood plants practice containment of hot water vat effluents, and retention of dryer wash water is practiced by 20 percent of the plants. Approximately 50 percent of the dry process hardboard plants practice retention of caul wash water. All wet process hardboard mills practice screening and primary clarification, and two-thirds of the industry practices a form of biological treatment on waste water. In the wood preserving portion of the segment, 95 percent of plants practice oil separation; evaporation of excess process water is practiced by almost all western plants. Biological treatment is practiced by about 5 percent of this portion of the industry.

External cost deals basically with the assessment of economic impact of the internal costs discussed above in terms of price increases, production curtailments or plant closures, resultant unemployment, community and regional impacts, international trade, and future industry growth. A precise study of economic impact is difficult due to numerous other economic forces at work within the industry, and because of the great variability experienced from plant-to-plant in such factors as pollution control costs, profitability, and return on investment. Subject to that qualification, the major findings of this study are summarized below.

It is not expected that any significant economic impact will result from imposing the limitations set forth herein. Because of these conclusions, we judge that the proposed guidelines for 1977, 1983, and standards of performance for new sources are economically achievable. Cases may arise where the costs to achieve best practicable control technology currently available or best available technology economically achievable may be higher than those estimated for this study. In these instances, this impact analysis would not necessarily apply.

Overall, potential price increases range from 0 to 1 percent, with the exception of hardboard. Hardboard is in a short supply situation, and price increases of 8 percent for industrial board and 4–5 percent for other products in this segment are likely, due more to market structure than pollution control costs. All increases throughout this segment will probably be passed on to consumers.

While some small, economically marginal plants in the segment may be expected to close due to increased pollution control costs, total production should be unaffected. This is due to the fact that certain portions of the segment (notably hardwood plywood plants) are producing at less than full capacity and should be able to take up the slack, and the relatively large firms would be expected to increase production or buy out (at salvage value) those plants that close. Approximately 15 to 20 veneer firms

representing 5 to 10 percent of veneer production and employment (a negligible amount of softwood plywood production and employment) or about 450 jobs, approximately 20 hardwood plywood plants (26 percent of the total number of plants) representing 750 jobs, and perhaps 1050 jobs in the wood preserving subcategories (30–35 plant closings), are endangered by plant closures resulting from effluent reduction costs. Many of the small wood preserving plants are run by large farmers or lumber mills as an adjunct. Since the income derived from these particular operations is supplementary, the effect of the loss of these jobs is greatly diminished. In the instance of hardwood plywood, it was not possible to separate out those marginal plants where closure is merely being "hastened" by the guidelines, from those which might otherwise remain economically viable.

At least 50 percent of the total number of jobs lost will probably be absorbed by other manufacturing operations which buy out the closed firms or increase production to equalize demand.

The U.S. balance of trade is not expected to be affected by the proposed guidelines, except in the hardwood plywood segment, and there only a slightly negative effect of 1–2 percent is anticipated, reflecting possible cost differentials. Sixty percent of domestic consumption of hardwood plywood is already from imports. The costs reflected in this analysis will have no measurable effect on future growth in any portion of this segment of the timber products processing category.

This economic impact analysis did not consider the availability of funds to small businesses under section 7 of the Small Business Act, 15 U.S.C. 636. Section 8 of Pub. L. 92–500 amends the Small Business Act to authorize loans for assisting small business concerns in adding to or altering their equipment, facilities or methods of operation in order to meet water pollution control requirements. Additional funds are available for this purpose and should ease the problem of raising capital for small businesses.

The report entitled "Development Document for Proposed Effluent Limitations Guidelines and New Source Performance Standards for the PLYWOOD, HARDBOARD, AND WOOD PRESERVING Segment of the Timber Products Processing Point Source Category" details the analysis undertaken in support of the regulations being proposed herein and is available for inspection in the EPA Information Center, Room 227, West Tower, Waterside Mall, Washington, D.C., at all EPA regional offices, and at State water pollution control offices. A supplementary analysis of the possible economic effects of the proposed regulations, entitled "Economic Analysis of Proposed Effluent Guidelines—The Timber Processing Industry" is also available for inspection at these locations. Copies of both of these documents are being sent to persons or institutions affected by the proposed regulations, or who have placed themselves on a mailing list for this purpose (see EPA's Advance Notice of Public Review Procedures, 38 FR 21202, August 6, 1973). An additional limited number of copies of both reports are available. Persons wishing to obtain a copy may write the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman.

(c) Summary of public participation. Prior to this publication, the agencies and groups listed below were consulted and given an opportunity to participate in the development of effluent limitations guidelines and standards proposed for the plywood, hardboard and wood preserving segment of the timber products processing category. All participating agencies have been informed of project developments. An initial draft of the development document was sent to all participants and comments were solicited on that report. The following are the principal agencies and groups consulted: (1) Effluent Standards and Water Quality Information Advisory Committee (established under section 515 of the Act); (2) All State and U.S. territory pollution control agencies (3) the New England Interstate Water Pollution Control Commission; (4) the Ohio River Valley Sanitation Commission; (5) the Delaware River Basin Commission; (6) the American Society of Civil Engineers; (7) American Society of Mechanical Engineers; (8) Hudson River Sloop Restoration, Inc.; (9) the Conservation Foundation; (10) Environmental Defense Fund; (11) Natural Resources Defense Council; (12) Water Pollution Control Federation; (13) National Wildlife Federation; (14) the U.S. Departments of Commerce, Interior, Agriculture, and Health, Education and Welfare; (15) Water Resources Council; (16) National Forest Products Association; (17) Hardwood Plywood Manufacturing Association; (18) American Plywood Association; (19) American Hardboard Association; (20) American Wood Preservers Institute; (21) the Western Wood Preservers Association; (22) the Society of American Wood Preservers Association, and (23) the Southern Pressure Theaters Association.

The following organizations and agencies responded with comments: Effluent Standards and Water Quality Information Advisory Committee, the Natural Resources Defense Council, Inc., the Department of Commerce, the Delaware River Basin Commission, KOPPERS Company, Inc., the Arizona State Department of Health, Brookings Plywood Corporation, Illinois Environmental Protection Agency, Food and Drug Administration, Department of Health, Education and Welfare, United States Water Resources Council, Commonwealth of Pennsylvania, State of Colorado Department of Health, State of Maine Department of Environmental Protection, Nebraska Department of Environmental Control, Louisiana-Pacific Corporation, California State Water Resources Control Board, U.S. Public Health Service, Texas Water Quality Board, Society of American Wood Preservers, Inc., National Forst Products Association, State of Hawaii Department of Health, State of Georgia Department of Natural Resources, Hardwood Plywood Manufacturers Association, American Hardboard Association, American Wood Preservers Association, Kirby Lumber Corporation, Potlatch Corporation, Walker Williams Lumber Company, Inc., Cox Wood Preserving Company, U.S. Department of Agriculture, Southern Wood Piedmont Company, American Plywood Association, Southern Pressure Treaters Association, Evens Products Company, State of Michigan Department of Natural Resources, Stoner Industries, Inc., Dixie Wood Preserving Company, and the Quality Wood Preservers Society.

The comments received ranged from total approval, to rejection because the proposed regulations were either too stringent or not restrictive enough.

The primary issues raised in the development of the proposed effluent limitations guidelines and standards of performance and the treatment of these issues herein are as follows:

(1) A comment common to all segments was that the original subcategorization did not adequately reflect the industry.

Readily apparent disparities between the type of product manufactured and between the different processes employed in the production of a given product form the primary justification for the subcategorization of this segment of the industry. Distinctions related to raw material, plant age and size, and air pollution problems were not factors in the subcategorization as effects appeared to be minor, sometimes nonexistent, and in most cases already covered by the category breakdown. Quantitative differences in waste generated served to reinforce the subcategorization.

Specifically, the plywood category split into the veneer and plywood subcategories to reflect the differences in waste water generation, the generation of waste water pollutants, the application of treatment, and control technologies. The hardwood industry was subcategorized on the basis of information obtained during a comprehensive survey of the hardboard manufacturing industry. The survey included sampling visits or communication with more than half of the manufacturing plants in this portion of the segment, and a study of published information concerning water requirements, pollutant generation, process technology and treatment technology. An analysis and evaluation of information from these sources resulted in the conclusion that the hardboard portion should be subcategorized into two parts. The wood preserving subcategorization was developed from a data base like those above, but was modified in response to comments to more clearly define the wood preserving operations to which these limitations apply.

(2) Some reviewers questioned the appropriateness of requiring a zero discharge standard to be met by 1977, when the Act lists this as a national goal to be achieved by 1985.

Technology based standards in section 301, 304(b), and 306 require the maxi-

mum pollutant reductions prior to 1983, consistent with the technical and economic factors taken into account under sections 304(b) and 306. This does not preclude the possibility of establishing zero discharge standards prior to 1985. The EPA has reached the conclusion that in the case of manufacturing operations of subpart C and D covering plywood and dry process hardboard manufacturing, respectively, and subparts F and G covering the wood preserving and wood preserving-boultonizing subcategories, that in-plant procedural modifications and treatment processes are available to achieve no discharge of process waste water pollutants into navigable waters by application of procedures that constitute the best practicable control technology currently available. Biological treatment of effluents from barking operations and log conditioning waste waters and discharge of treated waste waters is allowed by the regulation. All non-contact cooling water, boiler blowdown and runoff from both finished and unfinished timber products storage areas are excluded from these regulations.

(3) One reviewer commented that the requirement of no discharge of waste water pollutants was more restrictive than U.S. Public Health Service drinking water standards.

The Act requires the consideration of technologically achievable standards which will result in reasonable further progress toward the national goal of eliminating the discharge of all pollutants. The EPA believes that the limitations are well-based on these considerations, and the development document fully describes steps taken in their development.

(4) A commenter indicated the belief that only one plant in the wood preserving-boultonizing subcategory was achieving no discharge of waste water pollutants.

Careful reexamination of the information indicated that at least four plants in that subcategory are currently achieving the level of no discharge of waste water pollutants. The existence of only one plant achieving no discharge would be a sufficient basis for the determination of best practicable control technology currently available.

(5) Some commenters questioned the feasibility of achieving no discharge from plywood gluing operations.

It was determined that almost 50 percent of the industry was currently achieving this level of control using phenol formaldehyde, urea formaldehyde and protein based glues, operating on a seven or fewer days per week basis. Thus the no discharge limitation is both feasible and reasonable.

(6) Commenters questioned the practicality of the use of containment ponds as a pollution control technology.

The volumes of waste water generated in the barking, plywood, hardboard-dry process, wood preserving and wood preserving-boultonizing subcategories are relatively small. Judicious water use and good design of water retention facilities and adjacent areas, as well as the control of spills and drainage into holding areas, is necessary and sufficient to reach the desired effluent limitations levels.

(7) Certain respondents from the wood preserving-steam subcategory indicated that the biochemical oxygen demand (BOD*1*) test was not applicable to wood preserving waste water.

The Agency agreed with this comment because the repeatability of the test under these circumstances is questionable. The limitation on BOD5 was subsequently eliminated from the regulations applicable to the wood preserving segment. A limitation was set on chemical oxygen demand (COD), since the COD test provides a measure of the oxygen equivalent of that portion of the organic matter in a discharge that is subject to oxidation by a strong chemical oxidant. The COD limitation is thus able to govern the discharge of organic material, as well as being more readily applicable to wood preserving waste waters.

(8) Some commenters indicated that the costs presented in the draft support document were unrealistically low.

The cost information was developed by a consulting and engineering firm with wide experience in the industrial waste water management and pollution control field. The information is based on the best and most recent data available. Additional information relating to the cost of implementing water pollution control would be considered if submitted, but it must be noted that the objective of the study was to indicate the costs as they apply to the industry in general, not to develop costs on a plant-to-plant basis.

Interested persons may participate in this rulemaking by submitting written comments in triplicate to the EPA Information Center, Environmental Protection Agency, Washington, D.C. 20460, Attention: Mr. Philip B. Wisman. Comments on all aspects of the proposed regulations are solicited. In the event comments are in the nature of criticisms as to the adequacy of data which is available, or which may be relied upon by the Agency, comments should identify and, if possible, provide any additional data which may be available and should indicate why such data is essential to the development of the regulations. In the event comments address the approach taken by the Agency in establishing an effluent limitation guideline or standard of performance, EPA solicits suggestions as to what alternative approach should be taken and why and how this alternative better satisfies the detailed requirements of sections 301, 304(b), 306 and 307 of the Act.

A copy of all public comments will be available for inspection and copying at the EPA Information Center, Room 227, West Tower, Waterside Mall, 401 M Street, SW., Washington, D.C. A copy of preliminary draft contractor reports, the Development Document and economic study referred to above and certain supplementary materials supporting the study of the industry concerned will also be maintained at this location for public review and copying. EPA regulation, 40 CFR Part 2, provides that a reasonable fee may be charged for copying.

All comments received on or before February 4, 1974 will be considered. Steps previously taken by the Environmental Protection Agency to facilitate public response within this time period are outlined in the advance notice concerning public review procedures published on August 6, 1973 (38 FR 21202).

Date: December 20, 1973.

JOHN QUARLES,
Acting Administrator.

PART 429—EFFLUENT LIMITATIONS GUIDELINES FOR EXISTING SOURCES AND STANDARDS OF PERFORMANCE AND PRETREATMENT STANDARDS FOR NEW SOURCES FOR THE PLYWOOD, HARDBOARD AND WOOD PRESERVING SEGMENT OF THE TIMBER PRODUCTS PROCESSING POINT SOURCE CATEGORY

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Subpart H—Wood Preserving—Boultonizing Subcategory

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Subpart A—Barking Subcategory

§ 429.10 Applicability; description of the barking subcategory.

The provisions of this subpart are applicable to discharges resulting from the barking of logs.

§ 429.11 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the barking of logs.

(b) The term "process waste water pollutants" shall mean any pollutants present in the process waste water.

(c) The following abbreviations shall have the following meanings: (1) "kg" shall mean kilogram(s); (2) "lb" shall mean pound(s); (3) "cu m" shall mean cubic meter(s); (4) "cu ft" shall mean cubic foot (feet); (5) "BOD5" shall mean five day biochemical oxygen demand; and (6) "TSS" shall mean total suspended non-filterable solids.

§ 429.12 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged in the process waste water from the barking of logs after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

(a) There shall be no discharge of process waste water pollutants into navigable waters from barking processes exclusive of those which utilize hydraulic barkers.

(b) The following limitations constitute the maximum permissible discharge for those barking processes which utilize hydraulic barkers:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 1.5 kg/cu m of production (0.09 lb/cu ft). Maximum average of daily values for any period of thirty consecutive days 0.5 kg/cu m of production (0.03 lb/cu ft).
TSS	Maximum for any one day 6.9 kg/cu m of production (0.431 lb/cu ft). Maximum average of daily values for any period of thirty consecutive days 2.3 kg/cu m of production (0.144 lb/cu ft).

§ 429.13 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants into navigable waters.

§ 429.14 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

(a) There shall be no discharge of process waste water pollutants into navigable waters from barking processes exclusive of those which utilize hydraulic barkers.

(b) The following limitations constitute the maximum permissible discharge for those barking processes which utilize hydraulic barkers:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 1.5 kg/cu m of production (0.09 lb/cu ft). Maximum average of daily values for any period of thirty consecutive days 0.5 kg/cu m of production (0.03 lb/cu ft).
TSS	Maximum for any one day 6.9 kg/cu m of production (0.431 lb/cu ft). Maximum average of daily values for any period of thirty consecutive days 2.3 kg/cu m of production (0.144 lb/cu ft).

§ 429.15 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the barking subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants into navigable waters), shall be the standard set forth in Part 128 of this title except that for the purposes of this section, § 128.133, 40 CFR shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 429.14 of this title, *Provided*, That, if the publicly owned treatment

works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart B—Veneer Subcategory

§ 429.20 Applicability; description of the veneer subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of veneer.

§ 429.21 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the manufacture of veneer.

(b) The term "process waste water pollutants" shall mean any pollutants present in the process waste water.

(c) The following abbreviations shall have the following meanings: (1) "kg" shall mean kilogram(s); (2) "lb" shall mean pound(s); (3) "cu m" shall mean cubic meter(s); (4) "cu ft" shall mean cubic foot(feet); and (5) "BOD5" shall mean five day biochemical oxygen demand.

§ 429.22 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of veneer after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

(a) There shall be no discharge of process waste water pollutants into navigable waters from veener manufacturing processes exclusive of those softwood and hardwood veneer manufacturing processes that use direct steaming for the conditioning of logs.

(b) The following limitations constitute the maximum permissible discharge for softwood veneer manufacturing processes which used direct steaming for the conditioning of logs:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 0.72 kg/cu m of production (0.045 lb/cu ft). Maximum average of daily values for any period of thirty consecutive days 0.24 kg/cu m of production (0.015 lb/cu ft).

(c) The following limitations constitute the maximum permissible discharge for hardwood veneer manufacturing processes which use direct steaming for the conditioning of logs:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 1.62 kg/cu m of production (0.10 lb/cu ft). Maximum average of daily values for any period of thirty consecutive days 0.54 kg/cu m of production (0.034 lb/cu ft).

§ 429.23 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants into navigable waters.

§ 429.24 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants into navigable waters.

§ 429.25 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the veneer subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants into navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 429.24 of this title. *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart C—Plywood Subcategory

§ 429.30 Applicability; description of the plywood subcategory.

The provisions of this subpart are applicable to discharges resulting from the manufacture of plywood.

§ 429.31 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the manufacture of plywood.

(b) The term "process waste water pollutants" shall mean any pollutants present in the process waste water.

§ 429.32 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of plywood after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants into navigable waters.

§ 429.33 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants into navigable waters.

§ 429.34 Standards of performance of new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants into navigable waters.

§ 429.35 Pretreatment standards for new sources.

The pretreatment standards under Section 307(c) of the Act, for a source within the plywood subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants into navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for

incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 429.34 of this title, *Provided*, That, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart D—Hardboard-Dry Process Subcategory

§ 429.40 Applicability; description of the hardboard-dry process subcategory.

The provisions of this subpart are applicable to discharge resulting from the manufacture of hardboard using the dry matting process for forming the board mat.

§ 429.41 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the production of hardboard using the dry matting process.

(b) The term "process waste water pollutants" shall mean any pollutants present in the process waste water.

§ 429.42 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from dry process hardboard manufacturing after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants into navigable waters.

§ 429.43 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants into navigable waters.

§ 429.44 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants into navigable waters.

§ 429.45 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the hardboard-dry process subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants into navigable waters), shall be the standard set forth in Part 128 of this title except that for the purposes of this section, § 128.133, of this title shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 429.44 of this title, provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart E—Hardboard—Wet Process Subcategory

§ 429.50 Applicability; description of the hardboard—wet process subcategory.

The provisions of this subpart are applicable to discharge resulting from the production of hardboard using the wet matting process for forming the board mat.

§ 429.51 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the production of hardboard using the wet matting process.

(b) The term "process waste water pollutants" shall mean any pollutants present in the process waste water.

(c) The following abbreviations shall have the following meanings: (1) "kg" shall mean kilogram(s); (2) "kkg" shall mean 1000 kilograms; (3) "lb" shall mean pound(s); (4) "BOD5" shall mean five day biochemical oxygen demand; (5) "TSS" shall mean total suspended non-filterable solids.

§ 429.52 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of hardboard using the wet process after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 7.8 kg/kkg of production (15.6 lb/ton). Maximum average of daily values for any period of thirty consecutive days 2.6 kg/kkg of production (5.2 lb/ton).
TSS	Maximum for any one day 16.5 kg/kkg of production (33.0 lb/ton). Maximum average of daily values for any period of thirty consecutive days 5.5 kg/kkg of production (11.0 lb/ton).
pH	Within the range of 6.0 to 9.0

§ 429.53 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 2.7 kg/kkg of production (5.4 lb/ton). Maximum average of daily values for any period of thirty consecutive days 0.9 kg/kkg of production (1.8 lb/ton).
TSS	Maximum for any one day 3.3 kg/kkg of production (6.6 lb/ton). Maximum average of daily values for any period of thirty consecutive days 1.1 kg/kkg of production (2.2 lb/ton).
pH	Within the range of 6.0 to 9.0.

§ 429.54 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a stand-

ard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
BOD5	Maximum for any one day 2.7 kg/kkg. of production (5.4 lb/ton). Maximum average of daily values for any period of thirty consecutive days 0.9 kg/kkg of production (1.8 lb/ton).
TSS	Maximum for any one day 3.3 kg/kkg of production (6.6 lb/ton). Maximum average of daily values for any period of thirty consecutive days 1.1 kg/kkg of production (2.2 lb/ton).
pH	Within the range of 6.0 to 9.0.

§ 429.55 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the hardboard-wet process subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants into navigable waters), shall be the standard set forth in Part 128 of this title except that for the purposes of this section, § 128.133, of this title shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 429.54 of this title provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart F—Wood Preserving Subcategory

§ 429.60 Applicability; description of the wood preserving subcategory.

The provisions of this subpart are appplicable to discharge resulting from all wood preserving processes in which steaming or boultonizing is not the predominent method of conditioning, all non-pressure preserving processes, and all pressure or non-pressure processes employing water-borne salts.

§ 429.61 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the wood preserving process.

(b) The term "process waste water pollutants" shall mean any pollutants present in the process waste water.

§ 429.62 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of preserved wood after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants into navigable waters.

§ 429.63 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants into navigable waters.

§ 429.64 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants into navigable waters.

§ 429.65 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the wood preserving subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants into navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133 of this title shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 429.64 of this title, provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart G—Wood Preserving—Steam Subcategory

§ 429.70 Applicability; description of the wood preserving—steam subcategory.

The provisions of this subpart are applicable to discharge resulting from wood preserving processes that use direct steam impingement on the wood as the method of conditioning stock.

§ 429.71 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the production of preserved wood using direct steam impingement on the wood as the method of conditioning stock.

(b) The term "process waste water pollutants" shall mean any pollutants present in the process waste water.

(c) The following abbreviations shall have the following meanings: (1) "kg" shall mean kilogram(s); (2) "lb" shall mean pound(s); (3) "cu m" shall mean cubic meter(s); (4) "cu ft" shall mean cubic foot (feet); and (5) "COD" shall mean chemical oxygen demand.

§ 429.72 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of preserved wood using direct steam impingement, after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
COD	Maximum for any one day 1100 kg/1000 cu m of production (68.5 lb/1000 cu ft). Maximum average of daily values for any period of thirty consecutive days 550 kg/1000 cu m of production (34.5 lb/1000 cu ft).
Phenols	Maximum for any one day 2.18 kg/1000 cu m of production (0.14 lb/1000 cu ft). Maximum average of daily values for any period of thirty consecutive days 0.65 kg/1000 cu m of production (0.04 lb/1000 cu ft).
Oil and Grease.	Maximum for any one day 24.0 kg/1000 cu m of production (1.5 lb/1000 cu ft). Maximum average of daily values for any period of thirty consecutive days 12.0 kg/1000 cu m of production (0.75 lb/1000 cu ft).
pH	Within the range of 6.0 to 9.0

§ 429.73 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
COD	Maximum for any one day 220 kg/1000 cu m of production (13.7 lb/1000 cu ft). Maximum average of daily values for any period of thirty consecutive days 110 kg/1000 cu m of production (6.9 lb/1000 cu ft).
Phenols	Maximum for any one day 0.21 kg/1000 cu m of production (0.014 lb/1000 cu ft). Maximum average of daily values for any period of thirty consecutive days 0.064 kg/1000 cu m of production (0.004 lb/1000 cu ft).
Oil and grease.	Maximum for any one day 6.9 kg/1000 cu m of production (0.42 lb/1000 cu ft). Maximum average of daily values for any period of thirty consecutive days 3.4 kg/1000 cu m of production (0.21 lb/1000 cu ft).
pH	Within the range of 6.0 to 9.0.

§ 429.74 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart:

Effluent characteristic	*Effluent limitation*
COD	Maximum for any one day 220 kg/1000 cu m of production (13.7 lb/1000 cu ft). Maximum average of daily values for any period of thirty consecutive days 110 kg/1000 cu m of production (6.9 lb/1000 cu ft).
Phenols	Maximum for any one day 0.21 kg/1000 cu m of production (0.014 lb/1000 cu ft). Maximum average of daily values for any period of thirty consecutive days 0.064 kg/1000 cu m of production (0.004 lb/1000 cu ft).
Oil and grease.	Maximum for any one day 6.9 kg/1000 cu m of production (0.42 lb/1000 cu ft). Maximum average of daily values for any period of thirty consecutive days 3.4 kg/1000 cu m of production (0.21 lb/1000 cu ft).
pH	Within the range of 6.0 to 9.0.

§ 429.75 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the wood preserving-steam subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants into navigable waters), shall be the standard set forth in Part 128 of this title, except that for the purposes of this section, § 128.133, of this title shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 429.74 of this title, provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

Subpart H—Wood Preserving—Boultonizing Subcategory

wood preserving—boultonizing subcategory.

§ 429.80 Applicability; description of

The provisions of this subpart are applicable to discharge resulting from wood preserving processes which use the Boulton process as the method of conditioning stock.

§ 429.81 Specialized definitions.

For the purpose of this subpart:

(a) The term "process waste water" shall mean any water which, during the manufacturing process, comes into direct contact with any raw material, intermediate product, by-product or product used in or resulting from the production of preserved wood using the Boulton conditioning process.

(b) The term "process waste water pollutants" shall mean any pollutants present in the process waste water.

§ 429.82 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best practicable control technology currently available.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged from the manufacture of preserved wood using the Boulton process after application of the best practicable control technology currently available by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants into navigable waters.

Effluent characteristic	*Effluent limitation*
Oil and grease.	Maximum for any one day 6.9 kg/1000 cu m of production (0.42 lb/1000 cu ft). Maximum average of daily values for any period of thirty consecutive days 3.4 kg/1000 cu m of production (0.21 lb/1000 cu ft).
pH	Within the range of 6.0 to 9.0.

§ 429.83 Effluent limitations guidelines representing the degree of effluent reduction attainable by the application of the best available technology economically achievable.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged after application of the best available technology economically achievable by a point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants into navigable waters.

§ 429.84 Standards of performance for new sources.

The following limitations constitute the quantity or quality of pollutants or pollutant properties which may be discharged reflecting the greatest degree of effluent reduction achievable through application of the best available demonstrated control technology, processes, operating methods, or other alternatives, including, where practicable, a standard permitting no discharge of pollutants by a new point source subject to the provisions of this subpart: There shall be no discharge of process waste water pollutants into navigable waters.

§ 429.85 Pretreatment standards for new sources.

The pretreatment standards under section 307(c) of the Act, for a source within the wood preserving-boultonizing subcategory, which is an industrial user of a publicly owned treatment works (and which would be a new source subject to section 306 of the Act, if it were to discharge pollutants into navigable waters), shall be the standard set forth in Part 128 of this title except that for the purposes of this section, § 128.133 of this title shall be amended to read as follows: "In addition to the prohibitions set forth in § 128.131, the pretreatment standard for incompatible pollutants introduced into a publicly owned treatment works by a major contributing industry shall be the standard of performance for new sources specified in § 429.84 of this title provided that, if the publicly owned treatment works which receives the pollutants is committed, in its NPDES permit, to remove a specified percentage of any incompatible pollutant, the pretreatment standard applicable to users of such treatment works shall be correspondingly reduced for that pollutant."

CRITERIA FOR IDENTIFICATION OF THE BEST PRACTICABLE CONTROL TECHNOLOGY CURRENTLY AVAILABLE, THE BEST AVAILABLE TECHNOLOGY ECONOMICALLY ACHIEVABLE, AND FOR NEW SOURCES, THE BEST AVAILABLE DEMONSTRATED CONTROL TECHNOLOGY FOR CLASSES AND CATEGORIES OF POINT SOURCES

Based upon the legislative history and the principal statutory considerations contained in the Act, criteria were developed for the

purposes of determining what constitutes the "best practicable control technology currently available," the "best available technology economically achievable" and the "best available demonstrated control technology" and the corresponding degree of effluent reduction attainable through the application of these various levels of technology. The following definitions of the technology levels constitute the criteria utilized in establishing effluent limitations guidelines and standards of performance.

BEST PRACTICABLE CONTROL TECHNOLOGY CURRENTLY AVAILABLE

a. *General Description*

This level of technology must be achieved by all plants in each industry not later than July 1, 1977. This level of technology should be based upon the average of the best existing performance by plants of various sizes, ages and unit processes wihin each industrial category or subcategory. This average shall not be based upon a broad range of plants within an industrial category or subcategory, but shall be based upon performance levels achieved by exemplary plants. In those industrial categories where present control and treatment practices are uniformly inadequate, a higher level of control than any currently in place may be required if the technology to achieve such higher level can be practicably applied by July 1, 1977.

b. *Specific Factors to be Taken into Consideration*

The following factors must be taken into consideration in establishing this level of technology:

1. The total cost of application of technology in relation to the effluent reduction benefits to be achieved from such applications;
2. The age of equipment and facilities involved;
3. The processes employed;
4. The engineering aspects of the application of various types of control techniques;
5. Process changes; and
6. Nonwater quality environmental impact (including energy requirements).

c. *Scope of Control and Treatment Technology*

The level of control and treatment technology emphasizes treatment facilities at the end of a manufacturing process, but it includes the control technology within the process itself when the latter are considered to be normal practice within an industry. In such instances where these techniques can be commonly applied in an industry, they may be considered in determining what is this level of technology.

d. *Availability*

A further consideration to be included in the assessment of this level of technology is the degree of economic and engineering reliability which must be established for the technology to be "currently available". As a result of demonstrated projects, pilot plants and general use, there should be a high degree of confidence in the engineering and economic viability of this level of technology at the time of commencement of actual construction of the control facilities. While it is conceivable that this level of technology may be identified based upon a pilot plant study alone, there must be good engineering evidence that the technology may be successfully scaled up at a reasonable cost.

BEST AVAILABLE TECHNOLOGY ECONOMICALLY ACHIEVABLE

a. *General Description*

This level of technology is to be achieved not later than July 1, 1983. It is not based upon an average of the best performance within an industrial category or subcategory, but is to be determined by identifying the very best control and treatment technology employed by a specific point source within the industrial category or subcategory, or where it is readily transferable from one industry process to another, such technology may be identified as the best available technology economically achievable. A specific finding must be made as to the availability of control measures and practices to eliminate the discharge of pollutants, taking into account the cost of such elimination.

b. *Specific Factors to be Taken into Consideration*

The following factors must be taken into consideration in determining this level of technology:

1. The age of equipment and facilities involved;
2. The process employed;
3. The engineering aspects of the application of various types of control techniques;
4. Process changes;
5. The cost of achieving the effluent reduction resulting from application of technology; and
6. Nonwater quality environmental impact (including energy requirements).

c. *Scope of Control and Treatment Technology*

In contrast to the best practicable control technology currently available, the best available technology economically achievable assesses the availability in all cases of in-process controls as well as control or additional treatment techniques employed at the end of a production process.

d. *Availability*

Those plant processes and control technologies which at the pilot plant, semiworks, or other level, have demonstrated both technological performances and economic viability at a level sufficient to reasonably justify investing in such facilities may be considered in assessing the best available technology economically achievable. This level of technology is the highest degree of control technology that has been achieved or has been demonstrated to be capable of being designed for plant scale operation up to and including "no discharge" of pollutants. Although economic factors are considered in this development, the costs for this level of treatment may be much higher than that for the application of the best practicable control technology currently available. This level of control is intended to be the top-of-the-line of current technology subject to limitations imposed by economic and engineering feasibility. However, this level may be characterized by some technical risk with respect to performance and with respect to certainty of costs. Therefore, it may necessitate some industrially sponsored development work prior to its application.

3. BEST AVAILABLE DEMONSTRATED CONTROL TECHNOLOGY

a. *General Description*

This level of technology is to be achieved by new sources. The term "new source" is defined in the Act to mean "any source, the construction of which is commenced after the publication of proposed regulations prescribing a standard of performance." This level of technology shall be evaluated by adding to the consideration underlying the identification of the best available technology economically achievable a determination of what higher levels of pollution control are available through the use of improved production processes and/or treatment techniques. Thus, in addition to considering the best in-plant and and end-of-process control technology, this level of technology is to be based upon an analysis of how the level of effluent may be reduced by changing the production process itself. Alternative processes, operating methods or other alternatives must be considered. However, the end result of the analysis will be to identify effluent standards which reflect levels of control achievable through the use of improved production processes (as well as control technology); rather than prescribing a particular type of process or technology which must be employed. A further determination which must be made for this level of technology is whether a standard permitting no discharge of pollutants is practicable.

b. *Specific Factors to be Taken into Consideration*

At least the following factors should be considered with respect to production processes which are to be analyzed in assessing the best available demonstrated control technology:

1. The type of process employed and process changes;
2. Operating methods;
3. Batch as opposed to continuous operations;
4. Use of alternative raw materials and sizes of raw materials;
5. Use of dry rather than wet processes (including substitution of recoverable solvents for water);
6. Recovery of pollutants as byproducts.

[FR Doc.74-3 Filed 1-2-74;8:45 am]

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